



Part 2

LAWS AND REGULATIONS

20 April 2022 / Volume 154

Summary

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Regulations and other Acts
Draft Regulations

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Part 2 – LAWS AND REGULATIONS

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Part 2 shall contain:

- (1) Acts assented to;
- (2) proclamations and Orders in Council for the coming into force of Acts;
- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
- (4) regulations made by courts of justice and quasi-judicial tribunals;
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PROVINCE OF QUÉBEC

2ND SESSION

42ND LEGISLATURE

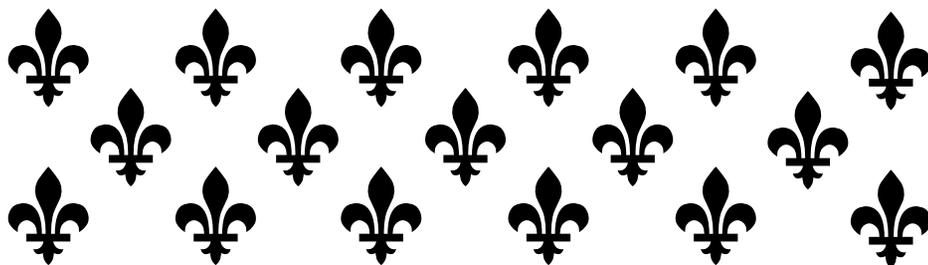
QUÉBEC, 24 MARCH 2022

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 24 March 2022*

This day, at half past eight o'clock in the morning, His Excellency the Lieutenant-Governor was pleased to assent to the following bill:

31 Appropriation Act No. 1, 2022–2023

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor.



NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 31
(2022, chapter 5)

Appropriation Act No. 1, 2022–2023

Introduced 23 March 2022
Passed in principle 23 March 2022
Passed 23 March 2022
Assented to 24 March 2022

**Québec Official Publisher
2022**

EXPLANATORY NOTES

This Act authorizes the Government to pay out of the general fund of the Consolidated Revenue Fund, for the 2022–2023 fiscal year, a sum not exceeding \$25,619,557,539.00, representing some 27.4% of the appropriations to be voted for each of the portfolio programs listed in Schedule 1.

Moreover, the Act determines the extent to which the Conseil du trésor may authorize the transfer of appropriations between programs or portfolios.

Lastly, the Act also approves expenditure forecasts for a total of \$5,285,936,967.00 and investment forecasts for a total of \$1,470,238,025.00, representing some 27.0% of the expenditure forecasts and some 25.0% of the investment forecasts for the special funds listed in Schedule 2.

Bill 31

APPROPRIATION ACT NO. 1, 2022–2023

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Government may draw out of the general fund of the Consolidated Revenue Fund a sum not exceeding \$25,619,557,539.00 to defray a part of the Expenditure Budget of Québec tabled in the National Assembly for the 2022–2023 fiscal year. The sum is constituted as follows:

(1) a first portion of \$23,399,410,425.00, in appropriations allocated according to the programs listed in Schedule 1, representing 25.0% of the appropriations to be voted in the 2022–2023 Expenditure Budget;

(2) an additional portion of \$2,220,147,114.00, in appropriations allocated according to the programs listed in Schedule 1, representing some 2.4% of the appropriations to be voted in the 2022–2023 Expenditure Budget.

2. The Conseil du trésor may authorize the transfer between programs or portfolios of the portion of an appropriation for which provision has been made to that end, for the purposes of and, where applicable, according to the conditions described in the Expenditure Budget.

Furthermore, it may, in cases other than the transfer of a portion of an appropriation referred to in the first paragraph, authorize the transfer of a portion of an appropriation between programs in the same portfolio, provided such a transfer does not increase or decrease the amount of the appropriation authorized by law by more than 10.0%, excluding, where applicable, the portion of the appropriation for which provision has been made.

3. The expenditure and investment forecasts for the special funds listed in Schedule 2 are approved for the 2022–2023 fiscal year. These sums are constituted as follows:

(1) a first portion of \$4,894,875,675.00, representing 25.0% of the expenditure forecasts in the 2022–2023 Special Funds Budget, and an additional portion of \$391,061,292.00, representing some 2.0% of the expenditure forecasts in the 2022–2023 Special Funds Budget;

(2) a first portion of \$1,470,038,025.00, representing 25.0% of the investment forecasts in the 2022–2023 Special Funds Budget, and an additional portion of \$200,000.00.

4. This Act comes into force on 24 March 2022.

SCHEDULE 1

GENERAL FUND

AFFAIRES MUNICIPALES ET HABITATION

	First portion	Additional portion
PROGRAM 1		
Support for Departmental Activities	18,563,700.00	
PROGRAM 2		
Municipal Infrastructure Modernization	121,285,000.00	
PROGRAM 3		
Compensation in Lieu of Taxes and Support to Municipalities	228,311,975.00	461,743,700.00
PROGRAM 4		
Development of the Regions and Territories	67,589,525.00	200,001,750.00
PROGRAM 5		
Promotion and Development of Greater Montréal	37,769,450.00	
PROGRAM 6		
Commission municipale du Québec	3,096,900.00	
PROGRAM 7		
Housing	210,151,000.00	
	686,767,550.00	661,745,450.00

AGRICULTURE, PÊCHERIES ET ALIMENTATION

	First portion	Additional portion
PROGRAM 1		
Bio-food Business Development and Food Quality	170,656,200.00	156,340,350.00
PROGRAM 2		
Government Bodies	107,534,825.00	11,456,750.00
	<hr/>	<hr/>
	278,191,025.00	167,797,100.00

CONSEIL DU TRÉSOR ET ADMINISTRATION GOUVERNEMENTALE

	First portion	Additional portion
PROGRAM 1		
Support for the Conseil du trésor	23,385,700.00	
PROGRAM 2		
Support for Government Operations	70,878,050.00	
PROGRAM 3		
Commission de la fonction publique	1,402,850.00	
PROGRAM 4		
Retirement and Insurance Plans	811,950.00	
PROGRAM 5		
Contingency Fund	2,868,875,000.00	
	<hr/>	
	2,965,353,550.00	

CONSEIL EXÉCUTIF

	First portion	Additional portion
PROGRAM 1		
Lieutenant-Governor's Office	189,600.00	
PROGRAM 2		
Support Services for the Premier and the Conseil exécutif	29,831,775.00	
PROGRAM 3		
Canadian Relations	3,521,525.00	
PROGRAM 4		
Indigenous Affairs	87,733,800.00	32,000,000.00
PROGRAM 5		
Youth	14,296,950.00	
PROGRAM 6		
Reform of Democratic Institutions, Access to Information and Laicity	2,591,850.00	
PROGRAM 7		
Relations with English-speaking Quebecers	2,541,900.00	5,720,000.00
PROGRAM 8		
High-speed Internet and Special Connectivity Projects	82,272,675.00	
	222,980,075.00	37,720,000.00

CULTURE ET COMMUNICATIONS

	First portion	Additional portion
PROGRAM 1		
Management, Administration and Mission Support	17,680,800.00	
PROGRAM 2		
Support and Development of Culture, Communications and Heritage	226,882,875.00	14,201,780.00
	<u>244,563,675.00</u>	<u>14,201,780.00</u>

CYBERSÉCURITÉ ET NUMÉRIQUE

	First portion	Additional portion
PROGRAM 1		
Management and Administration	16,517,050.00	
PROGRAM 2		
Management of Specific Information Resources	4,560,750.00	
	<hr/>	
	21,077,800.00	

ÉCONOMIE ET INNOVATION

	First portion	Additional portion
PROGRAM 1		
Management and Administration	9,147,050.00	
PROGRAM 2		
Economic Development	91,841,350.00	
PROGRAM 3		
Development of Science, Research and Innovation	62,149,275.00	
PROGRAM 4		
Economic Development Fund Interventions	144,862,350.00	
PROGRAM 5		
Research and Innovation Bodies	43,739,425.00	130,714,650.00
	<u>351,739,450.00</u>	<u>130,714,650.00</u>

ÉDUCATION

	First portion	Additional portion
PROGRAM 1		
Administration	55,282,125.00	
PROGRAM 2		
Support for Organizations	21,782,950.00	
PROGRAM 3		
School Taxes – Fiscal Balancing Subsidy	382,139,775.00	
PROGRAM 4		
Preschool, Primary and Secondary Education	3,365,319,600.00	330,000,000.00
PROGRAM 5		
Development of Recreation and Sports	41,459,475.00	
PROGRAM 7		
Status of Women	5,626,200.00	
	<hr/>	<hr/>
	3,871,610,125.00	330,000,000.00

ÉNERGIE ET RESSOURCES NATURELLES

	First portion	Additional portion
PROGRAM 1		
Management of Natural Resources	27,079,775.00	9,500,000.00
	<hr/>	<hr/>
	27,079,775.00	9,500,000.00

ENSEIGNEMENT SUPÉRIEUR

	First portion	Additional portion
PROGRAM 1		
Administration	24,039,850.00	
PROGRAM 2		
Support for Bodies	11,277,025.00	
PROGRAM 3		
Financial Assistance for Education and Incentive Scholarships	312,495,825.00	
PROGRAM 4		
Higher Education	1,789,192,300.00	262,435,300.00
	<hr/> 2,137,005,000.00	<hr/> 262,435,300.00

**ENVIRONNEMENT ET LUTTE CONTRE LES CHANGEMENTS
CLIMATIQUES**

	First portion	Additional portion
PROGRAM 1		
Environmental Protection	105,325,100.00	
PROGRAM 2		
Bureau d'audiences publiques sur l'environnement	2,079,575.00	
	<hr/>	
	107,404,675.00	

FAMILLE

	First portion	Additional portion
PROGRAM 1		
Planning, Research and Administration	18,954,250.00	
PROGRAM 2		
Assistance Measures for Families	34,821,675.00	43,905,000.00
PROGRAM 3		
Childcare Services	746,338,750.00	121,425,061.00
PROGRAM 4		
Public Curator	17,216,625.00	
	<hr/>	<hr/>
	817,331,300.00	165,330,061.00

FINANCES

	First portion	Additional portion
PROGRAM 1		
Management and Administration	9,462,950.00	
PROGRAM 2		
Economic, Taxation, Budgetary and Financial Activities	13,060,075.00	
PROGRAM 3		
Contributions, Bank Service Fees and Provisions for Transferring Appropriations	15,392,625.00	
	<hr/>	
	37,915,650.00	

FORÊTS, FAUNE ET PARCS

	First portion	Additional portion
PROGRAM 1		
Management and Administration	3,000,050.00	
PROGRAM 2		
Management of Forest Resources	96,030,675.00	70,000,000.00
PROGRAM 3		
Management of Wildlife Resources and Parks	42,919,500.00	16,000,000.00
	<hr/> 141,950,225.00	<hr/> 86,000,000.00

IMMIGRATION, FRANCISATION ET INTÉGRATION

	First portion	Additional portion
PROGRAM 1		
Management and Support for Departmental Activities	17,105,950.00	
PROGRAM 2		
Immigration, Francization and Integration	144,897,475.00	
	<hr/>	
	162,003,425.00	

JUSTICE

	First portion	Additional portion
PROGRAM 1		
Administration of Justice	112,788,825.00	17,507,100.00
PROGRAM 2		
Judicial Activity	9,502,900.00	41,900.00
PROGRAM 3		
Administrative Justice	5,760,300.00	5,558,900.00
PROGRAM 5		
Other Bodies Reporting to the Minister	51,639,100.00	16,356,800.00
PROGRAM 6		
Criminal and Penal Prosecutions	46,549,275.00	
PROGRAM 7		
French Language	14,527,700.00	
	<hr/>	<hr/>
	240,768,100.00	39,464,700.00

PERSONS APPOINTED BY THE NATIONAL ASSEMBLY

	First portion	Additional portion
PROGRAM 1		
The Public Protector	5,309,300.00	
PROGRAM 2		
The Auditor General	10,853,725.00	1,500,000.00
PROGRAM 4		
The Lobbyists Commissioner	1,374,325.00	
	<hr/>	<hr/>
	17,537,350.00	1,500,000.00

RELATIONS INTERNATIONALES ET FRANCOPHONIE

	First portion	Additional portion
PROGRAM 1		
Management and Administration	5,814,925.00	
PROGRAM 2		
International Affairs	29,590,175.00	13,400,000.00
	<u>35,405,100.00</u>	<u>13,400,000.00</u>

SANTÉ ET SERVICES SOCIAUX

	First portion	Additional portion
PROGRAM 1		
Coordination Functions	54,513,825.00	
PROGRAM 2		
Services to the Public	8,782,653,325.00	
PROGRAM 3		
Office des personnes handicapées du Québec	4,896,150.00	
PROGRAM 5		
Status of Seniors	12,050,075.00	
	<hr/>	
	8,854,113,375.00	

SÉCURITÉ PUBLIQUE

	First portion	Additional portion
PROGRAM 1		
Management and Administration	25,048,575.00	
PROGRAM 2		
Services of the Sûreté du Québec	196,104,850.00	160,000,000.00
PROGRAM 3		
Management of the Correctional System	143,910,100.00	8,099,200.00
PROGRAM 4		
Security and Prevention	55,724,400.00	18,599,400.00
PROGRAM 5		
Scientific and Forensic Expertise	7,110,475.00	
PROGRAM 6		
Management and Oversight	13,860,550.00	
PROGRAM 7		
Promotion and Development of the Capitale-Nationale	19,274,525.00	18,750,000.00
	461,033,475.00	205,448,600.00

TOURISME

	First portion	Additional portion
PROGRAM 1		
Management, Administration and Program Management	3,746,050.00	
PROGRAM 2		
Tourism Development	26,772,550.00	2,255,750.00
PROGRAM 3		
Bodies Reporting to the Minister	25,215,175.00	701,225.00
	<hr/> 55,733,775.00	<hr/> 2,956,975.00

TRANSPORTS

	First portion	Additional portion
PROGRAM 1		
Infrastructures and Transportation Systems	504,614,125.00	
PROGRAM 2		
Administration and Corporate Services	15,953,600.00	
	<hr/> 520,567,725.00	

TRAVAIL, EMPLOI ET SOLIDARITÉ SOCIALE

	First portion	Additional portion
PROGRAM 1		
Governance, Administration and Client Services	142,882,200.00	16,932,498.00
PROGRAM 2		
Financial Assistance Measures	732,649,875.00	50,000,000.00
PROGRAM 3		
Employment Assistance Measures	265,746,150.00	25,000,000.00
	<hr/> 1,141,278,225.00	<hr/> 91,932,498.00

SCHEDULE 2

SPECIAL FUNDS

AFFAIRES MUNICIPALES ET HABITATION

	First portion	Additional portion
REGIONS AND RURALITY FUND		
Expenditure Forecast	73,484,975.00	
TOTAL		
Expenditure Forecast	73,484,975.00	

CULTURE ET COMMUNICATIONS

	First portion	Additional portion
AVENIR MÉCÉNAT CULTURE FUND		
Expenditure Forecast	1,251,500.00	
QUÉBEC CULTURAL HERITAGE FUND		
Expenditure Forecast	<u>11,841,025.00</u>	
TOTAL		
Expenditure Forecast	13,092,525.00	

CYBERSÉCURITÉ ET NUMÉRIQUE

	First portion	Additional portion
CYBERSECURITY AND DIGITAL TECHNOLOGY FUND		
Expenditure Forecast	136,143,575.00	
Investment Forecast	26,784,225.00	
	<hr/>	
TOTALS		
Expenditure Forecast	136,143,575.00	
Investment Forecast	26,784,225.00	

ÉCONOMIE ET INNOVATION

	First portion	Additional portion
NATURAL RESOURCES AND ENERGY CAPITAL FUND		
Expenditure Forecast	55,000.00	
Investment Forecast	40,862,500.00	
ECONOMIC DEVELOPMENT FUND		
Expenditure Forecast	191,913,500.00	
Investment Forecast	457,052,175.00	
QUÉBEC ENTERPRISE GROWTH FUND		
Expenditure Forecast	25,000.00	
Investment Forecast	50,000,000.00	
TOTALS		
Expenditure Forecast	191,993,500.00	
Investment Forecast	547,914,675.00	

ÉDUCATION

	First portion	Additional portion
SPORTS AND PHYSICAL ACTIVITY DEVELOPMENT FUND		
Expenditure Forecast	28,531,750.00	
Investment Forecast	31,882,050.00	
TOTALS		
Expenditure Forecast	28,531,750.00	
Investment Forecast	31,882,050.00	

ÉNERGIE ET RESSOURCES NATURELLES

	First portion	Additional portion
NATURAL RESOURCES FUND		
Expenditure Forecast	16,321,250.00	3,200,000.00
Investment Forecast	292,700.00	200,000.00
ENERGY TRANSITION, INNOVATION AND EFFICIENCY FUND		
Expenditure Forecast	41,497,300.00	6,400,000.00
Investment Forecast	22,075.00	
TERRITORIAL INFORMATION FUND		
Expenditure Forecast	40,830,675.00	
Investment Forecast	14,157,325.00	
TOTALS		
Expenditure Forecast	98,649,225.00	9,600,000.00
Investment Forecast	14,472,100.00	200,000.00

ENSEIGNEMENT SUPÉRIEUR

	First portion	Additional portion
UNIVERSITY EXCELLENCE AND PERFORMANCE FUND		
Expenditure Forecast	6,250,000.00	
TOTAL		
Expenditure Forecast	6,250,000.00	

**ENVIRONNEMENT ET LUTTE CONTRE LES CHANGEMENTS
CLIMATIQUES**

	First portion	Additional portion
ELECTRIFICATION AND CLIMATE CHANGE FUND		
Expenditure Forecast	328,759,775.00	
Investment Forecast	803,675.00	
FUND FOR THE PROTECTION OF THE ENVIRONMENT AND THE WATERS IN THE DOMAIN OF THE STATE		
Expenditure Forecast	59,820,450.00	
Investment Forecast	62,500.00	
TOTALS		
Expenditure Forecast	388,580,225.00	
Investment Forecast	866,175.00	

FAMILLE

	First portion	Additional portion
EDUCATIONAL CHILDCARE SERVICES FUND		
Expenditure Forecast	805,651,250.00	286,817,061.00
TOTAL		
Expenditure Forecast	805,651,250.00	286,817,061.00

FINANCES

	First portion	Additional portion
FINANCING FUND		
Expenditure Forecast	707,200.00	
SPECIAL CONTRACTS AND FINANCIAL ASSISTANCE FOR INVESTMENT FUND		
Expenditure Forecast	58,000,000.00	
FUND TO COMBAT ADDICTION		
Expenditure Forecast	48,388,225.00	
IFC MONTRÉAL FUND		
Expenditure Forecast	351,125.00	1,053,375.00
NORTHERN PLAN FUND		
Expenditure Forecast	39,598,350.00	
FUND OF THE FINANCIAL MARKETS ADMINISTRATIVE TRIBUNAL		
Expenditure Forecast	1,366,025.00	
Investment Forecast	2,658,400.00	
TAX ADMINISTRATION FUND		
Expenditure Forecast	280,650,725.00	
TOTALS		
Expenditure Forecast	429,061,650.00	1,053,375.00
Investment Forecast	2,658,400.00	

FORÊTS, FAUNE ET PARCS

	First portion	Additional portion
NATURAL RESOURCES FUND		
Expenditure Forecast	160,578,250.00	59,000,000.00
Investment Forecast	5,704,525.00	
TOTALS		
Expenditure Forecast	160,578,250.00	59,000,000.00
Investment Forecast	5,704,525.00	

JUSTICE

	First portion	Additional portion
ACCESS TO JUSTICE FUND		
Expenditure Forecast	6,730,700.00	
FUND DEDICATED TO ASSISTANCE FOR PERSONS WHO ARE VICTIMS OF CRIMINAL OFFENCES		
Expenditure Forecast	11,765,200.00	
REGISTER FUND OF THE MINISTÈRE DE LA JUSTICE		
Expenditure Forecast	12,106,675.00	
Investment Forecast	864,250.00	
FUND OF THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC		
Expenditure Forecast	14,076,175.00	
Investment Forecast	265,600.00	
PUBLIC CONTRACTS FUND		
Expenditure Forecast	1,575.00	
TOTALS		
Expenditure Forecast	44,680,325.00	
Investment Forecast	1,129,850.00	

SANTÉ ET SERVICES SOCIAUX

	First portion	Additional portion
CANNABIS PREVENTION AND RESEARCH FUND		
Expenditure Forecast	35,500,000.00	
HEALTH AND SOCIAL SERVICES INFORMATION RESOURCES FUND		
Expenditure Forecast	98,398,600.00	
Investment Forecast	18,314,400.00	
TOTALS		
Expenditure Forecast	133,898,600.00	
Investment Forecast	18,314,400.00	

SÉCURITÉ PUBLIQUE

	First portion	Additional portion
CAPITALE-NATIONALE REGION FUND		
Expenditure Forecast	6,250,000.00	18,750,000.00
POLICE SERVICES FUND		
Expenditure Forecast	182,921,575.00	
Investment Forecast	4,700,000.00	
TOTALS		
Expenditure Forecast	189,171,575.00	18,750,000.00
Investment Forecast	4,700,000.00	

TOURISME

	First portion	Additional portion
TOURISM PARTNERSHIP FUND		
Expenditure Forecast	93,196,025.00	1,002,300.00
Investment Forecast	292,250.00	
<hr/>		
TOTALS		
Expenditure Forecast	93,196,025.00	1,002,300.00
Investment Forecast	292,250.00	

TRANSPORTS

	First portion	Additional portion
AIR SERVICE FUND		
Expenditure Forecast	21,464,625.00	
Investment Forecast	6,457,350.00	
ROLLING STOCK MANAGEMENT FUND		
Expenditure Forecast	34,174,500.00	
Investment Forecast	19,206,575.00	
HIGHWAY SAFETY FUND		
Expenditure Forecast	16,537,000.00	
Investment Forecast	1,218,875.00	
LAND TRANSPORTATION NETWORK FUND		
Expenditure Forecast	1,581,135,450.00	
Investment Forecast	781,634,725.00	
TOTALS		
Expenditure Forecast	1,653,311,575.00	
Investment Forecast	808,517,525.00	

TRAVAIL, EMPLOI ET SOLIDARITÉ SOCIALE

	First portion	Additional portion
ASSISTANCE FUND FOR INDEPENDENT COMMUNITY ACTION		
Expenditure Forecast	10,484,125.00	10,484,162.00
LABOUR MARKET DEVELOPMENT FUND		
Expenditure Forecast	375,597,625.00	
GOODS AND SERVICES FUND		
Expenditure Forecast	30,925,225.00	
Investment Forecast	590,275.00	
INFORMATION TECHNOLOGY FUND OF THE MINISTÈRE DE L'EMPLOI ET DE LA SOLIDARITÉ SOCIALE		
Expenditure Forecast	4,981,100.00	
Investment Forecast	5,102,825.00	
ADMINISTRATIVE LABOUR TRIBUNAL FUND		
Expenditure Forecast	22,126,350.00	
Investment Forecast	1,108,750.00	
FONDS QUÉBÉCOIS D'INITIATIVES SOCIALES		
Expenditure Forecast	4,486,225.00	4,354,394.00
TOTALS		
Expenditure Forecast	448,600,650.00	14,838,556.00
Investment Forecast	6,801,850.00	

Regulations and other Acts

Gouvernement du Québec

O.C. 651-2022, 6 April 2022

Professional Code
(chapter C-26)

**Medical imaging technologists, radiation oncology technologists or medical electrophysiology technologists
— Professional activities that may be engaged in by persons other than medical imaging technologists, radiation oncology technologists or medical electrophysiology technologists**

Regulation respecting the professional activities that may be engaged in by persons other than medical imaging technologists, radiation oncology technologists or medical electrophysiology technologists

WHEREAS, under subparagraph *h* of the first paragraph of section 94 of the Professional Code (chapter C-26), the board of directors of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, and the terms and conditions on which such persons may engage in such activities;

WHEREAS, in accordance with subparagraph *h* of the first paragraph of section 94 of the Code, the board of directors of the Ordre des technologues en imagerie médicale, en radio-oncologie et en électrophysiologie médicale du Québec consulted the Collège des médecins du Québec, the Ordre des chiropraticiens du Québec, the Ordre des infirmières et infirmiers du Québec, the Ordre des hygiénistes dentaires du Québec, the Ordre professionnel des inhalothérapeutes du Québec, the Ordre des podiatres du Québec, the Ordre professionnel de la physiothérapie du Québec and the Ordre professionnel des diététistes-nutritionnistes du Québec before adopting the Regulation respecting the professional activities that may be engaged in by persons other than medical imaging technologists, radiation oncology technologists or medical electrophysiology technologists on 1 April 2021;

WHEREAS, pursuant to section 95 of the Code, subject to sections 95.0.1 and 95.2 of the Code, every regulation made by the board of directors of a professional order under the Code or an Act constituting such a professional

order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government, which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation respecting the professional activities that may be engaged in by persons other than medical imaging technologists, radiation oncology technologists or medical electrophysiology technologists was published in Part 2 of the *Gazette officielle du Québec* of 12 May 2021 with a notice that it could be examined by the Office then submitted to the Government, which may approve it with or without amendment on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office examined the draft Regulation respecting the professional activities that may be engaged in by persons other than medical imaging technologists, radiation oncology technologists or medical electrophysiology technologists on 16 December 2021 then submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Higher Education:

THAT the Regulation respecting the professional activities that may be engaged in by persons other than medical imaging technologists, radiation oncology technologists or medical electrophysiology technologists, attached to this Order in Council, be approved.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting the professional activities that may be engaged in by persons other than medical imaging technologists, radiation oncology technologists or medical electrophysiology technologists

Professional Code

(chapter C-26, s. 94, 1st par., subpar. *h*)

DIVISION I GENERAL

1. This Regulation determines, among the professional activities that may be engaged in by medical imaging technologists, radiation oncology technologists and medical electrophysiology technologists, those that, according to the conditions and procedures it determines, may be engaged in by a person in the process of obtaining any of the permits issued by the Ordre des technologues en imagerie médicale, en radio-oncologie et en électrophysiologie médicale du Québec.

2. The following regulatory standards apply, with the necessary modifications, to a person engaging in professional activities under this Regulation:

(1) the standards of professional conduct provided for by regulation of the Order made under section 87 of the Professional Code (chapter C-26);

(2) the standards concerning the keeping of records and the operation of offices provided for by regulation of the Order made under section 91 of the Professional Code;

(3) the standards relating to the obligation to furnish and maintain security to cover liability provided for by regulation of the Order made under paragraph *d* of section 93 of the Professional Code, except in the case referred to in section 4 of this Regulation.

3. Any person engaging in professional activities under this Regulation must be duly entered in the register held by the Order.

The person must, in addition, provide the Order with any document or information enabling to verify compliance with this Regulation.

DIVISION II PROFESSIONAL ACTIVITIES AUTHORIZED

4. A student enrolled in a program of studies leading to a diploma giving access to any of the permits issued by the Order may, among the professional activities that may

be engaged in by medical imaging technologists, radiation oncology technologists or medical electrophysiology technologists, engage in the activities required to complete the program, on the condition that the student engages in the activities as part of the program of studies and under the constant supervision and responsibility of a technologist who holds a corresponding permit and who is on the premises.

5. A candidate who completes a training program or is serving a training period as part of the procedure for recognizing an equivalence of diploma or training provided for by regulation of the Order made under paragraph *c.1* of section 93 of the Professional Code (chapter C-26) may, among the professional activities that may be engaged in by medical imaging technologists, radiation oncology technologists or medical electrophysiology technologists, engage in the activities required to complete the training program or training period, on the condition that the candidate engages in the activities as part of the training program or training period and under the constant supervision and responsibility of a technologist who holds a corresponding permit and who is on the premises.

6. A candidate who is eligible and registered for a professional examination prescribed by regulation of the Order made under subparagraph *i* of the first paragraph of section 94 of the Professional Code (chapter C-26) may engage in the professional activities that may be engaged in by the holders of the permit to which the examination gives access on the following conditions:

(1) the candidate engages in them as part of employment in a public institution or a private institution under agreement within the meaning of the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5);

(2) the candidate engages in them under the supervision of a technologist who holds a corresponding permit and who is present in the department concerned for a rapid intervention with the patient or to ensure a quick response to a candidate's request.

Despite the foregoing, the candidate is not authorized to engage in the following professional activities:

(1) in medical imaging technology in the field of radiodiagnosis:

(a) professional activities in angiography;

(b) professional activities in medical sonography;

(c) professional activities in magnetic resonance imaging;

- (d) professional activities in haemodynamics;
- (e) professional activities in mammography;
- (f) examinations requiring the administration of dipyridamole, dobutamine, a sedative, an analgesic or an anxiolytic;
- (2) in medical imaging technology in the field of nuclear medicine:
- (a) professional activities in positron emission scan;
- (b) professional activities during the preparation and reconstitution of radiopharmaceuticals;
- (c) examinations requiring the administration of dipyridamole, dobutamine, a sedative, an analgesic or an anxiolytic;
- (3) in medical imaging technology in the field of medical sonography:
- (a) professional activities in sonography, except when the images are reviewed by a physician before the patient is discharged;
- (b) professional activities in cardiac sonography;
- (c) professional activities in breast sonography;
- (d) professional activities in musculoskeletal sonography;
- (e) professional activities in vascular sonography;
- (f) examinations requiring the administration of dipyridamole, dobutamine, a sedative, an analgesic or an anxiolytic;
- (4) in radiation oncology technology:
- (a) dosimetry professional activities;
- (b) professional activities using a medical imaging device for planning radiation oncology treatment;
- (c) professional activities in brachytherapy;
- (d) professional activities for the fabrication of shielding blocks and moulds;
- (e) examinations requiring the administration of dipyridamole, dobutamine, a sedative, an analgesic or an anxiolytic;
- (5) in medical electrophysiology technology:
- (a) urgent administration of required medications using an intravenous line already in place;
- (b) professional activities requiring a training certificate issued by the Order;
- (c) stress electrocardiograms;
- (d) examinations requiring the administration of dipyridamole, dobutamine, a sedative, an analgesic or an anxiolytic;
- (e) examinations requiring the introduction of a needle under the dermis for monitoring.
- 7.** The candidate referred to in section 6 may continue to engage in the professional activities provided for therein during the 90 days following the date on which the candidate wrote the professional examination prescribed by regulation of the Order made under subparagraph *i* of the first paragraph of section 94 of the Professional Code (chapter C-26), without having to register to such an examination.
- 8.** Despite sections 6 and 7, the candidate referred to in section 6 may engage in the professional activities provided for therein only until the earliest of the following events:
- (1) the candidate failed the professional examination twice;
- (2) one year has elapsed since the date on which the candidate obtained the diploma giving access to any of the permits issued by the Order or the date of the decision of the Order to recognize an equivalent diploma or training for the issue of any of the permits.
- DIVISION III**
FINAL
- 9.** This Regulation replaces the Regulation respecting the professional activities that may be engaged in by persons other than medical imaging technologists, radiation oncology technologists or medical electrophysiology technologists (chapter T-5, r. 1).
- 10.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

105670

Gouvernement du Québec

O.C. 656-2022, 6 April 2022

Civil Code of Québec

Categories of insurance contracts and classes of insureds that may derogate from the rules of articles 2500 and 2503

Regulation respecting categories of insurance contracts and classes of insureds that may derogate from the rules of articles 2500 and 2503 of the Civil Code

WHEREAS, under article 2500 of the Civil Code of Québec, the proceeds of the liability insurance are applied exclusively to the payment of injured third persons;

WHEREAS, under the first and second paragraphs of article 2503 of the Code, the insurer is bound to take up the interest of any person entitled to the benefit of the insurance and assume his or her defence in any action brought against him or her, and legal costs and expenses resulting from actions against the insured, including those of the defence, and interest on the proceeds of the insurance are borne by the insurer over and above the proceeds of the insurance;

WHEREAS, under the third paragraph of article 2503 of the Code, the Government may, by regulation, determine categories of insurance contracts that may depart from the rules set out in the first and second paragraphs of that article and in article 2500 of that Code, as well as classes of insureds that may be covered by such contracts, and the Government may also prescribe any standard applicable to those contracts;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting categories of insurance contracts and insured parties that may derogate from the rules of articles 2500 and 2503 of the Civil Code was published in Part 2 of the *Gazette officielle du Québec* of 8 September 2021 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 with amendments;

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

THAT the Regulation respecting categories of insurance contracts and classes of insureds that may derogate from the rules of articles 2500 and 2503 of the Civil Code, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting categories of insurance contracts and classes of insureds that may derogate from the rules of articles 2500 and 2503 of the Civil Code

Civil Code of Québec
(Civil Code, art. 2503)

1. In any civil liability insurance contract, an insured that meets one of the following conditions at the time of subscription may be covered by a contract that departs from the rules set out in article 2500 and the first and second paragraphs of article 2503 of the Civil Code:

(1) the insured is a drug manufacturer under the Act respecting prescription drug insurance (chapter A-29.01);

(2) the insured is a legal person established under one of the following Acts or one of its subsidiaries within the meaning of those Acts:

(a) Act constituting Capital régional et coopératif Desjardins (chapter C-6.1);

(b) Act to establish Fondation, le Fonds de développement de la Confédération des syndicats nationaux pour la coopération et l'emploi (chapter F-3.1.2);

(c) Act to establish the Fonds de solidarité des travailleurs du Québec (F.T.Q.) (chapter F-3.2.1);

(3) the insured is a director, officer or trustee of any entity referred to in paragraph 1 or 2, even one not insured under such a contract.

2. In any civil liability insurance contract, an insured that is not referred to in section 1 but meets one of the following conditions at the time of subscription may be covered by a contract that departs from the rules set out in article 2500 and the first and second paragraphs of article 2503 of the Civil Code where the total coverage under all the civil liability insurance contracts subscribed by that insured is at least \$5,000,000:

(1) the insured is considered to be a large business for the purposes of the Act respecting the Québec sales tax (chapter T-0.1) or is a person related to a large business within the meaning of the Taxation Act (chapter I-3);

(2) the insured is a reporting issuer or a subsidiary of such a reporting issuer within the meaning of the Securities Act (chapter V-1.1);

(3) the insured is a foreign business corporation within the meaning of the Taxation Act (chapter I-3) or the Income Tax Act (R.S.C. 1985, c. 1 (5th Suppl.));

(4) the insured is a director, officer or trustee of any entity referred to in any of paragraphs 1 to 3, even one not insured under such a contract.

3. The duration of a contract referred to in section 1 or 2 may not be more than 1 year. In the case of renewal, the insured must meet the conditions set out in those sections at the time of renewal, as the case may be.

4. When a director, officer or trustee referred to in paragraph 3 of section 1 or paragraph 4 of section 2 also pursues activities as a member of a pension committee, those activities must be covered under a contract that does not depart from the rules set out in article 2500 and the first and second paragraphs of article 2503 of the Civil Code.

5. Where a minimum amount of civil liability insurance coverage is specified by law, proceeds must be applied to the payment of injured third persons before any other payment.

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

105671

M.O., 2022-07

Order number I-14.01-2022-07 of the Minister of Finance dated 1 April 2022

Derivatives Act
(chapter I-14.01)

CONCERNING the Regulation to amend Regulation 94-101 respecting Mandatory Central Counterparty Clearing of Derivatives

WHEREAS subparagraphs 2, 3, 9, 11, 12 and 29 of the first paragraph of section 175 of the Derivatives Act (chapter I-14.01) provide that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those subparagraphs;

WHEREAS the fourth and fifth paragraphs of that section provide that a draft regulation under that section must be published in the *Bulletin de l'Autorité des marchés financiers* with the notice required under section 10 of the Regulations Act (chapter R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the second and sixth paragraphs of that section provide that a regulation under the first paragraph of that section must be submitted to the Minister of Finance, who may approve it with or without amendment, and comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation;

WHEREAS the Regulation 94-101 respecting Mandatory Central Counterparty Clearing of Derivatives was approved by ministerial order no. 2017-01 dated 16 March 2017 (2017, *G.O.* 2, 633);

WHEREAS there is cause to amend this Regulation;

WHEREAS the draft Regulation to amend Regulation 94-101 respecting Mandatory Central Counterparty Clearing of Derivatives was published for a first consultation in the *Bulletin de l'Autorité des marchés financiers*, vol. 14, no. 40 of 12 October 2017;

WHEREAS the draft Regulation to amend Regulation 94-101 respecting Mandatory Central Counterparty Clearing of Derivatives was published for a second consultation in the *Bulletin de l'Autorité des marchés financiers*, vol. 17, no. 35 of 3 September 2020;

WHEREAS the *Autorité des marchés financiers* made, on 23 March 2022, by the decision no. 2022-PDG-0019, Regulation to amend Regulation 94-101 respecting Mandatory Central Counterparty Clearing of Derivatives;

WHEREAS there is cause to approve this Regulation with amendment;

CONSEQUENTLY, the Minister of Finance approves with amendment the Regulation to amend Regulation 94-101 respecting Mandatory Central Counterparty Clearing of Derivatives appended hereto.

April 1, 2022

ERIC GIRARD
Minister of Finance

REGULATION TO AMEND REGULATION 94-101 RESPECTING MANDATORY CENTRAL COUNTERPARTY CLEARING OF DERIVATIVES

Derivatives Act

(chapter I-14.01, s. 175, par. 1, subpar. (2), (3), (9), (11), (12) and (29))

1. Section 1 of Regulation 94-101 respecting Mandatory Central Counterparty Clearing of Derivatives (chapter I-14.01, r. 0.01) is amended:

(1) in paragraph (1):

(a) by inserting, before the definition of the expression “local counterparty”, the following:

““investment fund” has the meaning ascribed to it in Regulation 81-106 respecting Investment Fund Continuous Disclosure (chapter V-1.1, r. 42);”;

(b) by inserting, after the definition of the expression “participant”, the following:

““prudentially regulated entity” means a person that is subject to the laws of Canada, a jurisdiction of Canada or a foreign jurisdiction where the head office or principal place of business of an authorized foreign bank named in Schedule III of the Bank Act (S.C. 1991, c. 46) is located, and a political subdivision of that foreign jurisdiction, relating to minimum capital requirements, financial soundness and risk management, or the guidelines of a regulatory authority of Canada or a jurisdiction of Canada relating to minimum capital requirements, financial soundness and risk management;

““reference period” means the period beginning on September 1 in a given year and ending on August 31 of the following year;”;

(2) by replacing paragraph (2) with the following:

“(2) In this Regulation, a person (the first party) is an affiliated entity of another person (the second party) if any of the following apply:

(a) the first party and the second party are consolidated in consolidated financial statements prepared in accordance with one of the following:

(i) IFRS;

(ii) generally accepted accounting principles in the United States of America;

(b) all of the following apply:

(i) the first party and the second party would have been, at the relevant time, required to be consolidated in consolidated financial statements prepared by the first party, the second party or another person, if the consolidated financial statements were prepared in accordance with the principles or standards referred to in subparagraph (a)(i) or (ii);

(ii) neither the first party's nor the second party's financial statements, nor the financial statements of the other person, were prepared in accordance with the principles or standards referred to in subparagraph (a)(i) or (ii);

(c) except in British Columbia and Quebec, the first party and the second party are both prudentially regulated entities and are consolidated for that purpose.”;

(3) by repealing paragraph (3).

2. Section 3 of the Regulation is amended:

(1) by inserting, before paragraph (1), the following:

“(0.1) Despite subsection 1(2), an investment fund is not an affiliated entity of another person for the purposes of paragraphs (1)(b) and (c) of this section.

“(0.2) Despite subsection 1(2), a person is not an affiliated entity of another person for the purposes of paragraphs (1)(b) and (c) of this section if the following apply:

(a) the person has, as its primary purpose, one of the following:

(i) financing a specific pool or pools of assets;

(ii) providing investors with exposure to a specific set of risks;

(iii) acquiring or investing in real estate or other physical assets;

(b) all the indebtedness incurred by the person whose primary purpose is one set out in subparagraph (a)(i) or (ii), including obligations owing to its counterparty to a derivative, are secured solely by the assets of that person.”;

(2) in paragraph (1):

(a) by replacing subparagraph (ii) of subparagraph (b) with the following:

“(ii) had, for the months of March, April and May preceding the reference period in which the transaction was executed, an average month-end gross notional amount under all outstanding derivatives exceeding \$1 000 000 000 excluding derivatives referred to in paragraph 7(1)(a);”;

(b) by replacing subparagraph (c) with the following:

“(c) the counterparty

(i) is a local counterparty in any jurisdiction of Canada,

(ii) had, during the previous 12-month period, a month-end gross notional amount under all outstanding derivatives, combined with each affiliated entity that is a local counterparty in any jurisdiction of Canada, exceeding \$500 000 000 000 excluding derivatives referred to in paragraph 7(1)(a), and

(iii) had, for the months of March, April and May preceding the reference period in which the transaction was executed, an average month-end gross notional amount under all outstanding derivatives exceeding \$1 000 000 000 000 excluding derivatives referred to in paragraph 7(1)(a).”;

(3) by deleting, in paragraph (2), “(1)(b) or”, “(b)(ii) or (1)” and the words “, as applicable”.

3. Section 6 of the Regulation is amended by replacing the words “the following counterparties” with the words “a counterparty in respect of a mandatory clearable derivative if any counterparty to the mandatory clearable derivative is any of the following”.

4. Section 7 of the Regulation is amended:

(1) in paragraph (1):

(a) by deleting, in the text preceding subparagraph (a), the words “the application of”;

(b) by deleting, in subparagraph (a), “if each of the counterparty and the affiliated entity are consolidated as part of the same audited consolidated financial statements prepared in accordance with “accounting principles” as defined in Regulation 52-107 respecting Acceptable Accounting Principles and Auditing Standards (chapter V-1.1, r. 25)”;

(c) by deleting subparagraph (b);

(2) by deleting paragraphs (2) and (3).

5. Section 8 of the Regulation is amended:

(1) by deleting, in the text preceding subparagraph (a), the words “the application of”;

(2) by replacing paragraph (d) with the following:

“(d) the multilateral portfolio compression exercise involved both counterparties to the mandatory clearable derivative;”;

(3) by replacing, in paragraph (e), the word “is” with the word “was”.

6. Part 4 of the Regulation, including section 10, is repealed.

7. Appendix A and Appendix B of the Regulation are replaced with the following:

**“APPENDIX A
MANDATORY CLEARABLE DERIVATIVES
(Subsection 1(1))**

Interest Rate Swaps

Type	Floating index	Settlement currency	Maturity	Settlement currency type	Optionality	Notional type
Fixed-to-float	CDOR	CAD	28 days to 30 years	Single currency	No	Constant or variable
Fixed-to-float	LIBOR	USD	28 days to 50 years	Single currency	No	Constant or variable
Fixed-to-float	EURIBOR	EUR	28 days to 50 years	Single currency	No	Constant or variable
Fixed-to-float	LIBOR	GBP	28 days to 50 years	Single currency	No	Constant or variable
Basis	LIBOR	USD	28 days to 50 years	Single currency	No	Constant or variable
Basis	EURIBOR	EUR	28 days to 50 years	Single currency	No	Constant or variable
Basis	LIBOR	GBP	28 days to 50 years	Single currency	No	Constant or variable
Overnight index swap	CORRA	CAD	7 days to 2 years	Single currency	No	Constant
Overnight index swap	FedFunds	USD	7 days to 3 years	Single currency	No	Constant
Overnight index swap	EONIA	EUR	7 days to 3 years	Single currency	No	Constant
Overnight index swap	SONIA	GBP	7 days to 3 years	Single currency	No	Constant

Forward Rate Agreements

Type	Floating index	Settlement currency	Maturity	Settlement currency type	Optionality	Notional type
Forward rate agreement	LIBOR	USD	3 days to 3 years	Single currency	No	Constant
Forward rate agreement	EURIBOR	EUR	3 days to 3 years	Single currency	No	Constant
Forward rate agreement	LIBOR	GBP	3 days to 3 years	Single currency	No	Constant

**“APPENDIX B
LAWS, REGULATIONS OR INSTRUMENTS OF FOREIGN
JURISDICTIONS APPLICABLE FOR SUBSTITUTED COMPLIANCE
(Subsection 3(5))**

Foreign jurisdiction	Laws, regulations or instruments
European Union	Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories, as amended by Regulation (EU) 2019/2099
United Kingdom	<p>Financial Services and Markets Act 2000 (Over the Counter Derivatives, Central Counterparties and Trade Repositories) Regulations 2013</p> <p>The Over the Counter Derivatives, Central Counterparties and Trade Repositories (Amendment, etc., and Transitional Provision) (EU Exit) Regulations 2020</p> <p>The Over the Counter Derivatives, Central Counterparties and Trade Repositories (Amendment etc., and Transitional Provision) (EU Exit) (No 2) Regulations 2019</p> <p>The Over the Counter Derivatives, Central Counterparties and Trade Repositories (Amendment, etc., and Transitional Provision) (EU Exit) Regulations 2019</p> <p>The Central Counterparties (Amendment, etc., and Transitional Provision) (EU Exit) Regulations 2018</p>

	The Technical Standards (European Market Infrastructure Regulation) (EU Exit) (No 2) Instrument 2019 The Technical Standards (European Market Infrastructure Regulation) (EU Exit) (No 3) Instrument 2019
United States of America	Clearing Requirement and Related Rules, 17 CFR Part 50

”.

8. Form 94-101F1 and Form 94-101F2 of the Regulation are repealed.
9. (1) This Regulation comes into force on 1 September 2022, except section 7, which comes into force on the date of its publication in the *Gazette officielle du Québec*.
- (2) In Saskatchewan, despite paragraph (1), if this Regulation is filed with the Registrar of Regulations after:
- (a) 12 April 2022, but before 1 September 2022, then Section 7 of this Regulation comes into force on the day on which it is filed with the Registrar of Regulations; or
- (b) 1 September 2022, then this Regulation comes into force on the day on which it is filed with the Registrar of Regulations.

105665

Draft Regulations

Draft Regulation

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

Certification of private seniors' residence — 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 respecting the certification of private seniors' residence, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The object of the draft Regulation is to revise the categories of private seniors' residences determined by the Regulation respecting the certification of private seniors' residence (chapter S-4.2, r. 0.01) and to amend some of the definitions it contains.

In addition, the draft Regulation extends the list of information that must be collected and updated by an integrated health and social services centre in order to constitute and update the register of private seniors' residences, and revises the list of information and documents that a person or partnership must provide to an integrated centre in order to receive a temporary certificate of compliance.

The draft Regulation changes some of the health and social criteria that the operator of a private seniors' residence must comply with to obtain a certificate of compliance, in particular in the area of resident health and safety.

Lastly, the draft Regulation revises and adds to the list of standards applicable to the operation of a private seniors' residence, and in particular requires the operators of certain categories of residences to establish a residence life committee.

The draft Regulation will have an impact on enterprises, in particular in administrative and financial terms. Some of the proposed measures may have an impact on the organization and operation of private seniors' residences.

Further information on the draft Regulation may be obtained by contacting Mélanie Kavanagh, Director, Direction du soutien à domicile, Ministère de la Santé et des Services sociaux, 1075, chemin

Sainte-Foy, 6^e étage, Québec (Québec) G1S 2M1; telephone: 581 814-9100, extension 62655; email: melanie.kavanagh@msss.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 Responsible for Seniors and Informal Caregivers, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1.

MARGUERITE BLAIS
*Minister Responsible for Seniors
and Informal Caregivers*

CHRISTIAN DUBÉ
*Minister of Health
and Social Services*

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

Act respecting health services and social services
(chapter S-4.2, ss. 346.0.1, 346.0.3, 346.0.6 and 346.0.7)

1. The Regulation respecting the certification of private seniors' residence (chapter S-4.2, r. 0.01) is amended by replacing section 1 by the following:

“**1.** A private seniors' residence referred to in the second paragraph of section 346.0.1 of the Act respecting health services and social services (chapter S-4.2) belongs to one of the following categories:

(1) category 1, comprising private seniors' residences operated on a not-for-profit basis that offer various services for independent elderly persons in at least two of the following categories of services: meal services, domestic help services, security services and recreation services;

(2) category 2, comprising private seniors' residences operated on a for-profit basis that offer various services for independent elderly persons in at least two of the following categories of services: meal services, domestic help services, security services and recreation services;

(3) category 3, comprising private seniors' residences operated on a for-profit or not-for-profit basis that offer various services for semi-independent elderly persons in at least

(a) one of the following four categories of services: meal services, domestic help services, security services and recreation services; and

(b) one of the following two categories of services: personal assistance services and nursing care;

(4) category 4, comprising private seniors' residences operated on a for-profit or not-for-profit basis that offer personal assistance services continuously for semi-independent elderly persons with specific needs, along with services for such persons in at least one of the five following categories of services: meal services, domestic help services, security services, recreation services and nursing care.

A residence operated by a natural person is deemed to be operated on a for-profit basis.

1.1. Where a congregate residential facility is occupied by the residents of a private seniors' residence and also by users taken in charge by an intermediate resource or family-type resource, users lodged in a facility maintained by a private institution, or other occupants, the rental units and spaces put at the disposal of the residents of the residence must be adjacent to each other and form a separate set of resources, facilities and other spaces within the building.

The first paragraph also applies when the building houses more than one private seniors' residence. If this provision is not complied with, each residence is subject to the requirements of the highest category.”

2. Section 2 is amended

(1) in the French text by striking out “ou l'autre” in the portion before subparagraph *a* of paragraph 1;

(2) by replacing paragraph 2 by the following:

“(2) “personal assistance services” means any of the following services:

(a) feeding, personal hygiene and maintenance of the person, dressing and bathing assistance services;

(b) invasive care involved in assistance with activities of daily living, when required on a long-term basis to maintain a person's health;

(c) the administration of medication, namely the control of the medication by a staff member at the residence and assistance for the resident in taking the medication;”;

(3) by replacing paragraphs 4, 5, 6, and 7 by the following:

“(4) “meal services” means the supply or availability, in the residence and on a daily basis, of one or more meals;

(5) “security services” means the full-time presence in a residence of a person responsible for providing supervision and of equipment to ensure the safety of residents;

(6) “nursing care” means the exercise in a residence, by a nurse who is on the residence's staff, of activities reserved by law to the nursing profession.”

(4) by adding the following at the end:

“For the purposes of subparagraph 4 of the first paragraph, the fact that an operator suspends meal services occasionally or sporadically cannot be used to support an inference that it does not offer such services.”

3. Section 3 is replaced by the following:

“**3.** Only the operator of a category 2 private seniors' residence may offer residents consultation services; the operator of a category 3 or 4 residence may also offer consultation services if nursing care is not one of the services offered.

Despite the first paragraph, the operator of a residence housing fewer than 6 residents or with fewer than 10 rental units may not offer consultation services.

For the purposes of this Regulation, “consultation services” means services dispensed by a nursing assistant who is a member of the staff at the residence, in a room at the residence, to residents who wish to obtain a consultation concerning a health problem.”

4. Section 4 is revoked.

5. Section 5 is replaced by the following:

“**5.** Sections 13, 13.2, 15, 27.1, 37, 39 and 50 and the second and third paragraphs of section 53 do not apply to the operator of a private seniors' residence housing fewer than 6 residents. However, those provisions apply to the operator if the residence is part of a congregate residential facility occupied as provided for in the first paragraph of section 1.1.

Section 15 and the second paragraph of section 53 do not apply to the operator of a category 1 residence which, although not covered by the first paragraph, has fewer than 10 rental units.

Section 27.1, the second paragraph of section 39, subparagraph 1 of the third paragraph of section 50 and the second and third paragraphs of section 53 do not apply to the operator of a category 2, 3 or 4 residence which, although not covered by the first paragraph, has fewer than 10 rental units.”

6. Section 6 is replaced by the following:

“6. This Regulation and sections 346.0.1 to 346.0.21 of the Act respecting health services and social services (chapter S-4.2) do not apply to the operator of a private seniors’ residence housing exclusively fewer than 6 persons who are related to the operator by blood, marriage, civil union or de facto union.”

7. Section 7 is amended

(1) in the first paragraph

(a) by replacing subparagraph 5 by the following:

“(5) where applicable,

(a) the banner under which a private seniors’ residence is operated, when other residences are operated under the same banner;

(b) the name and address of each of the other residences operated by that operator;”;

(b) by replacing subparagraphs 10 and 11 by the following:

“(10) whether or not consultation services are offered;”;

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

“(8) whether or not the residence is equipped with air conditioning in the common areas or rental units.”

8. Section 8 is amended by striking out “To ensure the health and safety of residents, the operator must also make sure that the residence and the land on which it is situated are maintained and kept in a good condition. The foregoing also applies to the appliances and equipment required to provide care and personal assistance services, which must also be used in a safe and adequate manner.” in the second paragraph.

9. Section 10 is amended in the first paragraph

(1) by replacing “year” in subparagraph 1 by “3 years”;

(2) by replacing “year” in subparagraph 2 by “3 years”;

(3) by replacing “year” in subparagraph 3 by “3 years”.

10. Section 11 is amended

(1) in the first paragraph

(a) by inserting “and address” after “name” in subparagraph 4;

(b) by replacing subparagraph 6 by the following:

“(6) the category to which the residence covered by the application will belong;”;

(c) by replacing subparagraph 12 by the following:

“(12) an attestation from a professional, such as an architect or engineer, confirming that the building or part of a building that will house the residence complies with the standards applicable to private seniors’ residences in Chapter VIII of the Safety Code (chapter B-1.1, r. 3);”

(2) by adding the following at the end:

“Where a person or partnership wishes to apply for a temporary certificate of compliance in order to operate more than one residence in the same congregate residential facility, a single application must be submitted to the integrated health and social services centre for all the residences concerned. The first, second and third paragraphs apply, with the necessary modifications.”

11. Section 12 is amended

(1) by inserting “or renew” after “obtain”;

(2) by adding the following at the end:

“Where more than one residence is operated by the same operator in the same congregate residential facility, the certificates of compliance issued by the integrated health and social services centre concerned must be brought together in a single document, identifying each residence separately.”

12. Section 13 is replaced by the following:

“13. Before entering into a lease, the operator of a private seniors’ residence must give a person wishing to become a resident or, where applicable, that person’s representative, a copy of the code of ethics referred to in section 36 as well as the document containing general information about the residence referred to in section 37.

13.1. The operator of a private seniors’ residence may, with written consent from a person wishing to become a resident or, where applicable, that person’s representative, proceed with or request the identification of the person’s loss of autonomy. The identification must be conducted using the Prisma-7 tool for the identification of persons with decreasing autonomy.

The operator may also, in the same manner, proceed with or request an assessment of the person's autonomy to allow the person or, where applicable, the person's representative, first, to identify the care and services required by the person's state of health based on the person's needs and, second, to determine if the person's state of health may require care or services that are not offered by the operator. The assessment must be conducted using the functional autonomy measurement system (*système de mesure de l'autonomie fonctionnelle*, or SMAF) by a professional authorized to do so.

Only the tools referred to in the first and second paragraphs may be used to identify the loss of autonomy of a person wishing to become a resident or assess that person's autonomy. The operator cannot use such tools or any other tool designed to assess the person's needs to require the person or, where applicable, the person's representative, to select a service offered by the operator when entering into a lease.

13.2. The operator of a private seniors' residence must use the document containing general information about the residence referred to in section 37 to identify, with a person wishing to become a resident or, where applicable, the person's representative, the services selected when entering into a lease. The selection of services from among those offered by the operator must be left to the discretion of the person or, where applicable, the person's representative. The operator of the residence may not, at any time, require that a service offered be selected by the person when entering into a lease.

The operator must remain available to answer questions from a person wishing to become a resident or, where applicable, that person's representative before a lease is entered into.

13.3. The cost of using the call-for-help system referred to in section 15 must be included in the total rent payable under the lease; as a result, such a system may not be billed on a per-use basis.

13.4. For the purpose of entering into a lease, the operator of a private seniors' residence must use the form applicable to the situation pursuant to the Regulation respecting mandatory lease forms and the particulars of a notice to a new lessee (chapter T-15.01, r. 3).

13.5. The operator of a private seniors' residence is required, in accordance with the Civil Code, to offer and maintain all the services set out in the lease, including those in all the schedules, for the duration of the lease and with no increase in cost or decrease in intensity.

At no time may the operator limit a resident's ability to opt for the service provider of the resident's choice, even if the operator offers the same or a similar service within the residence.

The operator must also maintain sufficient qualified staff in the residence at all times to respond adequately to the services agreed upon and to the commitments made in the leases entered into with residents.

13.6. The operator of a private seniors' residence may, with written consent from a resident or, where applicable, the resident's representative, proceed with or request the identification of the resident's loss of autonomy or an assessment of the resident's autonomy. The identification or assessment must be conducted in accordance with section 13.1. The third paragraph of that section applies, with the necessary modifications.

Following the identification or assessment, the resident's new needs must be communicated to the residence staff members providing personal assistance services or nursing care. The results of the identification or assessment must be recorded in the resident's file kept pursuant to section 57.

The resident's lease must be amended only if the resident decides to select extra services offered by the operator. In no case may the operator bill such services following an identification or assessment without consent from the resident or, where applicable, the resident's representative.

For the purposes of the first paragraph, written consent must be obtained specifically for each identification and each assessment.”

13. The following is inserted after the heading of subdivision 2 of Division III of Chapter II:

“**14.1.** The operator of a private seniors' residence and the integrated health and social services centre concerned must enter into an agreement setting out the procedure for dispensing health services and social services to residents in cases requiring a sharing of responsibility, for the purpose of establishing a mechanism for collaboration.

The agreement must stipulate the parties' commitment to promoting concerted and reciprocal actions to achieve its objectives. It must also establish a mechanism for collaboration applicable, in particular, following

(1) a fall by a resident;

(2) the return of a resident to the residence after a hospitalization; or

(3) one of the occurrences referred to in subparagraphs 1 to 3 of the first paragraph of section 51, provided the integrated centre is notified.

The agreement must also specify the form of and procedure for the notification sent to the integrated centre in accordance with section 51.

In addition, the agreement must specify the procedure and the mechanism for collaboration applicable to fall prevention among residents and the control of infections at the residence, including an obligation for the operator of the residence

(1) to make staff members aware of the existence of tools to prevent falls and to prevent and control infections, including the *Guide de prévention des infections dans les résidences privées pour aînés* and the *Cadre de référence sur la prévention des chutes dans un continuum de services pour les aînés vivant à domicile*, produced by the Minister;

(2) to provide the necessary explanations concerning the use of the tools referred to in subparagraph 1 by staff members; and

(3) to make the tools referred to in subparagraph 1 available in a place that is accessible to staff members.

In cases where more than one residence is operated by the same operator in the same congregate residential facility, the operator and the integrated centre concerned may enter into a single agreement concerning each residence. If one of the residences is in category 4, the agreement must set out the procedure and the mechanism for collaboration applicable specifically to that residence.

14.2. In the case of a private seniors' residence where medication distribution or administration services are offered, the agreement referred to in section 14.1 must also set out the procedure for the distribution and administration of medication to the residents by staff members at the residence.

The agreement must set out, in particular,

(1) the obligation of the operator

(a) to designate a staff member at the residence to identify, for each work shift, the staff members responsible for distributing or administering medication, as the case may be;

(b) to take the necessary steps to ensure that the staff members responsible for the distribution or administration of medication, as the case may be, are able, when

distributing or administering medication, to verify the identity of the resident and to check that the medication distributed or administered is intended for that resident;

(c) to take the necessary steps to ensure that any incident or accident connected with the distribution or administration of medication to a resident is reported in the register of incidents and accidents referred to in section 50; and

(d) to ensure that staff members comply with the procedure for distributing and administering prescription medication to residents, as set out in the agreement; and

(2) the procedure for

(a) the storage, conservation, distribution or administration of prescription medication to residents;

(b) the management of expired medication or medication no longer needed by residents; and

(c) the administration of prescribed ready-to-administer medication to residents to ensure that every person concerned complies with the Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code (chapter C-26, r. 3), if applicable.

14.3. The agreement referred to in section 14.1 must also, where applicable, set out the procedure for the invasive care involved in assistance with activities of daily living for residents in a category 3 or 4 private senior's residence to ensure that every person concerned complies with the Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code (chapter C-26, r. 3).

14.4. In the case of a category 3 or 4 private senior's residence, the agreement referred to in section 14.1 must also set out the process applicable to ensure prior agreement on the use of alternative control measures in accordance with section 56 and an assessment of the resident's condition following the use of alternative measures or control measures in accordance with paragraph 2 of section 55 and subparagraph 2 of the second paragraph of section 56.”.

14. Section 15 is amended

(1) by inserting “who is present in the residence and” after “age” in the first paragraph;

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

“In the case of a category 1 residence, the person of full age present in the residence referred to in the first paragraph may be a staff member, a resident, a supervising lessee or a volunteer at the residence.”;

(3) by replacing third paragraph by the following:

“When the operator offers a mobile call-for-help system a resident or, as the case may be, a resident’s representative may refuse its use in writing.”.

15. Section 16 is amended

(1) in the first paragraph

(a) by striking out “, according to the category to which the residence belongs and the number of rental units offered for lease”;

(b) by replacing “, where required, that a sufficient number of persons able to ensure the evacuation of the residents in case of emergency is present” by “that a sufficient number of persons able to ensure the evacuation of the residents in case of emergency is present at all times”;

(2) by replacing the second paragraph by the following:

“For the purposes of sections 17 to 20, the person responsible for taking action in case of emergency and for ensuring access inside the residence by the emergency services pursuant to the first paragraph of section 15 is the person responsible for supervision.”.

16. Section 17 is amended

(1) in the first paragraph

(a) by replacing “99 rental units or less” by “fewer than 100 rental units”;

(b) by replacing “supervise it” by “ensure supervision”;

(2) in the second paragraph

(a) in the French text by replacing “pour en assurer la surveillance” by “pour y assurer la surveillance”;

(b) in the French text by replacing “ou plus” by “et plus”;

(3) by replacing the third paragraph by the following:

“Every person present in the residence to ensure supervision pursuant to this section must hold an attestation showing the successful completion of one of the training programs referred to in subparagraph 1 of the first paragraph of section 28.”.

17. Section 18 is amended

(1) in the first paragraph

(a) by replacing “199 rental units or less” by “fewer than 200 rental units”;

(b) by replacing “For a residence of 200 rental units or more, that minimum number is increased to 2 persons” by “The minimum is increased to 2 persons for a residence comprising 200 rental units or more.”;

(2) by replacing the second and third paragraphs by the following:

“In the case of a residence comprising fewer than 10 rental units, an operator who lives in the residence may occasionally, for periods of less than 8 hours and only between 7 a.m. and 11 p.m., have the residence supervised by a person of full age other than a resident.

Every person present in the residence to ensure supervision pursuant to this section must hold an attestation showing the successful completion of one of the training programs referred to in subparagraph 1 of the first paragraph of section 28.”.

18. Section 19 is amended

(1) in the first paragraph

(a) by replacing “99 rental units or less” by “fewer than 100 rental units”;

(b) in the French text by replacing “pour en assurer la surveillance” by “pour y assurer la surveillance”;

(c) by replacing “referred to in” by “showing successful completion of the training programs referred to in the first paragraph of”;

(2) by replacing the second, third and fourth paragraphs by the following:

“In the case of a residence comprising fewer than 10 rental units, an operator who lives in the residence may occasionally, for periods of less than 8 hours and only between 7 a.m. and 11 p.m., have the residence supervised by a person of full age other than a resident provided that person holds an attestation showing the successful completion of one of the training programs referred to in subparagraph 1 of the first paragraph of section 28.

In the case of a category 3 residence comprising 100 to 199 rental units, at least 2 persons of full age who are staff members must be present at all times in the

residence to ensure supervision, including one person holding an attestation showing successful completion of one of the training programs referred to in subparagraph 1 of the first paragraph of section 28. The other person must hold attestations showing successful completion of the training programs referred to in the first paragraph of section 28 and, in addition, hold the diploma referred to in subparagraph 1 of the first paragraph of section 29 or have obtained one of the documents referred to in subparagraphs 2 or 3 of the first paragraph of that section.

In the case of a residence comprising 200 or more rental units, at least 3 people of full age who are staff members must be present at all times in the residence to ensure supervision, including 2 persons holding an attestation showing successful completion of one of the training programs referred to in subparagraph 1 of the first paragraph of section 28. The other person must hold attestations showing successful completion of the training programs referred to in the first paragraph of section 28 and, in addition, hold the diploma referred to in subparagraph 1 of the first paragraph of section 29 or have obtained one of the documents referred to in subparagraphs 2 or 3 of the first paragraph of that section.”

19. Section 20 is replaced by the following:

“**20.** In the case of a category 4 private seniors’ residence comprising fewer than 50 rental units, at least one person of full age who is a staff member must be present at all times in the residence to ensure supervision.

In the case of a residence comprising 50 to 99 rental units, at least 2 persons of full age who are staff members must be present at all times in the residence to ensure supervision. The minimum is increased to 3 persons for a residence comprising 100 to 199 rental units and to 4 persons for a residence comprising 200 or more rental units.

Every person present in the residence to ensure supervision pursuant to this section must hold attestations showing successful completion of the training programs referred to in the first paragraph of section 28 and, in addition, hold the diploma referred to in subparagraph 1 of the first paragraph of section 29 or have obtained one of the documents referred to in subparagraphs 2 or 3 of the first paragraph of that section.”

20. Section 21 is amended

(1) by adding “, in particular with reference to recognized principles of risk management in the field of fire safety” at the end of the first paragraph;

(2) by replacing the third and fourth paragraphs by the following:

“The operator must verify the accuracy of the information referred to in subparagraph 1 of the second paragraph on an ongoing basis and update it as required.

The operator must inform residents and make them aware of the drill and instructions to be followed in the field of fire safety.”

21. The following is inserted after section 21:

“**21.1.** The operator of a private seniors’ residence must ensure that each staff member and each person responsible for supervision receives training on the fire safety plan for the residence as soon as they begin work.

The training must focus on the safety measures and the evacuation strategies for the residence that must be implemented following a fire alarm. It must also present the tasks that the persons referred to in the first paragraph must carry out to safely evacuate residents from the residence, the tasks that they must carry out to allow residents to safely return to the residence following an evacuation, and the tasks that they must carry out, both inside and outside the residence after the residents have returned to the residence, to ensure that no resident has remained outside, in particular because of an inability to return to the residence. In addition, the training must set out the specific rules to be followed during a fire drill or in the event of a false alarm.

21.2. The operator of a private seniors’ residence must ensure that following a fire alarm, including a false alarm, a staff member or a person responsible for supervision checks that each resident is safe. For this purpose, the checks conducted must make it possible to confirm that no resident has remained outside the residence, in particular because of an inability to return to the residence.”

22. Section 22 is replaced by the following:

“**22.** The operator of a private seniors’ residence must make all staff members and all persons responsible for supervision aware of the procedures in Schedule III that must be followed if the life or integrity of a resident is in danger, if a resident dies, if a resident is absent for unexplained reasons or if a heat wave advisory has been issued by the competent authorities. The operator must make them available in a place that is accessible to such persons.”

23. Section 23 is amended in the French text by replacing “des catégories” by “de catégorie”.

24. Section 24 is amended

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

“The operator of a category 2, 3 or 4 private seniors’ residence must install a security device to alert staff members or persons responsible for supervision at the residence and prevent residents prone to wandering or likely to become prone to wandering from leaving the congregate residential facility in which the residence is located without their knowledge.

Where more than one residence is operated in the same building, one of which is a category 4 residence, a specific security device to monitor the arrivals and departures of residents of the category 4 residence must be installed.”;

(2) in the second paragraph

(a) in the French text by replacing “Il” at the beginning by “L’exploitant”;

(b) by replacing “residents” by “a resident”.

25. Sections 25 and 26 are revoked.**26.** Section 27 is amended

(1) by inserting “for personal assistance services” after “attendant”;

(2) by striking out “or invasive care involved in assistance with activities of daily living”.

27. The following is inserted after section 27:

“**27.1.** The operator of a category 2, 3 or 4 private seniors’ residence must draw up and apply a reception and job induction process for all new staff members to familiarize them with their new work environment and the tasks inherent to their duties.

The process must cover

(1) the fire safety plan referred to in section 21.1;

(2) the code of ethics referred to in section 36;

(3) the procedures referred to in Schedule III;

(4) in the case of a residence where personal assistance services are offered, the rules for the safe use of the devices and equipment required to dispense the services;

(5) in the case of a residence where medication distribution or administration services are offered, the procedure for the services set out in the agreement referred to in section 14.1.

The process may include several modules provided that the modules, as a whole, cover the content set out in the second paragraph.

The operator must ensure that all new staff members complete the process or, where applicable, all modules in the process within a reasonable time after beginning work.

The operator must remain available to answer any questions from staff members about the content planned for the process.

A document dated and signed by each new staff member, confirming that the staff member has received and understood the contents of the process provided for in the second paragraph, must be placed in the staff member’s file pursuant to section 58. When the process comprises several modules, a document must be placed in the file for each module.”

28. Section 28 is amended by replacing the first and second paragraphs by the following:

“Every care attendant for personal assistance services must, before beginning work, have successfully completed the following training:

(1) one of the first aid training programs listed in section 1 of Schedule IV;

(2) one of the training programs on the safe movement of persons referred to in section 2 of Schedule IV.

The care attendant must in addition, before beginning work, have obtained an attestation showing the successful completion of the training programs, issued by an organization, educational institution or instructor referred to in Schedule IV.”

29. Section 29 is amended in the first paragraph

(1) by replacing “must, not later than 1 year after beginning work,” in the portion before subparagraph 1 by “for personal assistant services must, before beginning work,”;

(2) by striking out “, acquired over the last 60 months and” in subparagraph *b* of subparagraph 3.

30. Section 31 is amended by replacing “staff on the premises to adequately meet the needs of the residents and the commitments made in their respect in the leases entered into under section 13” in the fourth paragraph by “qualified staff in the residence at all times to adequately provide the services agreed upon and meet the commitments made in the leases entered into with residents”.

31. Section 34 is replaced by the following:

“**34.** The operator of a private seniors’ residence who provides services to the residents through subcontractors or who uses the services of third persons to fill the operator’s needs for personnel, in particular the services of a placement agency, must obtain from the subcontractors or other third persons a guarantee that

(1) the persons that may be chosen to work in the residence have been verified to determine if they have been charged with or convicted of an indictable or other offence for which a pardon has not been obtained;

(2) the verification referred to in subparagraph 1 has been conducted for all Canadian provinces and the results show all such charges or convictions;

(3) they will not permit a person charged with an indictable or other offence relating to the abilities and conduct required for the duties the person may perform in the residence, or having been convicted of such an indictable or other offence, to work in the residence unless, in the case of a conviction, a pardon has been obtained; and

(4) persons selected to work in the residence as care attendants for personal assistance services meet the training requirements set out in sections 28 and 29.

The operator must provide the persons selected to work in residence, as soon as possible after they begin work, with the information they need to provide services safely, including a general description of the fire safety plan and of the procedures referred to in Schedule III. In addition, the operator must, where applicable, bring to their attention the rules on the safe use of devices and equipment for dispensing personal assistance services and the procedures for the distribution and administration of prescription medication to residents.”.

32. Section 36 is amended by replacing the last sentence of the third paragraph by the following: “In the case of a staff member or a volunteer responsible for supervision in the residence, the undertaking must be placed in the file kept for the person pursuant to section 58.”.

33. Section 37 is replaced by the following:

“**37.** The operator of a private seniors’ residence must produce a document containing general information about the residence, written in clear and plain language, to allow it to be distributed and used pursuant to sections 13 and 13.2, containing

(1) a detailed list of the personal services offered by the operator in the following categories: meal services, personal assistance services, nursing care and domestic help services;

(2) the cost of each of the services referred to in subparagraph 1, the period during which the cost applies, and the cost at which the services were offered by the operator over the last 12 months;

(3) the fact that a resident can agree or refuse to include the services listed in subparagraph 1 in the resident’s lease;

(4) the operating rules in the residence and, where applicable, the rules of the congregate residential facility in which it is located;

(5) the conditions for receiving persons with a disability and the limits of the residence’s capacity for receiving such persons;

(6) the fact that the operator cannot supply medication for a resident in any way, even free of charge;

(7) the fact that a resident has a right to select a professional from whom to receive health services or social services;

(8) the fact that a resident has a right to file a complaint with the local service quality and complaints commissioner at the integrated health and social services centre concerned with respect to the services received, or that ought to have been received, from the residence, and to be assisted by the commissioner;

(9) the fact that the resident is responsible for obtaining insurance covering the resident’s personal property and civil liability, if needed; and

(10) the fact that the resident’s wish not to receive cardiopulmonary resuscitation will be respected, taking all the circumstances into account.

In the case of a category 1 or 2 residence, the document referred to in the first paragraph must, in addition, state that the operator does not offer personal assistance services or nursing care services.

The operator must update the document referred to in the first paragraph annually.”

34. The following is inserted after section 38:

“**38.1.** The operator of a private seniors’ residence must allow all service providers selected by residents to have access to the residence at all reasonable times to provide services.”

35. Section 39 is amended by inserting “category 2, 3 or 4” after “a” in the first paragraph.

36. Sections 40 and 41 are revoked.

37. Section 44 is amended

(1) by replacing “concerning the services that the resident received or ought to have received from the residence, directly to the local service quality and complaints commissioner of the integrated health and social services centre concerned” in the first paragraph by “to the local service quality and complaints commissioner at the integrated health and social services centre concerned concerning the services they received or ought to have received from the residence, and to be assisted by the commissioner.”;

(2) by adding “, including the contact information for the local commissioner” at the end of the second paragraph.

38. The following is inserted after section 45:

“**45.1.** The operator of a private seniors’ residence must ensure that the residence and the land on which it is located are maintained in a satisfactory state and must perform all necessary repairs and maintenance quickly to protect residents’ health and safety.

In the case of a residence where personal assistance services are offered, the operator must also ensure that the devices and equipment required to dispense the personal assistance services are maintained in proper operating condition.”

39. Section 46 is replaced by the following:

“**46.** The operator of a private seniors’ residence must perform housekeeping in the residence regularly, in particular in the common areas, in a way that does not compromise residents’ health and safety. The operator must also take the measures necessary to ensure that any flammable, toxic or explosive product is not accessible to residents.”

40. Section 48 is revoked.

41. Section 49 is amended

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

“The operator of a private seniors’ residence cannot supply medication for a resident in any way, even free of charge.”;

(2) by striking out the third paragraph.

42. Section 50 is amended by replacing the first, second and third paragraphs by the following:

“The operator of a private seniors’ residence must disclose any accident involving a resident to that resident and, where applicable, to the resident’s representative. The operator must also, with consent from the resident, disclose the accident to the person to be contacted for that resident in case of emergency. The operator must inform the staff members and persons responsible for supervision in the residence about the rules for disclosure.

The operator of a category 2, 3 or 4 residence must, in addition, establish a procedure for reporting known incidents and accidents that occur in the residence and involve a resident.

The procedure must include, as a minimum,

(1) the keeping of a register to record the names of witnesses, the time and place of the incident or accident, a description of the facts observed, the circumstances of the incident or accident and, where applicable, the immediate consequences for the resident; and

(2) the means used by the operator to prevent the occurrence of other incidents or accidents.

Following an accident, the information in subparagraph 1 of the third paragraph must be filed in the resident’s file kept pursuant to section 57.”

43. Section 51 is amended

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

“The form of and procedure for sending a notice to the integrated centre must be established in the agreement referred to in section 14.1.”;

(2) by replacing “referred to in” in the third paragraph by “kept pursuant to section 57”.

44. Section 52 is revoked.

45. Section 53 is amended by replacing the third paragraph by the following:

“The operator of a category 2, 3 or 4 residence must keep, for verification purposes, a record of the meals served or made available to residents.”

46. Section 54 is amended in the French text by replacing “des catégories” by “de catégorie”.

47. The following is inserted after section 56:

“§2.1. Residence life committee

56.1. The operator of a category 2 or 3 private seniors’ residence comprising more than 99 rental units must establish a residence life committee in accordance with this subdivision. The same applies to the operator of a category 4 residence comprising more than 50 rental units.

Where more than one residence is operated by the same operator in the same congregate residential facility, if the total number of rental units in the residences exceeds 99, the operator must establish one residence life committee for all the residences or one committee for each residence, as decided by the operator.

56.2. A residence life committee comprises 3 to 7 members elected by the residents of a private seniors’ residence. Most of the members must be residents at the residence. However, if it is impossible to have a majority of residents on the committee, the residents may elect any other person of their choice, provided the person is not a staff member or a person responsible for supervision at the residence.

In addition to the rules set out in the first paragraph, the committee in a category 4 residence must include at least one representative of a resident at the residence.

The operator of a residence cannot be a member of a committee the operator is required to establish; the same applies to a shareholder, officer or director of an operator that is a legal person.

56.3. The duties of a residence life committee are to

(1) disseminate information about residents’ rights and obligations;

(2) promote improvements in the quality of residents’ living conditions;

(3) defend the rights and collective interests of residents; and

(4) provide, at the request of a resident, the information needed to file a complaint with the local service quality and complaints commissioner at the integrated health and social services centre concerned, or to submit an application to the Administrative Housing Tribunal.

56.4. The term of the members of the residence life committee cannot exceed 3 years.

56.5. The operator must promote the proper operation of the committee and inform residents in writing of its existence. The operator must also allow the committee to use a room for its activities and give it the possibility of keeping its records in a confidential manner.

56.6. The residence life committee defines its operating rules, including the frequency of its meetings.”

48. Section 57 is amended

(1) by inserting the following after subparagraph 5 of the first paragraph:

“(6) where applicable, any document dated and signed by the resident in which the resident expresses his or her wish not to receive cardiopulmonary resuscitation.”;

(2) by replacing in the French text “des catégories 2, 3 ou 4” in the portion of the second paragraph before subparagraph 1 by “de catégorie 2, 3 ou 4”;

(3) in the third paragraph

(a) by striking out “private seniors” in the portion before subparagraph 1;

(b) by inserting the following after subparagraph 1:

“(1.1) the result of an identification of a resident’s loss of autonomy or an assessment of a resident’s autonomy carried out in accordance with section 13.6.”;

(c) by replacing “second and third paragraph” in subparagraph 2 by “third and fourth paragraphs”;

(d) by replacing “under subparagraph 3 of the second” in subparagraph 3 by “in accordance with the first”;

(e) by replacing “third” in subparagraph 4 by “fourth”;

(f) by striking out subparagraph 6;

(4) in the fourth paragraph,

(a) by replacing the portion before subparagraph 1 by “The operator of a category 2, 3 or 4 residence must also include in the file the following documents in accordance with this Regulation, where applicable.”;

(b) by replacing “second” in subparagraph 1 by “third”;

(5) by replacing “1 to 5” in the sixth paragraph by “1 to 6”.

49. Section 58 is amended

(1) by inserting the following after subparagraph 1 of the first paragraph:

“(1.1) any document in which the staff member confirms having received and understood the contents of the reception and job induction process referred to in section 27.1.”;

(2) in the second paragraph

(a) by replacing “residence referred to in the first paragraph of section 17 must also keep a file for each volunteer ensuring supervision pursuant to that paragraph” in the portion before subparagraph 1 by “category 1 residence must also keep a file for each volunteer responsible for supervision”;

(b) by replacing subparagraph 1 by the following:

“(1) proof that the volunteer holds an attestation showing successful completion of one of the training programs referred to in subparagraph 1 of the first paragraph of section 28.”;

50. Section 60 is amended by replacing the second paragraph by the following:

“The operator must keep the file of a resident for at least 5 years after the departure or death of the resident and the file of a staff member or a person responsible for supervision in the residence for at least 5 years after his or her departure from the residence.”.

51. Section 62 is amended by replacing “subparagraph 11” by “subparagraphs 11 and 12”.

52. Section 64 is replaced by the following:

“64. A contravention of the third paragraph of section 8, section 13.1, the first paragraph of section 13.2, sections 13.4 to 14, section 15, the first paragraph of section 16, sections 21 and 21.2, section 22, the first and third paragraphs of section 24, section 27.1, the third paragraph of section 31, the second paragraph of

section 32, the first paragraph of section 33, section 34, the fourth paragraph of section 36, the first paragraph of section 37, sections 38 to 39, section 42, the second paragraph of section 44, the third paragraph of section 45, section 46, the first paragraph of section 50, the first paragraph of section 51, the second and third paragraphs of section 53, sections 54 and 55, the second paragraph of section 56, sections 56.1 and 56.5, the first, second, third, fourth and fifth paragraphs of section 57, section 58 and section 60 constitutes an offence.

A failure by the operator of a private seniors’ residence to ensure compliance with section 13.3, sections 17 to 20, the second and fourth paragraphs of section 24, sections 28 and 29, the first paragraph of section 32, the third paragraph of section 36, the second paragraph of section 37, the first paragraph of section 47, the third paragraph of section 51, the first paragraph of section 56 and of section 59 also constitutes an offence.”.

53. Schedule II is amended

(1) by inserting “or 2” after “category 1” in section 2;

(2) by striking out section 3.

54. Schedule III is amended

(1) in the French text by replacing “tenu en vertu de l’article 57” in paragraphs 3 and 5 of section 1 by “tenu en application de l’article 57”;

(2) by replacing “second” in paragraph 5 of section 3 by “third”.

55. Schedule IV is replaced by the following:

“**SCHEDULE IV**
(s. 28)

1. A first aid training program is a first aid program dispensed by a body referred to in the following subparagraphs:

(1) any body recognized as a provider of first aid training in the workplace by the *Commission des normes, de l’équité, de la santé et de la sécurité du travail*;

(2) any other body providing first aid training of at least 16 hours in compliance with CSA Standard Z1210-17, First aid training for the workplace — Curriculum and quality management for training agencies, of the Canadian Standards Association, including subsequent amendments.

A body identified in one of the subparagraphs of the first paragraph is accredited to issue attestations showing successful completion of a training program referred to in the same subparagraph.

2. A training program on the safe movement of persons is a training program recognized by the *Association paritaire pour la santé et la sécurité du travail du secteur affaires sociales* (ASSTSAS) for the acquisition of the necessary skills, when provided by an instructor accredited by that association or by an educational institution.

The instructor or educational institution referred to in the first paragraph is accredited to issue attestations showing successful completion of the training program referred to in that paragraph.”

TRANSITIONAL AND FINAL

56. A certificate of compliance issued to the operator of a private seniors’ residence before the coming into force of this Regulation remains valid until its expiry even if the category of the residence changes pursuant to section 1 of the Regulation respecting the certification of private seniors’ residence (chapter S-4.2, r. 0.01), replaced by section 1 of this Regulation.

57. The operator of a private seniors’ residence must, not later than 6 months after the coming into force of this Regulation, comply with Division 1.1 of the Regulation respecting the certification of private seniors’ residence (chapter S-4.2, r. 0.01), enacted by section 1 of this Regulation.

58. The operator of a private seniors’ residence must enter into the agreement referred to in section 14.1 of the Regulation respecting the certification of private seniors’ residence (chapter S-4.2, r. 0.01), enacted by section 13 of this Regulation,

(1) not later than 6 months after the coming into force of this Regulation when the agreement concerns a category 1 or 2 residence;

(2) not later than 9 months after the coming into force of this Regulation when the agreement concerns a category 3 or 4 residence.

An agreement entered into by the operator pursuant to section 41 of the Regulation respecting the certification of private seniors’ residence, as it read before the coming into force of this Regulation, ceases to have effect from the coming into force of the agreement referred to in section 14.1 of that Regulation, enacted by section 13 of this Regulation.

59. Section 26 of the Regulation respecting the certification of private seniors’ residence (chapter S-4.2, r. 0.01), as it read before the coming into force of this Regulation, continues to apply until the coming into force of the agreement referred to in section 14.1 of that Regulation, enacted by section 13 of this Regulation.

60. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except

(1) paragraph 2 of section 15, replacing the second paragraph of section 16 of the Regulation respecting the certification of private seniors’ residence (chapter S-4.2, r. 0.01), which comes into force 1 year after the coming into force of this Regulation;

(2) section 21, enacting section 21.1 of the Regulation respecting the certification of private seniors’ residence, which comes into force 30 days after the coming into force of this Regulation;

(3) paragraph 1 of section 24,

(a) insofar as it enacts the second paragraph of section 24 of the Regulation respecting the certification of private seniors’ residence, which comes into force 90 days after the coming into force of this Regulation;

(b) insofar as it amends the first paragraph of section 24 of the Regulation respecting the certification of private seniors’ residence, which comes into force 1 year after the coming into force of this Regulation;

(4) section 28, removing the maximum period of one year after beginning work during which a care attendant can complete the training referred to in the first paragraph of section 28 of the Regulation respecting the certification of private seniors’ residence, which comes into force 1 year after the coming into force of this Regulation;

(5) paragraph 1 of section 29, amending the portion of the first paragraph of section 29 of the Regulation respecting the certification of private seniors’ residence before subparagraph 1, which comes into force 1 year after the coming into force of this Regulation;

(6) section 47, enacting subdivision 2.1 of Division IV of Chapter II of the Regulation respecting the certification of private seniors’ residence, which comes into force 2 years after the coming into force of this Regulation.

105666

Draft Regulation

Educational Childcare Act
(chapter S-4.1.1)

Educational childcare — 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 Educational Childcare Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Educational Childcare Regulation (chapter S-4.1.1, r. 2) to update certain standards related to the provision of childcare, mainly with respect to home childcare providers. It eases in particular certain conditions for the recognition of those providers and certain terms and conditions of the carrying out and monitoring of their activities.

The draft Regulation also introduces a new division on night services for all childcare providers and amends other standards in particular on outdoor activities, the use of electronic devices and the layout of play areas.

The proposed amendments should result in savings of 0.1 million dollars during the implementation period and recurring savings of 2.6 million dollars per year for enterprises.

Further information on the draft Regulation may be obtained by contacting Daniel Lavigne, coordinator, Direction de l'encadrement du réseau et de la qualité des services, Ministère de la Famille, 600, rue Fullum, 6^e étage, Montréal (Québec) H2K 4S7; telephone: 514 873-7200, extension 6111; email: daniel.lavigne@mfa.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Danielle Dubé, Assistant Deputy Minister, Sous-ministériat à la main-d'œuvre et à l'encadrement du réseau, Ministère de la Famille, 425, rue Jacques-Parizeau, 4^e étage, Québec (Québec) G1R 4Z1.

MATHIEU LACOMBE
Minister of Families

Regulation to amend the Educational Childcare Regulation

Educational Childcare Act
(chapter S-4.1.1, s. 106, 1st par., subpars. 4, 5, 11 to 15,
21 to 24, 27.1, 29.1, 29.2, 30 and 31)

1. The Educational Childcare Regulation (chapter S-4.1.1, r. 2) is amended in section 21 by adding the following paragraph at the end:

“The permit holder must ensure that the same ratios are complied with when the children take part in an outing or an activity elsewhere than in the holder’s facility.”

2. Section 32 is amended

(1) by replacing “a window that remains unobstructed at all times through which the children may be viewed” in paragraph 1 by “at least one window that remains unobstructed at all times and allows a full view of the play area”;

(2) by replacing paragraph 2 by the following:

“(2) if the play area is situated in part below ground level, all the bases of the windows referred to in paragraph 6 must be not more than 1.20 m from the floor and be situated entirely above ground level.”

3. Section 34 is amended by replacing “wired” in paragraph 2 by “working”.

4. Section 39 is amended by replacing “delimited by a fence and accessible during the hours of childcare” in subparagraph 2 of the first paragraph by “accessible during the hours of childcare and, subject to section 39.2, delimited by a fence”.

5. The following is inserted after section 39.1:

“**39.2.** A permit holder who, in accordance with subparagraph 2 of the first paragraph of section 39, has an outdoor children’s play space in a public park is exempted from the requirement that the space be delimited by a fence if, during its use, the permit holder ensures that the children are accompanied by at least 2 childcare staff members.”

6. Section 48.1 is amended by adding “, except the notices of contravention, complaints, follow-up documents and reports concerning the home childcare provider, which are destroyed 6 years after the end of their processing” at the end.

7. Section 51 is amended

(1) by replacing “communicate and establish a friendly relationship” in paragraph 3 by “establish meaningful relationships”;

(2) by replacing “leading and supervising children’s activities” in paragraph 7 by “accompanying and supporting the children in their games and explorations”.

8. Section 54 is amended

(1) by replacing “a friendly relationship” in paragraph 2 by “meaningful relationships”;

(2) by inserting the following after paragraph 2:

“(2.1) be able to help the home childcare provider in the implementation of the educational program;”

9. Section 54.1 is amended

(1) by striking out “and information” in the portion before subparagraph 1 of the first paragraph;

(2) by striking out subparagraphs 2 to 4 of the first paragraph.

10. Section 58 is replaced by the following:

“**58.** The home childcare provider must ensure that the assistant, unless the latter holds the qualification referred to in section 22, has completed at least 12 hours of child development training.

If the assistant, on beginning employment, has not successfully completed the training referred to in the first paragraph, the home childcare provider must ensure that it is completed not later than 6 months after the assistant begins employment.”

11. Section 59 is replaced by the following:

“**59.** The home childcare provider must take 12 hours of refresher training per 2-year reference period, which period starts on 1 April of every odd year.

The hours of training provided for in the first paragraph must be on the topics listed in subparagraphs 1 to 4 of the first paragraph of section 57, including at least 6 hours on child development and the educational program provided for in the Act. A first aid course or the training on food hygiene and safety required by the Regulation respecting food (chapter P-29, r. 1) may not be considered as refresher training.

A home childcare provider who is newly recognized during a reference period is exempted from having to take refresher training during that period.

A home childcare provider whose recognition is suspended during a reference period and whose suspension ends during the same period must, at the end of the reference period, establish having taken refresher training during that period in proportion to the number of full months during which the recognition was not suspended.

If the suspension extends over 2 reference periods, a home childcare provider whose recognition is suspended must, at the end of the suspension, establish having taken refresher training during the expired reference period in proportion to the number of full months during which the recognition was not suspended during that period.”

12. Section 60 is amended

(1) by replacing “physician’s or specialized nurse practitioner’s certificate” in paragraph 4 by “declaration signed by the applicant”;

(2) by striking out paragraph 5.

13. Section 64.1 is amended by replacing “new medical certificate meeting the requirements of paragraph 4 of section 60” by “physician’s or specialized nurse practitioner’s certificate attesting that the provider has the physical and mental health necessary to provide childcare”.

14. Section 68 is amended by replacing “60 days” in the second paragraph by “90 days”.

15. Section 73 is amended by replacing the first two paragraphs by the following:

“The coordinating office must, before renewing recognition, interview the home childcare provider and each person over 14 years of age residing in the residence where the childcare is provided who has not already been interviewed under this Regulation.

The coordinating office must also, after making an appointment, visit the residence while childcare is being provided to verify the premises and equipment used to provide childcare services so as to ensure that they are safe and suitable in light, in particular, of the number and age of the children. It must also ensure compliance with the Act and the regulations, in particular compliance with the conditions of recognition.”

16. Section 79 is amended

(1) by striking out “by reason of an illness, a pregnancy or the birth or adoption of a child” in the first paragraph;

(2) by striking out “or, in a case of illness, for the period determined in the medical attestation” in the third paragraph.

17. Sections 79.1 and 79.2 are replaced by the following:

“**79.1.** The suspension of recognition under section 79 cannot exceed 24 months, except in the case of a preventive withdrawal or an illness or in order to enable the home childcare provider to take part in the negotiations or association activities provided for in the Act respecting the representation of certain home childcare providers and the negotiation process for their group agreements (chapter R-24.0.1).”

18. Section 79.3 is amended by replacing “sections 79 and 79.2” by “section 79”.**19.** Section 80 is amended

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

“Within 30 days of the date scheduled for resumption of the operations of the home childcare provider whose recognition has been suspended, the home childcare provider must provide the coordinating office with a declaration attesting to the changes or lack of changes that may affect the terms and conditions of the recognition.”;

(2) by inserting the following at the beginning of the second paragraph: “Failing production of the declaration or if changes have occurred, the coordinating office must interview the provider and verify the elements listed in section 73 in the manner provided for in that section, with the necessary modifications.”.

20. Section 82.2 is amended

(1) by striking out “and information” in the portion before subparagraph 1 of the first paragraph;

(2) by striking out subparagraphs 2 to 4 of the first paragraph.

21. Section 91 is amended by replacing “a telephone, other than a cellphone” in paragraph 1 by “an accessible working telephone”.**22.** Section 93 is amended by striking out the second sentence of the first paragraph.**23.** Section 100 is amended by adding “or when they take part in an outdoor activity or an outing” at the end.**24.** Section 101 is amended

(1) by replacing “near the telephone provided for in section 34 or 91, as the case may be” in the portion before subparagraph 1 of the first paragraph by “, in a conspicuous and accessible place”;

(2) by replacing “close to the telephone” in the portion before subparagraph 1 of the second paragraph by “in an accessible place”.

25. Section 114 is replaced by the following:

“**114.** A childcare provider must ensure that the children are taken outdoors at least 60 minutes every day to a safe place where they can be supervised, unless there are conditions that compromise the children’s health, safety or well-being.”.

26. Section 115 is replaced by the following:

“**115.** A childcare provider may make available to children a television, computer, tablet computer or any other audiovisual equipment only if its use is part of the educational program and occurs sporadically, without exceeding 30 minutes in a same day. Their use is however prohibited for children under 2 years of age.”.

27. Section 121.1 is amended by replacing the third paragraph by the following:

“A home childcare provider and any assistant or, in their absence, the replacement referred to in section 81 may administer medication to a child receiving childcare.”.

28. Section 121.7 is amended by replacing the third paragraph by the following:

“A home childcare provider and any assistant or, in their absence, the replacement referred to in section 81 may apply insect repellent to a child receiving childcare.”.

29. Section 123 is amended by replacing “4 weeks” in the second paragraph by “4 weeks if the child is receiving childcare from a permit holder or every 2 weeks if the child is receiving childcare from a home childcare provider”.

30. The following is inserted after Division 123.0.7:

**“DIVISION V
CHILDCARE AT NIGHT**

123.0.8. This section applies to a childcare provider who provides childcare to a child who is put to bed for the night or part of the night.

123.0.9. With respect to a child who receives childcare at night in accordance with this Division, the childcare provider is exempted from the application of the first paragraph of section 23, section 24, the first paragraph of section 36 and sections 93, 100 and 114 when the child is in bed or preparing for bed. In addition, the educational program does not apply during sleep and the provisions of the child’s education record do not apply to a child who is only receiving childcare during sleep, the immediate preparation for sleep and wake time.

Despite the first paragraph, the following standards apply to a childcare provider referred to in this Division:

(1) a permit holder must ensure that at least 1 childcare staff member out of 3 is qualified and present each night with the children while childcare is provided;

(2) at least 2 childcare staff members must be present in the facility of a permit holder;

(3) the childcare provider must have, for each child under 18 months of age, a crib with posts and slats as defined in section 37 and, for each of the other children accommodated, a bed;

(4) the childcare provider must provide the bedding to cover each child that must be used only by that child until the bedding is washed, unless the parent wishes, on the parent’s own initiative, to provide bedding which the provider considers appropriate and safe;

(5) the childcare provider must ensure that the children are under constant auditory supervision and under periodical visual supervision every 30 minutes or less.”

31. Section 123.1 is amended

(1) by replacing “and 123.0.1 to 123.0.7” in the first paragraph by “, 123.0.1 to 123.0.7 and 123.0.9”;

(2) by replacing the second paragraph by the following:

“The amount of the administrative penalty is \$500 in the case of a natural person and \$1,000 in other cases.”

32. Section 124 is amended by replacing “40 to 43, 98 to 123, 123.0.2, 123.0.6 and 123.0.7” by “39.2 to 43, 98 to 123, 123.0.2, 123.0.6, 123.0.7 and 123.0.9”.

33. The following is inserted after section 135:

“135.1. The holder of a permit issued before (*insert the date of coming into force of this Regulation*) is exempted from the requirement prescribed by paragraph 1 of section 32 to the extent that the play area referred to in that section is equipped with a window that remains unobstructed at all times through which the play area may be viewed. The permit holder is also exempted from the requirement prescribed by paragraph 2 of section 32 to the extent that the play area referred to in that section has, on average, at least half of its floor/ceiling height above ground level.

The same applies for a permit holder whose plans for the premises of a facility were approved by the Minister before that date in accordance with sections 18 and 19 of the Act, provided a permit is issued.

The exemptions referred to in the first and second paragraphs remain valid until changes to the structures covered by the exemptions require the approval of new plans, in accordance with sections 18 and 19 of the Act, and the work covered by the plans has been carried out.”

34. Schedule II is amended

(1) by inserting “, and assistant” after “home childcare provider” in the PROTOCOL FOR ADMINISTERING ACETAMINOPHEN TO TREAT FEVER under the heading AUTHORIZATION FORM FOR THE ADMINISTRATION OF ACETAMINOPHEN;

(2) by inserting “, and assistant” after “a home childcare provider” in the PROTOCOL FOR APPLYING INSECT REPELLENT under the heading AUTHORIZATION FORM FOR THE APPLICATION OF INSECT REPELLENT.

TRANSITIONAL AND FINAL

35. A person who, on 31 March 2023, has completed the hours of refresher training provided for in section 59 of the Educational Childcare Regulation (chapter S-4.1.1, r. 2), as it read on that date, during the previous annual period applicable may deduct the hours from the number of hours the person must complete during the reference period provided for in section 59 of that Regulation, as it reads as of 1 April 2023.

36. A coordinating office that, on (*insert the date of coming into force of sections 16 to 19 of this Regulation*), has not yet ruled on an application for the suspension of recognition made by a home childcare provided must render its decision under sections 79 to 80 of the Educational Childcare Regulation (chapter S-4.1.1, r. 2), as amended by sections 16 to 19 of this Regulation.

37. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except section 10, which comes into force on 1 April 2023.

105675

Draft Regulation

Act respecting the determination of the causes and circumstances of death
(chapter R-0.2)

Financial assistance that may be granted to members of a deceased person's family to cover expenses incurred for legal assistance and representation during certain inquests by a coroner

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the financial assistance that may be granted to members of a deceased person's family to cover expenses incurred for legal assistance and representation during certain inquests by a coroner, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the eligibility requirements that a member of a deceased person's family must comply with to be granted financial assistance by the Chief Coroner to cover expenses incurred for legal assistance and representation during a coroner's inquest following an independent investigation conducted by the Bureau des enquêtes indépendantes in accordance with section 289.1 of the Police Act (chapter P-13.1).

The draft Regulation prescribes the time for making the application and specifies its content, as well as the documentary evidence that must accompany it.

Lastly, the draft Regulation determines the amounts and the terms and conditions of payment of the financial assistance that may be granted to an eligible member of a deceased person's family.

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

Further information on the draft Regulation may be obtained by contacting Véronyck Fontaine, Secretary General, Ministère de la Sécurité publique, Tour des Laurentides, 5^e étage, 2525, boulevard Laurier, Québec (Québec) G1V 2L2; email: veronyck.fontaine@msp.gouv.qc.ca; fax: 418 643-3500.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Véronyck Fontaine at the above contact information.

GENEVIÈVE GUILBAULT
Minister of Public Security

Regulation respecting the financial assistance that may be granted to members of a deceased person's family to cover expenses incurred for legal assistance and representation during certain inquests by a coroner

Act respecting the determination of the causes and circumstances of death
(chapter R-0.2, s. 168.1)

CHAPTER I ELIGIBILITY REQUIREMENTS

1. A member of the deceased person's family who has been recognized, under section 136 of the Act respecting the determination of the causes and circumstances of death (chapter R-0.2), as an interested person by the coroner conducting the inquest is eligible for financial assistance.

For the purposes of this Regulation, the spouse of the deceased person, the children of the deceased person or the deceased person's spouse, the parent of the deceased person or the persons acting in their stead, the brothers and sisters of the deceased person, and the person who had custody of the deceased person under a court judgment, except a foster family within the meaning of the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5), are members of the deceased person's family.

2. A member of the family who is eligible for the legal aid system established under the Act respecting legal aid and the provision of certain other legal services (chapter A-14) is not eligible for the financial assistance provided for in this Regulation.

3. Only 1 member of the deceased person's family may obtain financial assistance for the inquest conducted by the coroner.

Another member of the family may be declared eligible if they establish to the coroner's satisfaction that their interests and those of the member of the family who has been declared eligible for financial assistance are divergent, opposed or irreconcilable.

CHAPTER II APPLICATION FOR FINANCIAL ASSISTANCE

4. A member of the family who wishes to obtain financial assistance must apply to the Chief Coroner, before the end of the inquest, using the form prescribed for that purpose. The application must contain in particular a brief description of the legal assistance and representation required, as well as relevant grounds in support of the application.

The application must be accompanied by proof that the applicant is a member of the deceased person's family and that the applicant meets the other eligibility requirements provided for in this Regulation. Where applicable, the application is accompanied by other supporting documents that is relevant or required by the Chief Coroner.

5. On receiving an application for financial assistance, the Chief Coroner informs the coroner conducting the inquest and provides the coroner with the relevant information to make a recommendation.

If the Chief Coroner has already declared another member of the deceased person's family eligible for financial assistance for the same inquest, the Chief Coroner informs the applicant, who may provide any information to demonstrate eligibility for financial assistance under the second paragraph of section 3. The recommendation of the coroner conducting the inquest must then cover the existence or absence of divergent, opposed or irreconcilable interests between the applicant and the member of the family who has been declared eligible for financial assistance.

6. After analysis of the application for financial assistance, on the recommendation of the coroner conducting the inquest, the Chief Coroner informs the applicant of

the decision in writing and, if the applicant is eligible, indicates the legal assistance and representation that may be reimbursed under Chapter III.

CHAPTER III AMOUNTS AND TERMS AND CONDITIONS OF PAYMENT OF THE FINANCIAL ASSISTANCE

7. An eligible member of the family is entitled, up to an amount of \$20,000 per inquest, to the reimbursement of the following expenses incurred for legal assistance and representation:

(1) to the extent provided for in section 9, advocate fees related to the preparation of the inquest, including the interviews with witnesses and the visit to the place of death, and the advocate's participation in the inquest or a meeting requested by the coroner conducting the inquest or the Chief Coroner;

(2) the expenses for service by bailiff and notification by registered mail;

(3) expert fees;

(4) the reasonable expenses of an advocate, including the cost of reproducing documents, travel, meals, and other expenses for participating in a coroner's inquest.

An advocate referred to in subparagraphs 1 and 4 of the first paragraph must be a member of the Barreau du Québec or be legally authorized to practise in Québec.

8. No financial assistance may be granted for fees, costs and other expenses that are, as the case may be,

(1) related to the negotiation of the service contract between the advocate and the member of the family;

(2) related to secretarial work or time spent on travel and meals;

(3) related to representations for obtaining the status of interested person;

(4) incurred as part of judicial proceedings that may result from the direction and decisions of the coroner conducting the inquest; or

(5) incurred to contest the decision of the Chief Coroner on an application for financial assistance filed under this Regulation.

9. An eligible member of the family may obtain the amount provided for in subparagraph 1 of the second paragraph of section 3 of the Agreement dated 4 December 2020 between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates under the legal aid plan and the dispute settlement procedure (chapter A-14, r. 5.1.1) to reimburse advocate fees for each period of work carried out, the number of periods of preparation being limited to 1 per day of hearing during the inquest.

A work period is a period of preparation, a period of participation in a meeting called by the coroner conducting the inquest or by the Chief Coroner, or a hearing period. A day comprises a maximum of 3 work periods, 1 in the morning, 1 in the afternoon and 1 in the evening; morning ends at 1:00 p.m. and evening starts at 6:00 p.m.

10. The eligible member of the family sends to the Chief Coroner an application for reimbursement accompanied by the supporting documents detailing the fees paid and establishing their payment where the fees are at least \$2,000 and, subsequently, for each additional \$2,000, except the last application for reimbursement, which may be for a lesser amount.

11. After analysis of the application for reimbursement, the Chief Coroner determines the amount that may be reimbursed to the member of the family and makes the payment within 30 days.

CHAPTER IV TRANSITIONAL AND FINAL

12. Despite section 4, a member of the family who wishes to obtain financial assistance for the reimbursement of expenses incurred during a coroner's inquest that has ended may, if the inquest was held after 1 January 2020 and before (*insert the date of coming into force of this Regulation*), apply to the Chief Coroner in accordance with this Regulation within 2 years following the end of the inquest.

In addition, the application must specify any amount paid as part of the inquest, to the benefit of a member of the deceased person's family, for the payment or reimbursement of expenses incurred for legal assistance and representation. The maximum amount that may be granted under this Regulation must be reduced by that amount.

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

105672

Draft Regulation

Individual and Family Assistance Act
(chapter A-13.1.1)

Individual and family assistance — 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 Individual and Family Assistance Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation makes various amendments to last resort financial assistance programs and to the Aim for Employment Program. In that regard, the draft Regulation increases the exclusion of child support income, the reimbursement rate for transportation provided by a volunteer driver for medical purposes, and the amount of the participation allowance under the Aim for Employment Program. It also adjusts the amounts of the special benefits granted to cover the cost of liquid concentrate infant formulas. Lastly, it modifies the periods for the calculation of support arrears.

The draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting France Edma, Direction des politiques d'assistance sociale, Ministère du Travail, de l'Emploi et de la Solidarité sociale, 425, rue Jacques-Parizeau, 4^e étage, Québec (Québec) G1R 4Z1; telephone: 418 809-7259; email: france.edma@mtess.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 Labour, Employment and Social Solidarity, 425, rue Jacques-Parizeau, 4^e étage, Québec (Québec) G1R 4Z1; email: ministre@mtess.gouv.qc.ca.

JEAN BOULET

Minister of Labour, Employment and Social Solidarity

Regulation to amend the Individual and Family Assistance Regulation

Individual and Family Assistance Act
(chapter A-13.1.1, s. 132, pars. 8, 10 and 11,
and s. 133.1, pars. 6 and 7)

1. The Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1) is amended in section 89 by replacing “\$0.465” in the third paragraph by “\$0.54”.

2. Section 111 is amended by replacing “\$350” in paragraph 21 by “\$500”.

3. Section 121 is amended by replacing subparagraphs 1 to 3 of the first paragraph by the following:

- “(1) over any period after 31 March 2023;
- (2) over any period after 30 September 2019;
- (3) over any period after 28 February 2011;
- (4) over any period after 30 November 2005;
- (5) over any period after 30 April 1998.”.

4. Section 177.1 is amended by inserting the following after subparagraph 9 of the third paragraph:

“(9.1) the amounts referred to in the second paragraph of section 104;”.

5. Section 177.29 is amended by replacing “\$350” in paragraph 19 by “\$500”.

6. Section 177.36 is amended by replacing “\$38” in the third paragraph by “\$70”.

7. This Regulation comes into force on 1 April 2023, except sections 1 and 6, which come into force on 1 August 2022, and section 4, which comes into force on 1 January 2023.

105674

Draft Regulation

Residential Swimming Pool Safety Act
(chapter S-3.1.02)

Residential Swimming Pool Safety — 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 Residential Swimming Pool Safety Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the date as of which the Residential Swimming Pool Safety Regulation (chapter S-3.1.02, r. 1) will be applicable to certain pools.

Further information on the draft Regulation may be obtained by contacting Ghislain Brisson, policy advisor, Direction des orientations et de la gouvernance municipales, Ministère des Affaires municipales et de l’Habitation, 10, rue Pierre-Olivier-Chauveau, 3^e étage, Québec (Québec) G1R 4J3; telephone: 418 691-2015, extension 83196; email: ghislain.brisson@mamh.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Ghislain Brisson at the above contact information.

ANDRÉE LAFOREST

Minister of Municipal Affairs and Housing

Regulation to amend the Residential Swimming Pool Safety Regulation

Residential Swimming Pool Safety Act
(chapter S-3.1.02, s. 1)

1. The Residential Swimming Pool Safety Regulation (chapter S-3.1.02, r. 1) is amended in section 10 by replacing “1 July 2023” in the second paragraph by “30 September 2025”.

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

105673

Draft Regulation

Act respecting the conservation and development
of wildlife
(chapter C-61.1)

Scale of fees and duties related to the development of wildlife — 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 respecting the scale of fees and duties related to the development of wildlife, appearing below, may be made by the Minister of Forests, Wildlife and Parks on the expiry of 45 days following this publication.

The draft Regulation amends the Regulation respecting the scale of fees and duties related to the development of wildlife (chapter C-61.1, r. 32) in order to

set the fees payable for the registration of animals with the person, partnership or association that the Minister has authorized under section 56.1 of the Act respecting the conservation and development of wildlife (chapter C-61.1).

The amount of fees payable provided for in the draft Regulation comes from two provisions that are revoked by the draft Regulation to amend the Regulation respecting hunting activities and the draft Regulation to amend the Regulation respecting trapping and the fur trade.

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

Further information on the draft Regulation may be obtained by contacting Gaétan Roy, analyst, regulation of hunting and trapping, Service des affaires législatives fauniques, Direction de la conservation des habitats, des affaires législatives et des territoires fauniques, Ministère des Forêts, de la Faune et des Parcs, 880, chemin Sainte-Foy, 2^e étage, Québec (Québec) G1S 4X4; telephone: 418 627-8691, extension 707394; email: gaetan.roy@mffp.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Julie Bissonnette, Associate Deputy Minister for Wildlife and Parks, Ministère des Forêts, de la Faune et des Parcs, 880, chemin Sainte-Foy, RC-120, Québec (Québec) G1S 4X4.

PIERRE DUFOUR

Minister of Forests, Wildlife and Parks

Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife

Act respecting the conservation and development of wildlife
(chapter C-61.1, s. 163, 1st par., subpar. 5.1)

1. The Regulation respecting the scale of fees and duties related to the development of wildlife (chapter C-61.1, r. 32) is amended by inserting the following after the heading of Division VI.1:

“**14.1.** The fees payable for the registration of white-tailed deer, moose, black bear or wild turkey with the person, partnership or association that the Minister has authorized under section 56.1 of the Act respecting the conservation and development of wildlife (chapter C-61.1) are \$7.39.”

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

105667