



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 54
(2015, chapter 35)

An Act to improve the legal situation of animals

Introduced 5 June 2015
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EXPLANATORY NOTES

This Act introduces various amendments to improve the legal situation of animals.

The Civil Code of Québec is amended to explicitly provide that animals are sentient beings and not things.

The Animal Welfare and Safety Act is enacted, its purpose being to establish various rules to provide proper protection for domestic animals and certain wild animals. To that end, the owner or custodian of an animal must ensure that the animal receives care that is consistent with its biological needs. The new Act also prohibits a series of acts in connection with, in particular, the transport of animals and training animals to fight. In addition, it introduces the obligation for certain animal owners or custodians to hold a permit issued by the Minister of Agriculture, Fisheries and Food, and measures for providing assistance to animals in distress, such as powers relating to inspections, orders, seizures and confiscations. Lastly, it determines the penal provisions applicable when its provisions are contravened.

LEGISLATION AMENDED BY THIS ACT:

- Civil Code of Québec.

LEGISLATION ENACTED BY THIS ACT:

- Animal Welfare and Safety Act (2015, chapter 35, section 7).

LEGISLATION AMENDED BY THE LEGISLATION ENACTED BY THIS ACT:

- Code of Civil Procedure (chapter C-25.01);
- Act respecting administrative justice (chapter J-3);

- Act respecting La Financière agricole du Québec (chapter L-0.1);
- Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14);
- Animal Health Protection Act (chapter P-42);
- Environment Quality Act (chapter Q-2).

REGULATION AMENDED BY THE LEGISLATION ENACTED BY THIS ACT:

- Regulation respecting animals in captivity (chapter C-61.1, r. 5).

REGULATION REPEALED BY THE LEGISLATION ENACTED BY THIS ACT:

- Regulation respecting the animal species or categories designated under Division IV.1.1 of the Animal Health Protection Act (chapter P-42, r. 6).

Bill 54

AN ACT TO IMPROVE THE LEGAL SITUATION OF ANIMALS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PART I

AMENDMENTS TO THE CIVIL CODE OF QUÉBEC

1. The Civil Code of Québec is amended by adding the following after the heading of Book Four:

“GENERAL PROVISION

“898.1. Animals are not things. They are sentient beings and have biological needs.

In addition to the provisions of special Acts which protect animals, the provisions of this Code and of any other Act concerning property nonetheless apply to animals.”

2. Article 905 of the Code is replaced by the following article:

“905. Things which can be moved are movables.”

3. Article 910 of the Code is amended by replacing the second paragraph by the following paragraph:

“Fruits comprise things spontaneously produced by property or produced by the cultivation or working of land. Fruits also comprise the increase of animals and that which they produce.”

4. Article 934 of the Code is amended by replacing the first paragraph by the following paragraph:

“934. Things without an owner are things that belong to no one or that have been abandoned.”

5. Article 989 of the Code is amended

(1) by replacing “is carried or strays onto the land of another” in the first paragraph by “ends up on the land of another”;

(2) by striking out “, whether object or animal,” in the second paragraph.

6. Article 1161 of the Code is amended by replacing “the property” in the first paragraph by “the herd or flock”.

PART II

ENACTMENT OF THE ANIMAL WELFARE AND SAFETY ACT

7. The Animal Welfare and Safety Act, the text of which appears in this Part, is enacted.

“ANIMAL WELFARE AND SAFETY ACT

“AS the condition of animals has become a social concern;

“AS animals contribute to the quality of life in Québec society;

“AS the human species has an individual and collective responsibility to ensure animal welfare and safety;

“AS animals are sentient beings that have biological needs;

“AS the State considers it essential to intervene in order to establish an effective legal and administrative regime to ensure animal welfare and safety;

“THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

“CHAPTER I

“OBJECT AND SCOPE

“1. The purpose of this Act is to establish rules to ensure the protection of animals with a view to guaranteeing their welfare and safety throughout their lives.

For the purposes of this Act,

(1) “animal”, used alone, means

(a) a domestic animal, being an animal of a species or a breed that has been chosen by man to meet certain needs, such as cats, dogs, rabbits, cattle, horses, pigs, sheep, goats and chickens, and their hybrids;

(b) red foxes and American mink kept in captivity for breeding purposes with a view to dealing in fur, as well as any other animals or fish, within the meaning of the Act respecting the conservation and development of wildlife (chapter C-61.1), that are kept in captivity for breeding purposes with a view

to dealing in fur or in meat or other food products, and that are designated by regulation;

(c) any other animal to which the Act respecting the conservation and development of wildlife does not apply and that is designated by regulation;

(2) “companion animal” means a domestic or wild animal living with a human, in particular in their home, as a companion and for enjoyment purposes;

(3) “equine” means a domestic donkey, a miniature donkey, a domestic horse, a mule, a pony or a miniature horse;

(4) “animal care expenses” means the costs incurred to seize an animal or to take an abandoned animal or an animal that is the subject of an order into care, including the costs incurred to provide veterinary care, treatment and medication, and to transport, slaughter, euthanize or dispose of the animal;

(5) “biological needs” means the basic physical, physiological and behavioural needs related to such factors as the animal’s species, race, age, stage of growth, size, level of physical or physiological activity, sociability with humans and other animals, cognitive abilities and state of health and those related to the animal’s capacity to adapt to the cold or heat or to bad weather;

(6) “inspector” means a veterinary surgeon, an agrologist, an analyst or any other person appointed by the Minister under section 35;

(7) “judge”, used alone, means a judge of the Court of Québec or of a municipal court or a presiding justice of the peace; and

(8) “person” means a natural person, a legal person, a partnership or an association without legal personality.

“2. The rules governing the welfare and safety of wild animals that are companion animals are set out in the Act respecting the conservation and development of wildlife and the regulations.

However, an inspector may see to the enforcement of those rules and exercise, with respect to such animals, the powers conferred on inspectors by this Act.

“3. The Government may, by regulation, on the conditions and in the manner it determines, exempt a person, an animal species or breed, a type of activity or establishment or a geographical region it determines from the application of all or part of this Act or the regulations.

“4. Any provision of an Act granting a power to a municipality and any provision of a by-law made by a municipality that is inconsistent with a provision of this Act or the regulations is inoperative.

The same applies to any provision of the standards or codes of practice compliance with which is made mandatory by the Government under paragraph 3 of section 64.

“CHAPTER II

“OBLIGATIONS OF CARE AND PROHIBITED ACTS

“5. The owner or custodian of an animal must ensure that the animal’s welfare and safety are not compromised. An animal’s welfare or safety is presumed to be compromised if the animal does not receive care that is consistent with its biological needs. Such care includes but is not limited to ensuring that the animal

(1) has access to drinking water and food of acceptable quality in sufficient quantity;

(2) is kept in a suitable place that is sanitary and clean with sufficient space and lighting and the layout or use of whose facilities are not likely to affect the animal’s welfare or safety;

(3) is allowed an opportunity for adequate exercise;

(4) is provided with the necessary protection from excessive heat or cold and from bad weather;

(5) is transported in a suitable manner in an appropriate vehicle;

(6) is provided with the necessary care when injured, ill or suffering; and

(7) is not subjected to abuse or mistreatment that may affect its health.

For the purposes of subparagraph 1 of the first paragraph, snow and ice are not water.

“6. A person may not, by an act or omission, cause an animal to be in distress.

For the purposes of this Act, an animal is in distress if

(1) it is subjected to conditions that, unless immediately alleviated, will cause the animal death or serious harm;

(2) it is subjected to conditions that cause the animal to suffer acute pain;
or

(3) it is exposed to conditions that cause the animal extreme anxiety or suffering.

“7. Sections 5 and 6 do not apply in the case of agricultural activities, veterinary medicine activities, teaching activities or scientific research activities carried on in accordance with generally recognized rules.

Agricultural activities include, in particular, the slaughter or euthanasia of animals and the use of animals for agricultural purposes or at agricultural exhibitions or fairs.

“8. The owner or custodian of a cat, a dog, an equine or any other animal determined by regulation must provide the animal with the stimulation, socialization and environmental enrichment that are consistent with its biological needs.

“9. No person may train an animal to fight another animal.

No person may own equipment or structures used in animal fights or used in training animals to fight. No person may have any such equipment or structures in their possession.

No owner or custodian of an animal may permit the animal to fight another animal or tolerate that the animal fight another animal.

“10. No person may load or transport an animal or allow an animal to be loaded or transported in a vehicle if, in particular by reason of infirmity, illness, injury or fatigue, the animal would suffer unduly during transport.

However, a person may load and transport an animal described in the first paragraph to take it to a veterinary establishment or the nearest suitable place so that it may promptly receive the care required, provided no needless suffering is inflicted on it in doing so.

“11. No person may unload an animal of the bovine, equine, porcine, ovine or caprine species or allow such an animal to be unloaded from a vehicle at an auction or at an animal assembling station if, in particular by reason of infirmity, illness, injury or fatigue, the animal is unable to stand or is suffering unduly.

Likewise, no person may accept such an animal or allow such an animal to be accepted at an establishment for the auction of animals or an animal assembling station for the same purposes.

The operator of premises referred to in the second paragraph must promptly inform the Minister that an animal referred to in the first paragraph was not accepted and provide any information that the Minister requests on the matter.

For the purposes of this section, “animal assembling station” means premises where animals are assembled for shipment, by any means of transportation, to other premises.

“12. When an animal is to be slaughtered or euthanized, its owner or custodian or the person who is to perform the act must ensure that the circumstances and the method used are not cruel and cause the animal a minimum of pain and anxiety. The method used must result in rapid loss of sensibility, followed by a quick death. The method must ensure that the animal does not regain sensibility before its death.

Immediately after slaughtering or euthanizing the animal, the person who performed the act must ascertain the absence of vital signs.

“13. No person may in any way hinder a personal service animal with a view to hampering it, including by touching it directly or indirectly or by blocking its way. The same holds for a service animal while it is assisting a peace officer in the performance of the officer’s duties.

For the purposes of the first paragraph, a “personal service animal” means an animal that is needed by a handicapped person to assist the person and that has been certified as having been trained for that purpose by a professional service animal training organization.

“14. A veterinary surgeon or an agrologist who has reasonable cause to believe that an animal is being or has been subjected to abuse or mistreatment or that it is or has been in distress must, without delay, report their observations to the Minister and provide the Minister with

(1) the name and address of the owner or custodian of the animal, if the information is known; and

(2) the animal’s identification.

No judicial proceedings may be instituted against a veterinary surgeon or an agrologist who, in good faith, fulfills the obligation to report under the first paragraph.

“15. No judicial proceedings may be instituted against a person who, having reasonable cause to believe that an animal’s welfare or safety is or has been compromised, reported the situation in good faith.

“CHAPTER III

“PERMITS

“DIVISION I

“PERMIT HOLDERS

“16. No person may be the owner or custodian of 15 or more cats or dogs without holding a permit issued for that purpose by the Minister.

For the purposes of the first paragraph, kittens or pups less than six months old born to a dam kept on the same premises are excluded from the calculation of the number of cats or dogs.

Holders of the permit required under section 19 or 20 are not subject to the first paragraph of this section.

“17. No person may be the owner or custodian of 15 or more equines without holding a permit issued for that purpose by the Minister.

“18. No person may breed red foxes, American mink or any other animal or fish referred to in subparagraph *b* of subparagraph 1 of the second paragraph of section 1 without holding a permit issued for that purpose by the Minister.

“19. No person may operate premises where cats, dogs or equines are taken in with a view to transferring them to a new place of custody, euthanizing them or having them euthanized by a third party without holding a permit issued for that purpose by the Minister.

Premises referred to in the first paragraph include pounds, animal services, shelters and premises kept by persons or organizations dedicated to the protection of animals.

“20. No person may operate a pet shop, namely, a business where companion animals are kept and offered for sale to the public, without holding a permit issued for that purpose by the Minister.

The Government may, by regulation, determine the other cases in which a person who offers companion animals for sale must hold such a permit.

“21. Unless the buyer has been given prior notice in writing and has indicated their acceptance in writing, no holder of a permit required under section 20 may sell a domestic animal or allow a domestic animal to be sold if

- (1) its imprinting is inexistent or insufficient or its socialization is inexistent;
- (2) it is unable to feed or drink on its own; or
- (3) it shows apparent signs of illness, injury or limiting congenital malformations.

For the purposes of subparagraph 1 of the first paragraph, “imprinting” means the process occurring in the early stages of an animal’s life by which the animal learns to recognize the distinctive characteristics of its own species.

“22. No holder of a permit required under section 20 may give away or sell a companion animal or allow a companion animal to be given away or sold to a person under 16 years of age, unless the person is accompanied by the person having parental authority.

“23. The holder of a permit required under section 20 must include, in any form of publicity made by the holder, the name and address of the premises they operate, the number of their permit and the words “holder of a permit issued under the Animal Welfare and Safety Act”.

“DIVISION II

“ADMINISTRATIVE PROVISIONS

“24. An application for a permit must be submitted to the Minister by the person who intends to use it, in the form and with the documents prescribed by regulation. If the applicant is a legal person or a partnership, the application is submitted, as applicable, by a duly mandated director or partner.

“25. The Minister may require that a person applying for a permit provide any additional information the Minister considers necessary or may require an inspection of the premises for which the permit is sought.

“26. The term of a permit is 12 months, except in the cases prescribed by regulation. However, the Minister may set a shorter term if the Minister considers that it is in the animals’ interest to do so.

The permit may be renewed on the conditions prescribed in this Act and the regulations.

“27. The rights conferred by a permit are not transferable.

“28. The Minister issues a permit if the applicant meets the conditions and pays the fees prescribed by this Act and the regulations.

“29. The Minister may attach any conditions, restrictions or prohibitions the Minister considers appropriate, including limiting the number of animals the permit holder may keep on the premises concerned, to a permit at the time it is issued or to a permit that has already been issued. The conditions, restrictions or prohibitions are specified on the permit.

“30. The permit holder must display the permit on the premises for which it was issued, in a conspicuous place where it can easily be examined.

“31. After notifying the holder in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allowing the holder at least 10 days to submit observations, the Minister may refuse to issue a permit

(1) for reasons of public interest;

(2) if the Minister is of the opinion that the permit is not in the animals’ interest or that the animals’ welfare or safety will not be ensured; or

(3) if the applicant was found guilty, in the last five years, of an offence under an Act or a regulation or under the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) in relation to the treatment of animals or the illegal possession of animals, unless the applicant has been pardoned.

“32. After notifying the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice and allowing the holder at least 10 days to submit observations, the Minister may suspend, cancel or refuse to renew a permit if

(1) the holder does not meet, or no longer meets, the conditions prescribed by this Act and the regulations for the issue or renewal of the permit;

(2) the holder fails to comply with any condition, restriction or prohibition specified on the permit;

(3) the holder has been found guilty of an offence under this Act or the regulations;

(4) the holder repeatedly fails to comply with this Act or the regulations; or

(5) the holder was found guilty of an offence under an Act or a regulation or under the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) in relation to the treatment of animals or the illegal possession of an animal, unless the applicant has been pardoned.

“33. A decision of the Minister under this division must be rendered in writing, with reasons, and notified to the person it concerns.

It takes effect on its date of notification.

“34. A person whose application for a permit is refused or whose permit is suspended, cancelled or not renewed may contest the Minister’s decision before the Administrative Tribunal of Québec within 30 days after notification of the decision.

“CHAPTER IV

“INSPECTION AND INVESTIGATION

“DIVISION I

“INSPECTORS

“§1. — *Inspection*

“35. The Minister appoints, as inspectors, veterinary surgeons, agrologists, analysts or any other persons necessary to see to the enforcement of

(1) this Act and the regulations; and

(2) the provisions of the Act respecting the conservation and development of wildlife and the regulations that prescribe welfare- and safety-related rules applicable to wild animals that are companion animals.

For the purposes of this division, “animal”, in addition to the meaning given in subparagraph 1 of the second paragraph of section 1, means a wild animal that is a companion animal.

Inspectors must exercise their functions in the public interest, with honesty, impartiality and to the best of their ability. They must also undergo any training required by the Minister.

“36. The Minister determines by directive, taking into account the type of livestock, the biosecurity rules to be complied with during the inspection of premises used for animal production.

“37. On request, an inspector must provide identification and produce a certificate of authority signed by the Minister.

“38. The owner of or person responsible for a vehicle or for premises being inspected, as well as any person in the vehicle or on the premises, is required to assist the inspector in the performance of inspection duties.

“39. An inspector who has reasonable cause to believe that an animal, a product or equipment to which an Act the inspector is responsible for enforcing applies is on premises or in a vehicle may, in the performance of inspection duties,

- (1) enter and inspect the premises at any reasonable time;
- (2) inspect a vehicle in which such an animal or product or such equipment is being transported or order any such vehicle to be stopped for inspection;
- (3) examine the animal, product or equipment, open any container found on the premises or in the vehicle and take samples or specimens free of charge;
- (4) record or take photographs of the premises, vehicle, animal, product or equipment; and
- (5) require the production of any books, accounts, registers, records or other documents for examination or for the purpose of making copies or obtaining extracts, if the inspector has reasonable cause to believe that they contain information relating to the enforcement of an Act the inspector is responsible for enforcing or of the regulations under such an Act.

If an animal is in a dwelling house, an inspector may enter the dwelling house with the occupant’s authorization or else with a search warrant obtained in accordance with the Code of Penal Procedure (chapter C-25.1).

On the basis of a sworn statement by the inspector asserting that the inspector has reasonable cause to believe that an animal is in the dwelling house and that the animal's welfare or safety is compromised, a judge of the Court of Québec or a presiding justice of the peace may issue a warrant, on the conditions the judge or justice indicates, authorizing the inspector to enter the dwelling house, seize the animal and dispose of it in accordance with this chapter.

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

“40. An inspector who has reasonable cause to believe that an animal is in distress in a dwelling house may require that the owner or occupant of the premises show them the animal so that they may see it and assess its condition. The owner or occupant must comply immediately.

“41. An inspector who has reasonable cause to believe that the welfare or safety of an animal that is in a vehicle or in any other enclosed place is compromised may use reasonable force to enter the vehicle or place in order to relieve or help the animal.

“§2. — *Seizure and confiscation*

“42. An inspector who has reasonable cause to believe that an animal is exposed to conditions that cause it significant suffering may, in the performance of inspection duties, whether or not a seizure has been made, confiscate the animal so that it may be euthanized, if the inspector has obtained the authorization of the animal's owner or custodian. Failing such authorization, the inspector may confiscate the animal so that it may be euthanized; the inspector must first obtain the opinion of a veterinary surgeon. If no veterinary surgeon is readily available and it is urgent to put an end to the animal's suffering, the inspector may act.

The inspector may ask that a necropsy be performed after the confiscated animal is euthanized.

The inspector may also confiscate the carcass of any dead animal found on the premises to have it destroyed. A necropsy may be performed before the carcass is destroyed.

“43. An inspector may, in the performance of inspection duties, seize an animal, a product or equipment to which this Act applies if the inspector has reasonable cause to believe that the animal, product or equipment was used to commit an offence under an Act or a regulation the inspector is responsible for enforcing or that an offence was committed against the animal or if the owner or custodian of an animal fails to comply with a decision or order under this Act.

“44. No person may use or remove that which was seized or allow it to be used or removed without the inspector’s authorization.

“45. The inspector has custody of the seized animal and may keep the animal or entrust it to a person other than the person from whom it was seized.

The seized animal may be kept at the place of seizure if the owner or occupant of the place consents to it in writing, according to the terms agreed on by the parties. If the owner or occupant of the place does not consent to such custody or fails to respect the terms attached to it, the inspector may apply to a judge for authorization to keep the seized animal on site, on the conditions and according to the terms the judge deems appropriate.

In the case of an emergency, the inspector may, before obtaining authorization from a judge, establish interim custody measures to ensure the animal’s welfare and safety.

Custody of that which was seized is maintained until it has been disposed of in accordance with this chapter or, if proceedings are instituted, until a judge otherwise disposes of it. On an application by the inspector, a judge may order that the detention period be extended for up to 90 days.

No judicial proceedings may be instituted by the person from whom an animal was seized against the person to whom the seized animal has been entrusted under this section for acts done in good faith within the scope of their mandate.

“46. The seized animal, product or equipment must be returned to its owner or custodian if

(1) 90 days have elapsed since the date of the seizure and no proceedings have been instituted; or

(2) before that time limit expires, the inspector considers that no offence under an Act or a regulation the inspector is responsible for enforcing was committed or that the owner or custodian of that which was seized has, since the seizure, complied with that Act and regulation, the Minister’s decision or order or the judge’s order.

However, if the owner or custodian of a seized animal is unknown or cannot be found, the animal is confiscated by the inspector seven days after the date of seizure. It is then disposed of in accordance with the second and third paragraphs of section 53.

“47. On the service of a statement of offence, the inspector must, unless an agreement has been made with the owner or custodian of the animal, apply to a judge for permission to dispose of the animal.

At least three clear days' prior notice of the application must be served on the person from whom the animal was seized, and that person may contest the application.

The judge rules on the application taking into consideration the animal's welfare and safety and, if applicable, the costs incurred by the detention under seizure. The judge may order that the animal be returned to the person from whom it was seized, that it be kept under seizure until a final judgment, or that it be given away, sold, euthanized or slaughtered.

If the judge orders that the animal be returned, it may be returned only on payment of the animal care expenses incurred as a result of the seizure.

If the judge orders that the animal be sold, the proceeds of the sale are remitted to the person from whom the animal was seized, after deduction of the animal care expenses incurred.

If the judge orders that the animal be kept under seizure until a final judgment is made, the judge orders the person from whom the animal was seized to pay an advance on future animal care expenses to the inspector in accordance with specified terms and in addition to the animal care expenses already incurred as a result of the seizure. The judge may order the confiscation of the animal if the person from whom it was seized fails to comply with the terms of payment of the advance, in which case the judge returns the animal to the inspector for disposal.

“48. The owner of an animal seized while in the custody of another person may apply to a judge for the animal's return. At least three clear days' prior notice of the application must be served on the inspector.

The judge grants the application if convinced that the animal's welfare and safety will not be compromised, on payment of the animal care expenses incurred as a result of the seizure. However, if no proceedings are instituted, the animal care expenses incurred as a result of the seizure are reimbursed to the animal's owner.

“49. Animal care expenses incurred as a result of a seizure are to be borne by the animal's owner or custodian, except where no proceedings are instituted. They bear interest at the rate fixed by regulation under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002).

“50. On application by the owner or custodian of the animal seized or taken into care under subdivision 3, the Minister provides a statement of the animal care expenses incurred for the animal. Not later than seven days after receiving the statement, the owner or custodian may apply to a judge to have the judge examine the statement and the contested expenses and determine the amount to be paid for animal care expenses.

In case of non-payment of the animal care expenses set out in the Minister's statement or of the amount determined by order of a judge, the Minister may, on the conditions and in the manner prescribed by regulation, sell the animal, give it away or have it euthanized or slaughtered.

The proceeds of the sale are remitted to the person from whom the animal was seized, after deduction of the animal care expenses incurred. If the owner is unknown or cannot be found, the balance is confiscated for the benefit of the State.

“§3.—*Taking abandoned animals into care*

“51. For the purposes of this subdivision, an animal is deemed to be abandoned if

(1) although not running at large, it is apparently without an owner or seemingly without a custodian;

(2) it is found alone on leased premises after the expiry or resiliation of the lease;

(3) it is found alone on premises after the owner has definitively sold or vacated the premises; or

(4) under an agreement entered into between its owner or custodian and another person, the animal has been left in that other person's care but has not been retrieved within four days after the agreed retrieval time.

“52. An inspector may take any abandoned animal into care and provide it with the care the inspector considers necessary. The inspector may also entrust custody of the animal to animal services or to a shelter, a pound or any person or organization dedicated to the protection of animals.

The inspector must take reasonable measures to locate the animal's owner as quickly as possible and to inform the owner of the actions taken in relation to the animal.

“53. Within seven days after taking an abandoned animal into care, the inspector returns the animal to its owner if the owner is known and has paid the animal care expenses incurred. The inspector may only do so if convinced that the owner will fulfill the obligations of care set out in Chapter II. Otherwise, the inspector informs the Minister, who gives notice to the owner of the Minister's decision to sell the animal, give it away or have it euthanized or slaughtered within seven days after notification of the notice, unless the owner exercises the right provided for in section 54.

If, within seven days after the abandoned animal was taken into care, its owner has not been located despite reasonable inquiries by the inspector, the

latter may sell the animal, give it away or have it euthanized or slaughtered on the conditions and in the manner prescribed by regulation.

Ownership of the animal sold or given away passes to the person to whom it was sold or given.

“54. An owner who has received a notice from the Minister under the first paragraph of section 53 may apply to a judge of the Court of Québec, within seven days after notification of the notice, for the animal’s return.

If convinced that the animal’s welfare and safety will not be compromised, the judge grants the application on payment of the animal care expenses.

“DIVISION II

“INVESTIGATORS

“55. The Minister may appoint investigators to see to the enforcement of this Act and the regulations.

“DIVISION III

“IMMUNITY FROM PROCEEDINGS

“56. No judicial proceedings may be instituted against an inspector or investigator for acts done in good faith in the performance of their duties.

“57. No judicial proceedings may be instituted against a veterinary surgeon who, in good faith, provides an inspector with an opinion under section 42.

“CHAPTER V

“ORDERS

“58. The Minister may order the owner or custodian of an animal to cease their custody or certain related activities or, conversely, to continue their custody or the related activities on the conditions the Minister determines, if the Minister considers

(1) that the animal is in distress; or

(2) that there is an immediate danger to the animal’s welfare or safety.

“59. The order is effective for a period not exceeding 60 days. It must contain reasons and mention any minutes, analysis or research reports or other technical reports considered by the Minister.

The order is notified to the owner or custodian of the animal and has effect on its date of notification.

“60. The person named in an order may apply to a judge of the Court of Québec to have the order quashed within 30 days from its date of notification. Such an application does not suspend the application of the order.

The judge may confirm, vary or quash the order or make any other order the judge considers necessary under the circumstances. If the order is varied or quashed, the judge may enjoin the Minister to reimburse all or any part of the animal care expenses incurred to the applicant.

The judge may also, on the Minister’s request,

(1) prohibit the owner or custodian of the animal from owning or having the custody of a number of animals the judge determines or a type of animal the judge specifies, for the time determined by the judge; and

(2) order that the animals belonging to the owner or in the custody of a person named in the order at the time the order is made and in excess of the number allowed or of a type other than the type authorized become the property of the State.

“CHAPTER VI

“MISCELLANEOUS PROVISIONS

“61. The Minister may enter into an agreement with any person or body, including a municipality, a metropolitan community or the Kativik Regional Government, to establish an inspection program for the enforcement of this Act.

The agreement must, in particular, determine the manner in which the program is to be implemented and financed, and the remuneration and other expenses of the inspectors that are to be borne by the person or body having entered into the agreement.

“62. For the purpose of better reconciling the welfare and safety requirements of animals with the activities carried on by Native people in certain regions and the cultural, climatic and geographical realities of those regions, the Government is authorized to enter into an agreement with a Native nation represented by all the band councils or the councils of the northern villages of the communities comprising that nation, with the Makivik Corporation, the Cree Nation Government, a Native community represented by its band council or by the northern village council, with a group of communities so represented or, in the absence of such councils, with any other Native group on any subject covered by this Act or the regulations.

The provisions of such an agreement take precedence over the provisions of this Act and the regulations. However, any person covered by an agreement

is only exempt from the application of the provisions of this Act or the regulations that are inconsistent with the agreement to the extent that the person respects the agreement.

An agreement entered into under this section is tabled in the National Assembly within 15 days after its signature or, if the Assembly is not sitting, within 15 days after resumption. In addition, it is published in the *Gazette officielle du Québec*.

“63. The Minister sends La Financière agricole du Québec any information, including personal information, enabling it to ensure compliance with this Act and the regulations as provided in the fourth paragraph of section 19 of the Act respecting La Financière agricole du Québec (chapter L-0.1).

La Financière agricole du Québec must, on request, provide the Minister with any information, including personal information, that enables the Minister to ensure compliance with this Act and the regulations.

“CHAPTER VII

“REGULATORY PROVISIONS

“64. The Government may, by regulation,

(1) designate any other animal that is to be included in the definition of “animal” in subparagraph 1 of the second paragraph of section 1;

(2) determine the conditions on and manner in which a person, an animal species or breed, a type of activity or establishment or a geographical region may be exempted from the application of this Act or the regulations;

(3) make compliance with provisions of animal care standards or codes of practice mandatory for persons determined by the Government and provide for the necessary adaptations and transitional provisions;

(4) determine the conditions on which an activity involving an animal may be carried on, restrict such an activity or prohibit certain classes of persons it determines from carrying on such an activity;

(5) determine the other animals which an owner or custodian must provide with stimulation, socialization and environmental enrichment that are consistent with their biological needs;

(6) in relation to permits and permit holders governed by Chapter III,

(a) determine the classes of permits and the conditions and restrictions attached to each;

(b) prescribe the form in which an application for a permit is to be submitted and the documents the applicant must provide;

(c) determine in which cases the term of a permit is different from the term prescribed by section 26;

(d) determine the other cases in which a permit required under the second paragraph of section 20 is required;

(e) determine the conditions on and manner in which permits are to be issued or renewed and the fees payable for a permit application; and

(f) determine the skills or qualifications required of a permit holder and those required of an employee assigned to the activities for which a permit is required;

(7) determine the classes of permits, other than those provided for in Chapter III, issued for specific purposes by the Minister to owners or custodians of 15 or more animals;

(8) prescribe standards applicable to the organization, management and operation of any premises where an activity involving an animal is carried on or for which a permit is required;

(9) determine the maximum number of animals that may be kept on any premises, in particular, according to their species or breed, the type of activity carried on by the owner or custodian or the type of premises on which they are kept, including pounds, animal shelters and premises kept by persons or organizations dedicated to the protection of animals;

(10) determine the maximum number of animals that may be kept by a single natural person;

(11) determine the protocols and registers that the owner or custodian of an animal must observe or keep, what each must minimally contain, where they must be kept, the reports the owner or custodian must file with the Minister, the information that must be reported and the frequency of the reporting;

(12) determine preventive measures for animals, in particular vaccination, sterilization, isolation or quarantine, and set out methods, procedures and conditions applicable to those measures;

(13) determine standards for euthanizing or slaughtering animals and regulate or prohibit certain methods, procedures and conditions;

(14) prescribe the conditions on and manner in which an abandoned animal may be sold, given away, euthanized or slaughtered;

(15) prescribe the procedure for inspections, the taking and analysis of samples or specimens, and seizures or confiscations in the course of an

inspection, and establish a model for any certificate, report or minutes to be drafted by an inspector;

(16) regulate, restrict or prohibit the use of training aids or restraining devices;

(17) regulate, restrict or prohibit certain cosmetic or other surgical procedures on certain categories or species of animals;

(18) to ensure the traceability of animals belonging to a specific species or category, require such animals to be identified on the conditions and according to the rules or procedures it determines, prescribe the obligations of owners or custodians of such animals or of any other person, and determine the fees payable;

(19) determine the animal care expenses to be borne by the owners of animals seized or taken into care under this Act or the manner in which such animal care expenses are to be calculated; and

(20) provide for any other measure intended to ensure the welfare or safety of animals, which measures may vary according to species or breed, the type of activity carried on by their owner or custodian or the type of premises on which they are kept.

“CHAPTER VIII

“PENAL PROVISIONS

“65. Anyone who contravenes section 13, 23 or 30 or a regulation made under paragraph 18 of section 64 is guilty of an offence and liable to a fine of \$250 to \$6,250 in the case of a natural person and \$500 to \$12,500 in other cases.

“66. Anyone who contravenes the third paragraph of section 11 or section 14 is guilty of an offence and liable to a fine of \$500 to \$12,500 in the case of a natural person and \$1,000 to \$25,000 in other cases.

“67. Anyone who contravenes section 21, 22 or 29 or a regulation made under any of paragraphs 3, 4, 9 to 13, 16, 17 and 20 of section 64 is guilty of an offence and liable to a fine of \$1,000 to \$25,000 in the case of a natural person and \$2,000 to \$50,000 in other cases.

“68. Anyone who

(1) contravenes any of sections 5, 6, 8 to 10, the first or second paragraph of section 11, sections 12, 16 to 20, 27, 38, 40 and 44, or

(2) in any way hinders an inspector in the performance of inspection duties, deceives an inspector by concealment or misrepresentation or refuses to provide

a document or information that the inspector is entitled to obtain under this Act,

is guilty of an offence and liable to a fine of \$2,500 to \$62,500 in the case of a natural person and \$5,000 to \$125,000 in other cases.

“69. Anyone who does not comply with an order made under section 58 is guilty of an offence and liable to a fine of \$5,000 to \$125,000 in the case of a natural person and \$10,000 to \$250,000 in other cases.

“70. The minimum and maximum fines prescribed by this Act are doubled for a second offence and tripled for a subsequent offence.

Despite article 231 of the Code of Penal Procedure, the judge may impose, in addition to these amounts:

(1) in the case of an offence punishable under section 68, a maximum term of imprisonment of 6 months for a second offence and 12 months for a subsequent offence; and

(2) in the case of an offence punishable under section 69, a maximum term of imprisonment of 12 months for a second offence and 18 months for a subsequent offence.

“71. If an offence under this Act or the regulations is committed by a director or officer of a legal person, partnership or association without legal personality, the minimum and maximum fines are those prescribed in other cases for that offence.

“72. Anyone who, by an act or omission, helps or, by encouragement, advice, consent, authorization or order, induces another person to commit an offence under this Act or the regulations is guilty of an offence and is liable to the same penalty as that prescribed for the offence the person helped or induced another person to commit.

“73. In any penal proceedings relating to an offence under this Act or the regulations, proof that the offence was committed by an agent, mandatary or employee of any party is sufficient to establish that it was committed by that party, unless the party establishes that it exercised due diligence and took all necessary precautions to prevent the offence.

“74. If a legal person or an agent, mandatary or employee of a legal person, partnership or association without legal personality commits an offence under this Act or the regulations, the directors or officers of the legal person, partnership or association are presumed to have committed the offence unless it is established that they exercised due diligence and took all necessary precautions to prevent the offence.

For the purposes of the first paragraph, in the case of a partnership, all partners, except special partners, are presumed to be directors of the partnership unless there is evidence to the contrary appointing one or more of them, or a third person, to manage the affairs of the partnership.

“75. For the purposes of sections 65 to 70, in determining the amount of the fine, the judge takes into account such factors as

- (1) the seriousness of the harm or damage, or of the risk of harm or damage, to the safety or welfare of the animal;
- (2) the number of animals involved;
- (3) the duration of the offence;
- (4) the repetitive nature of the offence;
- (5) the foreseeable character of the offence or the failure to follow recommendations or warnings to prevent it;
- (6) the condition of the premises or vehicle where or in which the animal is kept or transported;
- (7) the personal characteristics of the offender;
- (8) whether the offender acted intentionally or was reckless or negligent;
- (9) the cost to society of repairing the injury or damage caused;
- (10) the revenues and other benefits derived by the offender from the offence; and
- (11) the failure to take reasonable measures to prevent the offence or limit its effects despite the offender’s financial ability to do so, given such considerations as the size of the offender’s undertaking and the offender’s assets, turnover and revenues.

A judge who, despite the presence of an aggravating factor, decides to impose the minimum fine must give reasons for the decision.

“76. If a person is found guilty of an offence under section 5, 6, 9, 12 or 58 or a regulation made under paragraph 3, 4, 12, 13, 16, 17 or 20 of section 64, the judge may, on an application by the prosecuting party, make an order prohibiting the person from

- (1) owning or having the custody of animals; or
- (2) owning or having the custody of a certain number or type of animals, for a period that the judge considers appropriate.

The prohibition may apply in perpetuity in the case of a natural person or of a legal person controlled by a natural person.

When making the order, the judge confiscates any animals held in contravention of the order and determines how they are to be disposed of.

“77. Penal proceedings for an offence under any of sections 5, 6, 16 to 23 and 58 or a regulation made under paragraph 3, 4, 12, 13, 16, 17 or 20 of section 64 may be instituted before the municipal court by the local municipality in whose territory the offence was committed. The fines and costs relating to such an offence belong to the municipality.

“CHAPTER IX

“AMENDING PROVISIONS

“CODE OF CIVIL PROCEDURE

“78. Article 694 of the Code of Civil Procedure (chapter C-25.01) is amended in the fourth paragraph

(1) by replacing “The following” by “Companion animals and the following property”;

(2) by striking out subparagraph 3.

“ACT RESPECTING ADMINISTRATIVE JUSTICE

“79. Schedule IV to the Act respecting administrative justice (chapter J-3) is amended by inserting the following paragraph after paragraph 4:

“(4.0.0.1) section 34 of the Animal Welfare and Safety Act (2015, chapter 35, section 7);”.

“ACT RESPECTING LA FINANCIÈRE AGRICOLE DU QUÉBEC

“80. Section 19 of the Act respecting La Financière agricole du Québec (chapter L-0.1) is amended by adding the following paragraph at the end:

“In addition, compliance with the Animal Welfare and Safety Act (2015, chapter 35, section 7) and the regulations must be a criterion in the preparation and administration of the programs of the agency. Compliance with that Act and the regulations or not having been placed under an order under that Act may be among the conditions for the payment of all or part of the sums of money to which those programs give entitlement.”

“ACT RESPECTING THE MINISTÈRE DE L’AGRICULTURE, DES
PÊCHERIES ET DE L’ALIMENTATION

“**81.** The Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14) is amended by inserting the following section after section 23:

“**23.1.** The Minister may, within the framework of any financial assistance program, require that compliance with the Animal Welfare and Safety Act (2015, chapter 35, section 7) and the regulations be a criterion in the preparation and administration of the program. Compliance with the Act and the regulations or not having been placed under an order under that Act may be among the conditions for the payment of all or part of the sums of money to which the program gives entitlement.”

“ANIMAL HEALTH PROTECTION ACT

“**82.** Division IV.1.1 of the Animal Health Protection Act (chapter P-42), comprising sections 55.9.1 to 55.9.16.2, is repealed.

“**83.** Section 55.13 of the Act is amended by striking out the second paragraph.

“**84.** Sections 55.43.1 to 55.43.1.4, 55.45.1 and 56.0.1 of the Act are repealed.

“ENVIRONMENT QUALITY ACT

“**85.** Section 2.0.1 of the Environment Quality Act (chapter Q-2) is amended by replacing “last” in the first paragraph by “third”.

“REGULATION RESPECTING ANIMALS IN CAPTIVITY

“**86.** Section 1 of the Regulation respecting animals in captivity (chapter C-61.1, r. 5) is amended by adding the following paragraph after the first paragraph:

“Sections 3 and 4 do not apply to wild animals kept in captivity for breeding purposes with a view to dealing in fur or in meat or other food products if the animal is governed by the Animal Welfare and Safety Act (2015, chapter 35, section 7).”

“**87.** Section 12 of the Regulation is amended by replacing the third paragraph by the following paragraph:

“Where an animal of a species listed in Schedule II, excluding bovidae, camelidae, cervidae, boar or ratitae, is sold by a retail merchant, the latter must

(1) provide the purchaser with an information sheet on which appear the name of the species, its normal adult size and the conditions essential to its well-being;

(2) if the animal is incapable of feeding or drinking on its own, inform the purchaser of that fact in writing and obtain the purchaser's acceptance in writing; and

(3) if the animal shows apparent signs of illness, injury or limiting congenital malformations, inform the purchaser of that fact in writing and obtain the purchaser's acceptance in writing."

"88. Sections 13 and 14 of the Regulation are replaced by the following sections:

"13. The holder of a permit to breed fur-producing animals issued under the Animal Welfare and Safety Act (2015, chapter 35, section 7) need not hold a licence to keep an animal of a species listed in Schedule III in captivity.

"14. Anyone who keeps an animal referred to in section 13 in captivity may dispose of it by selling it, giving it away or slaughtering it."

**"REGULATION RESPECTING THE ANIMAL SPECIES OR
CATEGORIES DESIGNATED UNDER DIVISION IV.1.1 OF THE
ANIMAL HEALTH PROTECTION ACT**

"89. The Regulation respecting animal species or categories designated under Division IV.1.1 of the Animal Health Protection Act (chapter P-42, r. 6) is repealed.

"CHAPTER X

"TRANSITIONAL AND FINAL PROVISIONS

"90. The Regulation respecting the safety and welfare of cats and dogs (chapter P-42, r. 10.1), except section 43, is deemed to have been made under section 64.

"91. Permits issued under section 55.9.4.1 or 55.9.4.2 of the Animal Health Protection Act (chapter P-42), as they read before being repealed by section 82, are deemed to have been issued under this Act.

"92. An application for a permit or for the renewal of a permit under Division IV.1.1 of the Animal Health Protection Act, as it read before being repealed by section 82, is deemed to be made under this Act.

"93. A decision of the Minister to suspend, revoke or refuse to renew a permit referred to in section 55.9.4.1 or 55.9.4.2 of the Animal Health Protection

Act, as it read before being repealed by section 82, continues to produce its effects as if it had been made under this Act.

“94. An order made by the Minister under section 55.9.6 of the Animal Health Protection Act, as it read before being repealed by section 82, is deemed to have been made under section 58 and continues to produce its effects until the expiry of the time limit set.

“95. The Minister of Agriculture, Fisheries and Food is responsible for the administration of this Act.

“96. The Minister must, not later than 4 December 2020, report to the Government on the carrying out of this Act.

The report is tabled by the Minister in the National Assembly within 30 days or, if the Assembly is not sitting, within 30 days after resumption.”

PART III

TRANSITIONAL AND FINAL PROVISIONS

8. The first regulation made under paragraph 6 of section 64 of the Animal Welfare and Safety Act (2015, chapter 35, section 7) in connection with the implementation of sections 16 to 20 of that Act, is not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1). Despite section 17 of that Act, such a regulation comes into force on the 15th day after the date of its publication in the *Gazette officielle du Québec* or on any later date set in the regulation.

9. Until a first regulation is made under paragraph 14 of section 64 of the Animal Welfare and Safety Act enacted by section 7, an inspector may sell an animal, give it away or have it euthanized or slaughtered in the case described in the second paragraph of section 53, after having first sought a veterinary surgeon’s opinion.

10. This Act comes into force on 4 December 2015, except sections 16 to 20 of the Animal Welfare and Safety Act, enacted by section 7, which come into force on the date or dates to be set by the Government.

