



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 128
(2018, chapter 22)

**An Act to promote the protection of
persons by establishing a framework
with regard to dogs**

**Introduced 13 April 2017
Passed in principle 5 June 2018
Passed 13 June 2018
Assented to 13 June 2018**

**Québec Official Publisher
2018**

EXPLANATORY NOTES

The purpose of this Act is to promote the protection of persons by establishing a framework to govern dogs.

For that purpose, the Act allows the Government to establish, by regulation, dog supervision and ownership standards, and the powers a local municipality may exercise with regard to a dog or its owner or custodian, as well as the terms of exercise of such powers.

The Act also allows the Government to exempt, in the cases and on the conditions it determines, any dog from all or part of the application of the regulation made under this Act, and to determine the regulatory provisions with regard to which non-compliance constitutes an offence, as well as the amounts of the related fines.

The Act grants the Government the power to make veterinary surgeons, physicians or any other person subject to the obligation to report dog-inflicted injuries, and to determine the information that must be included in, and specify any other terms relating to, such a report.

The Act makes local municipalities responsible for applying, in their territory, any regulation made under the Act. To that end, the Act allows them to entrust any person, by agreement, with ensuring compliance with such a regulation.

The Act does not prevent local municipalities from adopting stricter standards than those prescribed by a regulation made under it, provided the former are not inconsistent with the latter. Local municipalities may also institute any penal proceedings for offences under such a regulation. Such proceedings are instituted before any municipal court having jurisdiction in the territory in which the offence was committed.

The Act does not apply to the Native territories it determines, but it does allow a Native community, the Kativik Regional Government and the Cree Nation Government to apply to the Minister of Public Security to have all or some of the provisions of a regulation made under it made applicable in a territory in which they are situated.

Lastly, the Act repeals the Agricultural Abuses Act because it has become outdated and to eliminate any risk of conflict between its provisions regarding dogs and the provisions of this Act.

LEGISLATION REPEALED BY THIS ACT:

- Agricultural Abuses Act (chapter A-2).

Bill 128

AN ACT TO PROMOTE THE PROTECTION OF PERSONS BY ESTABLISHING A FRAMEWORK WITH REGARD TO DOGS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The purpose of this Act is to promote the protection of persons by establishing a framework with regard to dogs.

To that end, the Government may, by regulation,

(1) establish dog supervision and ownership standards;

(2) establish the powers a local municipality may exercise with regard to a dog or its owner or custodian, as well as the terms of exercise of such powers, including

i. requiring that a dog undergo an examination by a veterinary surgeon for evaluation of its condition and dangerousness;

ii. imposing measures, including euthanasia, with regard to a dog that constitutes a risk for public health and safety;

iii. prohibiting the owner or custodian from owning any dog;

iv. conferring powers of inspection, seizure and investigation on the local municipality; and

v. imposing fees on the owner or custodian;

(3) exempt, in the cases and on the conditions it determines, any dog from all or part of the application of the provisions of a regulation made under this section;

(4) make veterinary surgeons, physicians or any other person subject to the obligation to report dog-inflicted injuries, and determine the information that must be included in, and specify any other terms relating to, such a report; and

(5) determine the provisions, from among those established under subparagraphs 1 and 2, with regard to which non-compliance constitutes an offence, as well as the amounts of the related fines.

The reporting obligation prescribed under subparagraph 4 of the second paragraph applies even with regard to information protected by professional secrecy and despite any other provision relating to the concerned person's duty to maintain confidentiality. No judicial proceedings may be instituted against a person who, in good faith, fulfills his or her reporting obligation.

2. The provisions of the Animal Welfare and Safety Act (chapter B-3.1) may not be interpreted as preventing the application of a regulation made under this Act.

3. Subject to section 4, this Act does not apply in any of the following territories:

(1) the territory of an Indian settlement or reserve;

(2) the territory of a northern village, constituted as a municipality under the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1), and the lands where the Kativik Regional Government acts as a municipality under section 244 of that Act;

(3) the territory of a Cree village or that of a Naskapi village, constituted as municipalities under the Cree Villages and the Naskapi Village Act (chapter V-5.1), and the territory where a Cree or Naskapi band exercises a regulatory power under the Cree-Naskapi (of Quebec) Act (Statutes of Canada, 1984, chapter 18); and

(4) lands where the Cree Nation Government has affirmed its jurisdiction under sections 6.1 and 6.2 of the Act respecting the Cree Nation Government (chapter G-1.031) with respect to a field of jurisdiction in which municipalities act with regard to dogs.

4. A Native community may apply to have all or some of the provisions of a regulation made under this Act made applicable in a territory referred to in section 3 in which the community is situated by sending the Minister of Public Security a resolution to that effect passed by its band council or by the northern, Cree or Naskapi village council, as applicable. The Kativik Regional Government and the Cree Nation Government may also file such an application.

When granting an application, the Minister publishes an order in the *Gazette officielle du Québec* specifying the provisions being made applicable in the territory, the date from which they are to apply and the territory concerned. In such a case, the powers and responsibilities granted or assigned to local municipalities by a regulation made under this Act are exercised, in the territory concerned, by the band council, the village council, the Kativik Regional Government or the Cree Nation Government, as applicable.

5. Every local municipality is responsible for applying, in its territory, any regulation made under this Act. To that end, each may designate one of its officers or employees to act as inspector or investigator in its territory to ensure compliance with such a regulation.

Officers and employees so designated must, on request, provide identification and produce a certificate of authority. No legal proceedings may be instituted against them for acts done in good faith in the performance of their duties.

6. Any local municipality may enter into an agreement with any person for the latter to ensure compliance with any regulation made under this Act. The person with whom the municipality enters into an agreement and the person's employees have the powers of an officer or employee of the municipality designated solely for the purpose of ensuring compliance with such a regulation.

7. This Act does not prevent a local municipality from adopting stricter standards than those prescribed by a regulation made under this Act, provided they are not incompatible with those prescribed by such a regulation.

Any municipal by-law containing a less strict standard than one prescribed by a regulation made under this Act is deemed to have been amended and the standard in the municipal by-law replaced by the one prescribed by the regulation made under this Act.

8. Each local municipality must make available, in the form and in accordance with the terms the Minister specifies, the information the Minister determines with regard to the application of this Act.

Local municipalities may communicate personal information to each other without the consent of the person concerned if doing so is necessary to exercise the powers assigned to them under a regulation made under this Act.

9. Local municipalities may institute penal proceedings for offences under a regulation made under this Act committed in their territory.

Fines belong to the municipality if it instituted the proceedings.

Proceedings under the first paragraph are instituted before any municipal court having jurisdiction in the territory in which the offence was committed. The costs relating to proceedings instituted before a municipal court belong to the municipality under the jurisdiction of that court, except the part of the costs remitted by the collector to another prosecuting party under article 345.2 of the Code of Penal Procedure (chapter C-25.1) and the costs remitted to the defendant or imposed on the municipality under article 223 of that Code.

10. Any member of a police force may enforce the provisions of a regulation made under this Act whose violation constitutes an offence in any territory in which that member provides police services.

11. A working group formed by the Minister of Public Security and the Minister of Agriculture, Fisheries and Food is responsible for proposing recommendations concerning the regulation of dog breeders in order to promote the protection of persons and ensure the safety and welfare of dogs.

The working group must submit a report to the ministers within 12 months after the group is formed.

12. The Agricultural Abuses Act (chapter A-2) is repealed.

13. The Minister of Public Security is responsible for the administration of this Act.

14. This Act comes into force on 13 June 2018.