

33. The following is inserted after section 134:

“**134.1.** A keeper who has reasonable grounds to believe that a large cervid will die in the coming days must take the necessary measures so that, if the death occurs, the samples referred to in section 134.2 can be sent for analysis before they deteriorate.

134.2. The head, obex or retropharyngeal lymph nodes of a dead large cervid that is more than 12 months old must be sent by the keeper or the person who killed or euthanized the large cervid, along with the animal’s individual identification number, to a laboratory approved by the Canadian Food Inspection Agency, according to a method approved by that agency, so that an analysis to detect the chronic wasting disease of cervids can be conducted.”

34. Section 135 is revoked.

35. The following is inserted after section 135:

“**PART IV.1**
PENAL

135.1. Every keeper who contravenes sections 25 to 27, 29, 31 to 44, 46 to 51, 53 to 55, the first paragraph of section 56, sections 57 to 61.2, the first and second paragraphs of section 62, sections 63, 64, 65.1 to 68, 72 to 84, 87 to 94, 96, 97, 101 to 104, 106 to 108, 111 to 117, 120 to 125 and 134.1, commits an offence and is liable to the fines provided for in section 171 or 171.1 of the Act respecting the conservation and development of wildlife (chapter C-61.1) if the offence is committed in respect of an animal from a threatened or vulnerable species.

Every keeper or every other person who contravenes sections 7 to 11, 13 and 14, the second paragraph of section 56, sections 69, 100, 127 to 134 and 134.2, commits an offence and is liable to the fines provided for in section 171 or 171.1 of the Act respecting the conservation and development of wildlife (chapter C-61.1) if the offence is committed in respect of an animal from a threatened or vulnerable species.”

36. The following is inserted after section 138:

“**138.1.** For the purposes of subparagraph 3 of the first paragraph of section 91, large cervids moved from an original site located in Québec must have been analyzed in accordance with section 134.1 in the last 6 years or as of (insert the date of coming into force of this Regulation).

138.2. Until 15 September 2024, a large cervid from a site for keeping animals located in Québec may be moved to the site for keeping animals of a holder of a professional

licence to keep animals in a game ranch or a breeding farm issued under the Regulation respecting licences to keep animals in captivity (chapter C-61.1, r. 20.1.1) in order to be killed there, even if the large cervid does not meet the conditions provided for in subparagraph 4 of the first paragraph of section 91, provided that the large cervid is from a herd certified by a voluntary chronic wasting disease herd certification program of the Canadian Food Inspection Agency.”

37. Schedule 3 is amended by inserting, in alphabetical order, “Asfvirus: African swine fever virus” under the heading “(4) Virus”.

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

105392

Draft Regulation

Environment Quality Act
(chapter Q-2)

Compensation for municipal services provided to recover and reclaim residual materials — 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 compensation for municipal services provided to recover and reclaim residual materials, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation makes the operators of transactional websites and vendors subject to the payment of a contribution for containers and packaging resulting from sales of products acquired outside Québec. It also specifies the contributions payable by an establishment supplied or operated as a franchise or a chain, under a banner name, or as part of another similar form of affiliation or group of businesses or establishments.

The draft Regulation introduces a new method for calculating the cost of the services provided by municipalities that are eligible for compensation for the years 2024 and following, and specifies the necessary modifications for the payment of contributions and the annual compensation owed to municipalities.

The draft Regulation revokes the provisions providing for limitations and the division of the annual compensation owed to municipalities based on the materials and classes of materials subject to compensation.

Lastly, the draft Regulation specifies that the annual compensation owed to municipalities for the “newspaper” class of materials may be paid through a contribution in goods or services up to an amount representing 15% of the annual compensation due for this class of materials.

The effect of the draft Regulation is to increase fairness for persons required to pay contributions under the compensation regime and to reduce the impact on them of the upcoming transition to a modern system of selective collection. However, because of the potential for supplementary costs generated by municipal contracts for services for the collection, transportation, sorting and conditioning of the materials or classes of materials concerned, and the reduction in the potential for paying the contribution in the “newspaper” class of materials in the form of goods or services, the draft Regulation will impose a net cost estimated at \$14.5 million on the persons required to pay contributions for the years 2022 to 2025.

Further information on the draft Regulation may be obtained by contacting Valérie Lephât, Direction adjointe du 3RV-E, Direction des matières résiduelles, Ministère de l’Environnement et de la Lutte contre les changements climatiques, édifice Marie Guyart, 9^e étage, boîte 71, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; email: valerie.lephat@environnement.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Geneviève Rodrigue, Associate Director, 3RV-E, Direction des matières résiduelles, Ministère de l’Environnement et de la Lutte contre les changements climatiques, édifice Marie Guyart, 9^e étage, boîte 71, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: 418 455-1569; email: genevieve.rodrigue@environnement.gouv.qc.ca.

BENOIT CHARETTE
*Minister of the Environment and
the Fight Against Climate Change*

Regulation to amend the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials

Environment Quality Act
(chapter Q-2, ss. 53.31.2 to 53.31.5, 53.31.12, 53.31.12.1, 53.31.15, 53.31.17 and 53.31.18)

1. The Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (chapter Q-2, r. 10) is amended in section 3

(1) by replacing “or marketing” in subparagraph 1 of the first paragraph by “, marketing or any other type of distribution”;

(2) by replacing “may be” in the second paragraph by “is”;

(3) in the third paragraph,

(a) by replacing “a retail outlet” by “an establishment”;

(b) by replacing “may be” by “is”;

(c) by replacing “,” after “from the franchisor” by “or”;

(d) by replacing “ou” after “la chaîne” in the French text by “;”;

(e) by striking out “,” after “la bannière” in the French text;

(f) by replacing “or if the franchisor, owner of the chain, banner or group has no domicile or establishment in Québec, their representative in Québec” by “having a domicile or establishment in Québec. If the franchisor or owner has no domicile or establishment in Québec, the first supplier in Québec of the products or of the containers and packaging, other than the manufacturer, is required to pay the contributions, whether or not that supplier is the importer”.

2. Section 3.1 is amended

(1) in the first paragraph,

(a) by replacing “or marketing” by “, marketing or any other type of distribution in Québec”;

(b) by replacing “may be” by “is”;

- (2) in the second paragraph,
- (a) by replacing “a retail outlet” by “an establishment”;
- (b) by replacing “may be” by “is”;
- (c) by replacing “,” after “from the franchisor” by “or”;
- (d) by replacing “ou” after “la chaîne” in the French text by “,”;
- (e) by striking out “,” after “la bannière” in the French text;
- (f) by replacing “or if the franchisor, owner of the chain, banner or group has no domicile or establishment in Québec, their representative in Québec” by “having a domicile or establishment in Québec. If the franchisor or owner has no domicile or establishment in Québec, the first supplier in Québec of the products or of the containers and packaging, other than the manufacturer, is required to pay the contributions, whether or not that supplier is the importer”.

3. The following is inserted after section 3.1:

“**3.2.** Where a product is acquired outside Québec, as part of a sale governed by the laws of Québec, by a person domiciled or having an establishment in Québec that is not carrying on an organized economic activity, by a municipality, or by a public body within the meaning of section 4 of the Act respecting contracts by public bodies (chapter C-65.1), for its own use, the contributions payable pursuant to a schedule of contributions established under section 53.31.14 of the Environment Quality Act (chapter Q-2) for containers and packaging used in the commercialization, marketing or distribution of any other kind in Québec of the product is required from

(1) the person operating the transactional website used to acquire the product that allows a person having no domicile or establishment in Québec to commercialize, market or distribute the product;

(2) the person from which the product was acquired, whether or not that person has a domicile or establishment in Québec, in other cases.

The same applies, with the necessary modifications, with respect to containers and packaging acquired outside Québec as part of a sale governed by the laws of Québec by a person domiciled or having an establishment in Québec that is not carrying on an organized economic activity, by a municipality, or by a public body within the meaning of section 4 of the Act respecting contracts by public bodies, for its own use.”.

4. Section 4 is replaced by the following:

“**4.** Despite sections 3 and 3.1, the following provisions apply to containers and packaging added at a retail outlet:

(1) where a retail outlet is supplied or operated as a franchise or chain, under a banner name or as part of another similar form of affiliation or group of businesses or establishments, the contributions for the containers or packaging added at the point of sale is payable by the franchisor or the owner of the chain, banner or group concerned having a domicile or establishment in Québec. If the franchisor or owner has no domicile or establishment in Québec, the contributions are payable by the person who added the containers or packaging at the retail outlet;

(2) where a retail outlet having a total area equal to or greater than 929 m² is not operated as a franchise or chain, under a banner name or as part of another similar form of affiliation or group of businesses or establishments, the contributions for the containers and packaging added at the point of sale is payable by the person who added the containers or packaging at the retail outlet;

(3) where a retail outlet having an area of less than 929 m² is not operated as a franchise or chain, under a banner name or as part of another similar form of affiliation or group of businesses or establishments, no contribution is payable for the containers and packaging added at the point of sale.”.

5. Section 6 is amended

(1) by replacing “may be” in the second paragraph by “is”;

(2) in the third paragraph,

(a) by replacing “a retail outlet” by “an establishment”;

(b) by replacing “may be” by “is”;

(c) by replacing “,” after “from the franchisor” by “or”;

(d) by replacing “ou” after “la chaîne” in the French text by “,”;

(e) by striking out “,” after “la bannière” in the French text;

(f) by replacing “or if the franchisor, owner of the chain, banner or group has no domicile or establishment in Québec, their representative in Québec” by “having a domicile or establishment in Québec. If the franchisor or owner has no domicile or establishment in Québec, the

first supplier in Québec of the newspaper or printed matter class of materials is required to pay the contributions, whether or not that supplier is the importer”.

6. Section 6.1 is amended in the second paragraph

- (1) by replacing “a retail outlet” by “an establishment”;
- (2) by replacing “may be” by “is”;
- (3) by replacing “,” after “from the franchisor” by “or”;
- (4) by replacing “ou” after “la chaîne” in the French text by “;”;
- (5) by striking out “,” after “la bannière” in the French text;
- (6) by replacing “or if the franchisor, owner of the chain, banner or group has no domicile or establishment in Québec, their representative in Québec” by “having a domicile or establishment in Québec. If the franchisor or owner has no domicile or establishment in Québec, the first supplier in Québec of the newspaper or printed matter class of materials is required to pay the contributions, whether or not that supplier is the importer”.

7. The following is inserted after section 6.1:

**“DIVISION III.1
DECLARATION BY MUNICIPALITIES**

6.2. Every municipality is required to send to the Société québécoise de récupération et de recyclage, not later than 30 June each year, a declaration stating, for the year preceding the year for which the compensation is owed, the quantity of materials subject to compensation that was recovered and reclaimed in its territory and the net cost of the services it provided for the collection, transportation, sorting and conditioning of those materials.

The net cost referred to in the first paragraph corresponds to the expenses incurred by the municipality the year preceding the year for which the compensation is owed to provide services to collect, transport, sort and condition the materials or classes of materials subject to compensation that were sorted at source, from which is deducted any income, rebate or other gain related to the materials and received by the municipality.

Expenses incurred by a municipality for the purchase of containers, for information, awareness and educational activities or for the granting of service contracts and the follow-up on payments owed under such contracts are not included in the net costs mentioned in the second paragraph.

The declaration must be signed by the municipality’s external auditor, who must state whether, in the external auditor’s opinion, the information included meets the requirements of this section.

6.3. Any correction to a declaration sent by a municipality before 1 September of the year for which compensation is owed to the municipality must be received by the Société québécoise de récupération et de recyclage not later than 30 June of the following year.

The corrected declaration is subject to the conditions provided for in the fourth paragraph of section 6.2.

Adjustments resulting from a correction to a declaration are applied to the compensation owed to the municipality the following year.”.

8. The heading of Division IV is amended by striking out “DIVISION,”.

9. The heading of subdivision 1 of Division IV is amended by replacing “costs eligible for compensation and of management indemnity” by “compensation owed for the years 2022 and 2023”.

10. The following is inserted before section 7:

“**6.4.** This subdivision applies to the calculation of the annual compensation owed to municipalities for the years 2022 and 2023.”.

11. Section 7 is amended

- (1) in the first paragraph,
 - (a) by inserting “by the Société québécoise de récupération et de recyclage” after “based”;
 - (b) by replacing “. That cost corresponds to the expenses incurred by the municipality during that year to collect, transport, sort and condition the materials or classes of materials subject to compensation that were sorted at source, from which is deducted, any income, rebate or other gain related to the materials and received by the municipality” by “; as determined pursuant to the second paragraph of section 6.2. An amount equivalent to 6.45% of the net cost is also subtracted to take into account materials or classes of materials that, even if not referred to in section 2, are nonetheless recovered and treated during the collection, transportation, sorting and conditioning of the classes of materials designated in section 2”;

- (2) by striking out the second and third paragraphs.

12. Section 8.2 is amended

(1) by adding “, from which is subtracted 6.45% of that cost” at the end of the definition of “cost”;

(2) by adding “, from which is subtracted 6.45% of that quantity” at the end of the definition of “tonnes”;

(3) by replacing “quantity, in kilograms, of materials subject to compensation that was recovered or reclaimed during the year, as declared by the municipality” in the definition of “kg” by “value of “tonnes”, converted into kilograms”.

13. Section 8.4 is amended

(1) by replacing “8.6” in the first paragraph by “6.2, from which is subtracted 6.45% of that cost pursuant to section 7”;

(2) in the second paragraph,

(a) by replacing “quantity, in kilograms, of materials subject to compensation that was recovered or reclaimed during the year, as declared by the municipality” in the definition of “kg” by “value of “tonnes”, converted into kilograms”;

(b) by adding “, from which is subtracted 6.45% of that quantity” at the end of the definition of “tonnes”;

(3) by replacing “8.6” in the last paragraph by “6.2”.

14. Section 8.6 is revoked.**15.** Section 8.7 is amended

(1) in the first paragraph,

(a) by inserting “for the years 2021 to 2023,” after “(chapter Q-2),”;

(b) by replacing “8.6” by “6.2”;

(c) by replacing “cette dernière” in the French text by “la Société”;

(d) by replacing “de son contrôle” in the French text by “du contrôle de la municipalité”;

(2) by replacing “a given year” in the portion before subparagraph 1 of the second paragraph by “of one of the said years”;

(3) by striking out “For the year 2012, no compensation is owed to a municipality that did not send its declaration before 30 June 2014.” at the end of the third paragraph.

16. Section 8.7.1 is revoked.

17. Subdivision 2 and subdivision 2.1 of Division IV, comprising sections 8.8 to 8.9.1, are replaced by the following:

“§2. Calculation of the compensation owed for the years 2024 and following

8.8.1. This subdivision applies to the calculation of the annual compensation owed to municipalities for the years 2024 and following.

8.8.2. The amount of the annual compensation owed to each municipality for the years 2024 and following is obtained by applying the following formula:

$$\text{Comp.} = \text{NC} \times 0.9355 \times \text{CR2023} + \text{S}$$

In the formula in the first paragraph,

“Comp.” is the annual compensation owed to the municipality for a given year;

“NC” is the net cost declared by the municipality pursuant to section 6.2 for the services provided by it during the preceding year;

“CR2023” is the compensation rate of the municipality for the year 2023, as established pursuant to section 8.8.3;

“S” is the annual supplementary cost generated, where applicable, by the contracts referred to in section 18 of the Act to amend mainly the Environment Quality Act with respect to deposits and selective collection (2021, chapter 5) that are entered into by the municipality after 24 September 2020 and take effect after 31 December 2022. The supplementary cost is established pursuant to section 8.8.4.

8.8.3. The compensation rate of a municipality for the year 2023 referred to in the second paragraph of section 8.8.2 is obtained by applying the following formula:

$$\text{CR2023} = \text{Comp2023} \div (\text{NC2022} \times 0.9355)$$

In the formula in the first paragraph:

“CR2023” is the compensation rate of the municipality for the year 2023;

“Comp2023” is the amount of the annual compensation owed to the municipality for the year 2023;

“NC2022” is the net cost declared by the municipality pursuant to section 6.2 for the services provided in the year 2022.

8.8.4. For the purpose of calculating the annual compensation owed to a municipality, provided for in section 8.8.2, the supplementary cost, if any, generated by the contracts referred to in section 18 of the Act to amend mainly the Environment Quality Act with respect to deposits and selective collection (2021, chapter 5) that are entered into by the municipality after 24 September 2020 and take effect after 31 December 2022 must be considered. The amount of the supplementary cost, for a given year, is obtained by applying the following formula:

$$S = ((NCx \times 0.9355) - (NCx \times 0.9355 \times CR2023)) - (NC2022 \times 0.9355 - \text{Comp2023})$$

In the formula in the first paragraph,

“S” is the annual supplementary cost generated, where applicable, by the contracts referred to in section 18 of the Act to amend mainly the Environment Quality Act with respect to deposits and selective collection (2021, chapter 5) entered into by the municipality after 24 September 2020 that take effect after 31 December 2022;

“NCx” is the net cost declared by the municipality pursuant to section 6.2 for the services provided by it during the preceding year;

“CR2023” is the compensation rate of the municipality for the year 2023, as established pursuant to section 8.8.3;

“NC2022” is the net cost declared by the municipality pursuant to section 6.2 for the services provided in the year 2022;

“Comp2023” is the amount of the annual compensation owed to the municipality for the year 2023.

8.8.5. Where municipalities form a group for the supply of services for the collection, transportation, sorting and conditioning of materials or classes of materials subject to compensation, the compensation rate for such a new group for the year 2023, referred to in the second paragraph of section 8.8.2, is the highest compensation rate for the year 2023 among the compensation rates for the municipalities in the group.

8.8.6. In accordance with section 53.31.4 of the Environment Quality Act (chapter Q-2), for the years 2024 and following, the compensation owed to a municipality

that fails to send a declaration complying with the prescriptions of section 6.2 to the Société québécoise de récupération et de recyclage within the time set in that section is reduced by 10% as a penalty, unless the Société deems that the failure results from special circumstances beyond the municipality’s control.

If a municipality fails to file the declaration by 1 September of a given year, the compensation owed to the municipality is the same as the compensation owed to it for the previous year, reduced by 20% as a penalty.

However, the penalty of 20% provided for in the second paragraph is not applicable if the Société deems that the failure results from special circumstances beyond the municipality’s control.

Despite the payment of compensation to a municipality under the provisions of the second or third paragraph, the municipality is still required to send its declaration to the Société as soon as possible.”.

18. The heading of subdivision 3 of Division IV is replaced by the following:

“§3. *Proposed schedule of contributions and payment of contributions*”.

19. The following is inserted before 8.10:

“**8.9.** A certified body must send to the Société québécoise de récupération et de recyclage, not later than 31 December of the year in which the current schedule expires, the proposed schedule referred to in section 53.31.15 of the Environment Quality Act (chapter Q-2).”.

20. Section 8.10 is amended by replacing the third and fourth paragraphs by the following:

“Despite the first and second paragraphs, the amount of the compensation owed to the municipalities for the years 2024 and following must be paid to the Société by the certified body in the following manner:

(1) for the year 2024:

(a) at least 40% of the amount due before the end of the fifth month following the publication in the *Gazette officielle du Québec* of the schedule referred to in section 53.31.15 of the Environment Quality Act;

(b) at least 80% of the amount due before the end of the seventh month following the publication in the *Gazette officielle du Québec* of the said schedule;

(c) the balance before the end of the thirteenth month following the publication in the *Gazette officielle du Québec* of the said schedule;

(2) for the year 2025 and subsequent years:

(a) at least 30% of the amount due before the end of the fifth month following the publication in the *Gazette officielle du Québec* of the schedule referred to in section 53.31.15 of the Environment Quality Act;

(b) at least 60% of the amount due before the end of the seventh month following the publication in the *Gazette officielle du Québec* of the said schedule;

(c) the balance before the end of the eighteenth month following the publication in the *Gazette officielle du Québec* of the said schedule.”

21. Section 8.12 is amended

(1) in the first paragraph,

(a) by striking out “, in whole or in part,”;

(b) by adding “, representing up to 15% of that amount” at the end;

(2) by striking out the second paragraph.

22. Section 8.12.2 is amended by striking out the second paragraph.

23. Section 8.13 is amended

(1) by inserting “for the years 2022 and 2023” after “municipalities”;

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

“The amount of the compensation owed to the municipalities for the years 2024 and following must be distributed not later than 30 days after a payment is received from the certified body pursuant to section 8.10.”

24. Section 8.14 is amended

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

“The amount payable annually to the Société québécoise de récupération et de recyclage to indemnify it for its management costs and other expenses mentioned in section 53.31.18 of the Environment Quality Act (chapter Q-2) is equal to 2% of the annual compensation owed to the municipalities under Division IV.”;

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

“If there is more than one certified body, the amount of the indemnity is divided among them in proportion to the compensation owed that is paid to them under the schedule of contributions established pursuant to section 53.31.15 of the Environment Quality Act.”

25. Section 8.15 is amended

(1) in the first paragraph, by replacing “31 December each year” by “the due date for the first payment of the annual compensation provided for in section 8.10”;

(2) by striking out the second paragraph.

26. Section 11 of the Regulation to amend the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials, enacted by Order in Council 1302-2013 dated 11 December 2013, is revoked.

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

105395

Draft Regulation

Professional Code
(chapter C-26)

Dispensing opticians

— **Professional activities that may be engaged in by persons in the process of obtaining a permit issued by the Ordre des opticiens d’ordonnances du Québec**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the professional activities that may be engaged in by persons in the process of obtaining a permit issued by the Ordre des opticiens d’ordonnances du Québec, made by the board of directors of the Ordre des opticiens d’ordonnances du Québec and appearing below, is published as a draft and may be examined by the Office des professions du Québec then submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation authorizes the engaging in of professional activities by persons registered in a program of study leading to a diploma giving access to the permit issued by the Ordre des opticiens d’ordonnances