



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 990

**An Act to prohibit hydraulic fracturing
and chemical stimulation of wells
throughout Québec**

Introduction

**Introduced by
Madam Manon Massé
Member for Sainte-Marie–Saint-Jacques**

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EXPLANATORY NOTES

The purpose of this bill is to prohibit hydraulic fracturing and chemical stimulation of wells throughout Québec in order to protect the health and safety of Quebecers and the quality of the environment.

This prohibition applies to shale oil and gas exploration and development projects using these processes, including those in progress.

Lastly, the bill prescribes the penal sanctions to be imposed on natural and legal persons who fail to comply with this prohibition.

LEGISLATION AMENDED BY THIS BILL:

- Petroleum Products Act (2016, chapter 35, section 23).

REGULATIONS AMENDED BY THIS BILL:

- Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2);
- Regulation respecting the filing of information on certain drilling and fracturing work on gas or petroleum wells (chapter Q-2, r. 47.1).

Bill 990

AN ACT TO PROHIBIT HYDRAULIC FRACTURING AND CHEMICAL STIMULATION OF WELLS THROUGHOUT QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PURPOSE

1. The purpose of this Act is to prohibit hydraulic fracturing and chemical stimulation of wells throughout Québec in order to protect the health and safety of Quebecers and the quality of the environment.

2. For the purposes of this chapter:

“chemical stimulation” means an operation that aims to improve the hydraulic conductivity of an existing fracture or fracture network through the chemical action of a fluid;

“hydraulic fracturing” means an operation that consists in injecting fluid into a well bore at a pressure sufficient to create fissures or enlarge existing fissures in geological formations.

3. As of (*insert the date of introduction of this bill*), no person may commence or continue hydraulic fracturing or chemical stimulation of wells anywhere in Québec.

CHAPTER II

PENAL PROVISIONS

4. A person who contravenes section 3 commits an offence and is liable

(1) in the case of a natural person, to a fine of not less than \$2,000 or more than \$20,000 for a first offence and not less than \$4,000 or more than \$40,000 for a second or subsequent offence, or, in either case, to imprisonment for not more than one year or to both the imprisonment and the fine, despite article 231 of the Code of Penal Procedure (chapter C-25.1); or

(2) in the case of a legal person, to a fine of not less than \$6,000 or more than \$250,000 for a first offence, not less than \$50,000 or more than \$1,000,000 in the case of a second offence, and not less than \$500,000 or more than \$1,000,000 for a subsequent offence.

5. Whoever does or omits to do something in order to assist a person to commit an offence under this Act or the regulations, or advises, encourages or incites a person to commit such an offence, is considered to have committed the same offence.

6. If an offence under section 3 or section 5 continues for more than one day, it constitutes a separate offence for each day it continues.

7. Penal proceedings for an offence under this Act are prescribed two years from the date the offence was committed.

CHAPTER III

AMENDING PROVISIONS

PETROLEUM RESOURCES ACT

8. Section 6 of the Petroleum Resources Act (2016, chapter 35, section 23) is amended by striking out the fourth paragraph.

9. Section 84 of the Act is amended, in the first paragraph,

(1) by striking out “unless the licence holder does so by fracturing”;

(2) by replacing “physical, chemical or other stimulation” by “stimulation other than chemical stimulation”.

10. Subdivision 5 of Division VI of Chapter III of the Act, comprising sections 87 to 89, is repealed.

11. Section 150 of the Act is amended by striking out “88,” in subparagraph 2 of the first paragraph.

12. Section 160 of the Act is amended by striking out “88,”.

13. Section 188 of the Act is amended by striking out “87,” in the first paragraph.

14. Section 200 of the Act is amended by striking out “87,” in the first paragraph.

WATER WITHDRAWAL AND PROTECTION REGULATION

15. Section 18 of the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2) is amended by striking out subparagraph 4 of the first paragraph.

16. Division IV of Chapter V of the Regulation, comprising sections 40 to 46, is repealed.

17. Section 47 of the Regulation is amended by striking out “, fracturing operations” in the first paragraph.

18. Section 49 of the Regulation is amended by striking out subparagraphs 2 and 4 of the first paragraph.

19. Section 84 of the Regulation is amended by striking out paragraph 5.

20. Section 85 of the Regulation is amended

(1) by striking out “, 41” in paragraph 1;

(2) by striking out “the second or third paragraph of section 45 or” in paragraph 3.

21. Section 86 of the Regulation is amended by striking out paragraphs 3 and 4.

22. Section 91 of the Regulation is amended by striking out paragraph 5.

23. Section 92 of the Regulation is amended

(1) by striking out “, 41” in paragraph 2;

(2) by striking out “the second or third paragraph of section 45 or” in paragraph 4.

24. Section 93 of the Regulation is amended by striking out paragraphs 3 and 4.

25. Section 1 of Schedule III to the Regulation is amended by striking out the second paragraph.

REGULATION RESPECTING THE FILING OF INFORMATION ON
CERTAIN DRILLING AND FRACTURING WORK ON GAS OR
PETROLEUM WELLS

26. The title of the Regulation respecting the filing of information on certain drilling and fracturing work on gas or petroleum wells (chapter Q-2, r. 47.1) is replaced by the following title:

“REGULATION RESPECTING THE FILING OF INFORMATION ON
CERTAIN DRILLING WORK ON GAS OR PETROLEUM WELLS”.

27. Section 1 of the Regulation is amended by striking out subparagraph 2 of the first paragraph.

28. Section 4 of the Regulation is amended

- (1) by striking out “and fracturing” in paragraph 3;
- (2) by striking out “or fracturing work” in paragraph 4.

CHAPTER IV

MISCELLANEOUS AND FINAL PROVISIONS

29. This Act has precedence over any contrary provision of an earlier Act, regulation or order and, unless expressly provided otherwise, over any contrary provision of a subsequent Act, regulation or order.

30. The Government may, by regulation, prescribe any measure required for the carrying out of this Act.

31. This Act comes into force on (*insert the date of assent to this Act*).

