

Bill 83

**An Act respecting mainly the health  
insurance plan and prescription drug  
insurance plan eligibility of certain  
children whose parents' migratory  
status is precarious**

Section 7

**AMENDMENT:**

Replace by:

7. Section 2 of the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec (chapter A-29, r. 1) is amended by adding the following paragraph at the end:

“(5) minor foreign nationals who have no legal status with Canadian immigration authorities and who demonstrate their intention to stay in Québec for a period of more than 6 months in the year following the date of their registration.”

adopté  
ML

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Section 9

**AMENDMENT:**

Replace by:

9. Section 3 of the Regulation is amended

(1) by inserting "18 years of age or over" after "any dependant" in paragraph 6;

(2) by adding the following paragraphs at the end:

"(7) minor foreign nationals who have been granted entry by Canadian immigration authorities for a stay of more than 6 months; and

(8) children born in Québec if the parent with whom the child lives on a permanent basis has been granted entry by Canadian immigration authorities for a stay of more than 6 months, even if that authorization is valid for a period of less than 6 months from the child's date of birth."

*adopté  
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Section 1.1

**AMENDMENT:**

Insert after section 1:

**1.1.** Section 9 of the Act is amended by adding the following paragraph at the end:

“The Board may also, in the cases or on the conditions and for the length of time provided for by regulation, issue a temporary certificate of registration to a person in lieu and place of the health insurance card.”

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Section 2.1

**AMENDMENT:**

Insert after section 2:

**2.1.** The Act is amended by inserting the following section after section 65:

**“65.0.0.0.1.** Despite section 65, it is prohibited to communicate or use the personal information collected under this Act and to confirm the existence of such information for the purpose of determining a person's immigration status, except with the consent of the person concerned.

Where such information has been communicated to a third person for another purpose, it remains subject to the requirements provided for in the first paragraph.

This section does not restrict the communication of documents or information required by a subpoena, warrant or order issued by any person or body having the power to compel their communication.

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Section 3

**AMENDMENT:**

Insert after paragraph 1:

(1.1) by inserting the following subparagraph after subparagraph 1:

“(1.01) determine in which cases or on which conditions, and for which  
length of time a temporary certificate of registration may be issued;”;

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Section 16

**AMENDMENT:**

Replace “in paragraph 6 or 7” in proposed section 0.1 by “in paragraph 7 or 8”.

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Section 9.1

**AMENDMENT:**

Insert after section 9:

**9.1.** Section 4 of the Regulation is replaced by the following section:

“**4.** Unless otherwise provided in this Regulation, a person shall become a resident or a temporary resident of Québec from

(a) the first day of the third month following the reference date, in the case of a person of full age; or

(b) the reference date, in the case of a minor child.”

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Section 9.2

**AMENDMENT:**

Insert after section 9.1:

**9.2.** Section 4.2 of the Regulation is amended

(1) by striking out “or, in the case of a minor child only, by subparagraph *a* of paragraph 1 of that section;” in paragraph 5.1;

(2) by striking out paragraph 6.

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Section 10

**AMENDMENT:**

Replace paragraph 1 by:

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

“(1) a child born in Québec; and”;

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Section 10.1

**AMENDMENT:**

Insert after section 10:

**10.1.** Section 4.6 of the Regulation is replaced by the following section:

“**4.6.** The following shall become temporary residents of Québec from their date of birth:

(1) a minor foreign national referred to in paragraph 7 of section 3, if the parent with whom he lives on a permanent basis since birth is a temporary resident of Québec at that time, for the period of the stay authorized by Canadian immigration authorities following the child's birth; and

(2) a child referred to in paragraph 8 of section 3, for the remainder of the stay authorized by Canadian immigration authorities for the child's parent with whom he lives on a permanent basis since birth.”

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Section 12

**AMENDMENT:**

Replace by:

**12.** Section 18 of the Regulation is amended by replacing “or, if the resident is a person referred to in paragraph 1 or 2 of section 2, he shall, to renew his registration, apply” in the second paragraph by “or, in the case of a person referred to in paragraph 1, 2 or 5 of section 2, the registration must be renewed”.

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Section 13

**AMENDMENT:**

Replace "4" by "5".

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Section 11

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ML*

**AMENDMENT:**

Replace by:

**11.** Section 15 of the Regulation is amended, in the first paragraph,

(1) by inserting the following subparagraphs after subparagraph 1:

“(1.1) in the case of a minor foreign national referred to in paragraph 5 of section 2, the following documents:

(a) an attestation of school attendance, if he is attending school or, if not attending school, an affidavit by the parent with whom he lives on a permanent basis or by the person who has the care or custody of him, establishing the parent's or person's intention and that of the minor foreign national to stay in Québec for a period of more than 6 months in the year following the minor foreign national's date of registration; and

(b) the original of the minor foreign national's birth certificate or, if the certificate is not in French or in English, or in its absence, in accordance with the order of priority that follows:

- i. a passport in French or in English;
- ii. an authorization to stay in Canada issued by Canadian immigration authorities, which has expired; or
- iii. an affidavit by the parent with whom he lives on a permanent basis or by the person who has the care or custody of him, confirming his official name, date of birth and place of birth;

(1.2) in the case of a minor child referred to in section 2.1, in addition to one of the documents referred to in any of the subparagraphs of this paragraph applicable to the minor child's situation, one of the following documents, in accordance with the following order of priority:

(a) the original of the authorization issued by Canadian immigration authorities attesting that the parent with whom the child lives on a permanent basis is authorized to stay in Québec for a period of more than 6 months from the child's date of registration;

(b) an attestation of school attendance; or

(c) an affidavit by the parent with whom the child lives on a permanent basis or by the person who has the care or custody of the child, establishing the parent's or person's intention and that of the child to stay in Québec for a period of more than 6 months in the year following the child's date of registration;";

(2) in subparagraph 3,

(a) by adding “, except a minor foreign national referred to in paragraph 5 of section 2” at the end of the introductory clause of subparagraph a;

(b) by adding the following subparagraphs at the end of subparagraph b:

“iv. the original of the authorization issued by Canadian immigration authorities for a stay of more than 6 months, in the case of a minor foreign national referred to in paragraph 7 of section 3;

v. the original of the authorization issued to the parent with whom the child lives on a permanent basis by Canadian immigration authorities for a stay of more than 6 months, in the case of a child referred to in paragraph 8 of section 3;”;

(3) by inserting “18 years of age or over” after “a dependant” in the introductory clause of subparagraph 4.

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Section 15

*adopté  
ML*

**AMENDMENT:**

Replace by:

**15.** Section 23 of the Regulation is amended

(1) in the first paragraph,

(a) by adding the following subparagraph after subparagraph *d* of subparagraph 1:

“(e) following the registration or renewal of the registration of a minor foreign national referred to in paragraph 5 of section 2;”;

(b) by replacing “in paragraph 1 or 3” in subparagraph *b* of subparagraph 3 by “in paragraph 1, 3 or 7”;

(c) by inserting the following subparagraph after subparagraph 5:

“(5.0.1) for the period of validity specified in the document issued by Canadian immigration authorities to the parent with whom the child lives on a permanent basis, following the registration of a child referred to in paragraph 8 of section 3;”;

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

“Likewise, the Board may not issue to a minor foreign national referred to in paragraph 5 of section 2 or in paragraph 7 of section 3 a health insurance card if the card's expiry date is later than the day preceding the date of his eighteenth birthday.”

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Section 14

**AMENDMENT:**

Replace by:

**14.** Section 22 of the Regulation is amended, in the first paragraph,

- (1) by replacing “or 2” in the introductory clause by “, 2 or 5”;
- (2) by inserting the following subparagraph after subparagraph 2.1:

“(2.1.1) if the applicant is a minor foreign national referred to in paragraph 5 of section 2, the documents listed in subparagraph 1.1 of the first paragraph of section 15;”.

*adopté  
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Section 15.1

**AMENDMENT:**

Insert after section 15:

**15.1.** Section 23.2 of the Regulation is amended by adding the following paragraph at the end:

“Notwithstanding the first paragraph, the health insurance card of a minor foreign national referred to in paragraph 5 of section 2 or in paragraph 7 of section 3 expires on the last day of the month indicated on the card or on the day preceding the minor foreign national's eighteenth birthday, whichever occurs first.”

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Section 14.1

**AMENDMENT:**

Insert after section 14:

**14.1.** The Regulation is amended by inserting "AND TEMPORARY  
CERTIFICATE OF REGISTRATION" after "CARD" in the heading of Division  
IV.

*adopté  
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Section 15.2

**AMENDMENT:**

Insert after section 15.1, introduced by amendment:

**15.2.** The Regulation is amended by inserting the following section after section 24:

“**24.1.** The Board may issue a temporary certificate of registration to an insured person whose health insurance card has been lost, damaged or stolen. The certificate is valid for a maximum of 45 days.

The Board also issues such a certificate to a child born in Québec, where neither parent is eligible for health insurance, as soon as the Board is informed of the child's birth. The certificate is valid for a period of 45 days.”

*adopté  
ML*

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Section 18

*adopté  
MC*

**AMENDMENT:**

Replace by:

**18.** Despite sections 4, 4.5 and 4.6 of the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec (chapter A-29, r. 1), as amended by sections 9.1, 10 and 10.1, respectively, for the purposes of the Health Insurance Act (chapter A-29), the Act respecting prescription drug insurance (chapter A-29.01) and their regulations,

(1) a minor child who, on (*insert the date of coming into force of section 1 of this Act*), becomes a resident of Québec within the meaning of section 5 of the Health Insurance Act, as amended by section 1, is deemed to have become a resident of Québec on that date;

(2) a minor child who, on (*insert the date of coming into force of section 9 of this Act*), was not already covered by paragraph 6 of section 3 of the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec as it read before that date, and who becomes covered by paragraph 7 or 8 of section 3 of the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec, enacted by section 9, is deemed to have become a temporary resident of Québec on that date.

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Section 6.1

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**AMENDMENT:**

Insert after section 6:

**ACT RESPECTING END-OF-LIFE CARE**

**6.1.** Section 29 of the Act respecting end-of-life care (chapter S-32.0001) is amended by adding the following paragraphs at the end:

“If an end-of-life patient has become incapable of giving consent to care after making the request, the physician may nonetheless administer medical aid in dying to the patient, provided that, at the time the patient was at the end of life and before they became incapable of giving consent to care,

- (1) all the conditions prescribed in the first paragraph had been met; and
- (2) the patient gave consent, in writing and in the presence of a health professional, and within 90 days before the date of administration of the medical aid in dying, to receiving the aid even if they were to become incapable of giving consent to care before the administration of the aid.

Any refusal to receive medical aid in dying expressed by a patient referred to in the preceding paragraph must be respected and it is prohibited to disregard it in any manner.

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Section 19

**AMENDMENT:**

Replace by:

**19.** This Act comes into force on the date determined by the Government, except section 6.1, which comes into force on *(insert the date of assent to this Act)*.

*adopté  
ML*

Bill 83

**An Act respecting mainly the health  
insurance plan and prescription drug  
insurance plan eligibility of certain  
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Title

**AMENDMENT:**

Replace by:

An Act respecting mainly the health insurance plan and prescription drug insurance  
plan eligibility of certain children whose parents' migratory status is precarious and  
amending the Act respecting end-of-life care

adapté  
ML