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# NATIONAL ASSEMBLY OF QUÉBEC

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SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 41

**An Act to amend the Agrologists Act**

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**Introduction**

**Introduced by  
Mr. André Lamontagne  
Minister of Agriculture, Fisheries and Food**

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## **EXPLANATORY NOTES**

*This bill amends the Agrologists Act to specify the scope of practice of the profession of agrologist and the professional activities reserved for them. It also specifies certain functions that are incompatible with the practice of the profession.*

*Further, the bill redefines governance within the Ordre des agronomes du Québec, notably by modifying the composition of the board of directors.*

*The bill also requires the Order to determine, by regulation, which of the professional activities reserved for agrologists may be practised by professional technologists whose competence is in agricultural technology.*

*Finally, the bill contains miscellaneous and final provisions.*

## **LEGISLATION AMENDED BY THIS BILL:**

- Agrologists Act (chapter A-12).

# Bill 41

## AN ACT TO AMEND THE AGROLOGISTS ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### AGROLOGISTS ACT

**1.** Sections 4 to 8 of the Agrologists Act (chapter A-12) are replaced by the following sections:

“**4.** The Order shall be governed by a board of directors constituted in the manner prescribed in the Professional Code (chapter C-26).

However, the board of directors includes a vice-president.

“**5.** The vice-president shall be elected, as determined by the board of directors,

(1) by a general vote of the members of the Order by secret ballot; or

(2) by a vote of the elected directors and appointed directors, from among the directors elected by secret ballot.

If the vice-president is elected in accordance with subparagraph 2 of the first paragraph, the board of directors shall be deemed regularly constituted notwithstanding that the number of directors is reduced.

No member may be a candidate, at the same time, for the office of vice-president and for the office of director.”

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

“The vice-president shall also assume such other responsibilities as are assigned by the board but may not act as an officer.”

**3.** Section 10 of the Act is replaced by the following sections:

“**9.1.** The board of directors must make a regulation under subparagraph *h* of the first paragraph of section 94 of the Professional Code (chapter C-26) in order to determine which of the activities reserved for agrologists may be practised by professional technologists whose competence is in agricultural technology.

**“10.** The board of directors may

(1) place under administration or abolish a section that fails to fulfill its principal function or to make suitable and beneficial use of its funds, require a report on the use of its funds from the officers of a section and, if necessary, order an inquiry;

(2) place under administration or abolish a section that fails to make the report required under section 17.1 or to submit to the disallowance of a by-law effected under section 22; and

(3) order that the books, records and property of the abolished sections be turned over to it and dispose of them, and assume the obligations of such sections, as applicable.”

**4.** Section 10.1 of the Act is amended by replacing the first paragraph by the following paragraph:

“The board of directors may, by regulation, determine how the proceeds of the assessment are to be distributed among the sections.”

**5.** Division III.1 of the Act, comprising section 10.2, is repealed.

**6.** The Act is amended by inserting the following section after section 12:

**“13.** The principal function of a section is to support the Order in its function of ensuring the protection of the public, particularly in ensuring the provision of continuing education activities, courses or internships for agrologists.”

**7.** The Act is amended by inserting the following section after section 17:

**“17.1.** A section shall file an activity report with the Order annually and, at the Order’s request, at any other time.

The annual activity report of a section shall contain, among other things, the financial statements for the preceding fiscal year.”

**8.** Section 18 of the Act is amended by striking out “and on any matter of general interest to the members of the section, except matters within the competence of the Order”.

**9.** Section 23 of the Act is amended by replacing “under trusteeship” by “under administration”.

**10.** Section 24 of the Act is replaced by the following sections:

**“24.** The practice of agrology consists in engaging in scientific observation, identification, interpretation, analysis, experimentation, monitoring, certification or advisory activities applied to the development or exploitation of a substrate, including the soil, to crop production, to livestock raising, including insects, or to food processing or preservation, in order to efficiently obtain animal, fungal or plant-derived products that are healthy, reliable and useful.

The practice of agrology also consists in engaging in interpretation, analysis or advisory activities in the area of farming or agri-food business management on the basis of criteria that are both scientific and economic and require knowledge belonging to the practice of agrology, for the same purpose as set out in the first paragraph.

Respect for the environment and for life, the protection of property, sustainable land development, heritage preservation and economic efficiency are part of the practice of agrologists to the extent that they relate to the agrologist’s professional activities.

**“25.** The following professional activities in the practice of agrology are reserved to agrologists:

- (1) assessing the state of a substrate, of a crop or of livestock;
- (2) analyzing a farming or agri-food business using techno-economic criteria, the selection of which requires knowledge of agrology;
- (3) determining the nature, composition, quantity and method of use of a substance or mixture of substances to meet the nutritional needs of livestock or plants as well as when and for how long the substance or mixture is to be used, in order to ensure the growth, maintenance and yield of the livestock or plants;
- (4) determining methods of preventive treatment or of protection to be applied to a substrate, crop or livestock to reduce or eliminate any damage that may affect it;
- (5) developing an intervention relating to substrate development or use or crop or livestock management;
- (6) developing a livestock genetic improvement plan; and
- (7) as part of an activity listed in any of subparagraphs 1 to 6, preparing and giving written opinions or reports that are signed and sealed.

The professional activities reserved for agrologists do not authorize them to engage in any activity reserved exclusively for members of the Ordre des médecins vétérinaires du Québec or the Ordre des ingénieurs forestiers du Québec.

For the purposes of this section, “crop” and “livestock” do not include the cultivation or raising of aquatic organisms.”

**11.** The Act is amended by inserting the following section after section 26:

“**27.** Agrologists are prohibited from, for remuneration or any other benefit, engaging in any of the activities listed in section 25 in relation to the use of a farm input determined by regulation of the Government on behalf of a business, where the business or one of its subsidiaries benefits from the sale of that input.

An agrologist who engages in any of the activities listed in section 25 is also prohibited from selling a farm input determined by regulation of the Government on behalf of a business, where the business or one of its subsidiaries benefits from the sale of such an input.

The Government may determine the cases and conditions in which an agrologist may be authorized to engage in an activity referred to in the first paragraph or in a sale referred to in the second paragraph.”

**12.** Section 28 of the Act is replaced by the following section:

“**28.** Subject to the rights and privileges expressly granted by law to other professionals, no person shall engage in any of the activities listed in section 25 unless he is a member of the Order.

The first paragraph does not apply to a person who engages in an activity listed in section 25, provided it is in accordance with the provisions of a regulation made under subparagraph *h* of the first paragraph of section 94 of the Professional Code (chapter C-26).”

## MISCELLANEOUS AND FINAL PROVISIONS

**13.** The board of directors of the Ordre des agronomes du Québec must be constituted in accordance with this Act not later than (*insert the date that is two years after the date of assent to this Act*).

**14.** The board of directors of the Ordre des agronomes du Québec must make the first regulation provided for in section 9.1 of the Agrologists Act (chapter A-12), enacted by section 3 of this Act, not later than (*insert the date that is one year after the date of assent to this Act*).

**15.** The provisions of this Act come into force on (*insert the date of assent to this Act*), except section 11, which comes into force on (*insert the date that is three years after the date of assent to this Act*).



