



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 49

**An Act to amend various legislation
respecting the professions and other
legislative provisions in the field of
applied sciences**

Introduction

**Introduced by
Mr. Bertrand St-Arnaud
Minister responsible for the administration of legislation
respecting the professions**

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EXPLANATORY NOTES

This bill amends the Agrologists Act, the Architects Act, the Professional Chemists Act, the Geologists Act and the Engineers Act in order to redefine fields of practice and provide new descriptions of the activities reserved to these professions.

The Medical Act, the Pharmacy Act and the Professional Code are also amended to allow physicians, pharmacists and medical technologists to continue, in the practice of their professions, to carry out activities from now on reserved to chemists.

The Professional Code is further amended to specify that research and teaching are included in the field of practice of all professional orders, without making these activities reserved to their members.

The Civil Code is amended to make it obligatory to conduct a general conformity review to verify whether architectural and engineering work is in conformity with the plans, specifications and certain other documents used to carry out the work. In addition, architects and engineers are required to give their clients the documents pertaining to any work executed under their direction or supervision.

Lastly, the Act respecting land use planning and development is amended to make it obligatory for building permit applicants to confirm that an architect or an engineer, depending on the nature of the work, has been commissioned to conduct a general conformity review if the application concerns work that requires such a review.

LEGISLATION AMENDED BY THIS BILL:

- Civil Code of Québec;
- Act respecting land use planning and development (chapter A-19.1);
- Agrologists Act (chapter A-12);
- Architects Act (chapter A-21);
- Professional Chemists Act (chapter C-15);

- Professional Code (chapter C-26);
- Geologists Act (chapter G-1.01);
- Nurses Act (chapter I-8);
- Engineers Act (chapter I-9);
- Medical Act (chapter M-9);
- Pharmacy Act (chapter P-10);
- Act respecting health services and social services (chapter S-4.2);
- Act respecting health services and social services for Cree Native persons (chapter S-5).

Bill 49

AN ACT TO AMEND VARIOUS LEGISLATION RESPECTING THE PROFESSIONS AND OTHER LEGISLATIVE PROVISIONS IN THE FIELD OF APPLIED SCIENCES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

AMENDMENTS TO CERTAIN ACTS IN THE FIELD OF APPLIED
SCIENCES

AGROLOGISTS ACT

1. Section 1 of the Agrologists Act (chapter A-12) is amended by striking out paragraph *f*.

2. The Act is amended by inserting the following section after section 9:

“9.1. In addition to the duties imposed under sections 87 to 93 of the Professional Code (chapter C-26), the board of directors shall, by regulation, determine, among the activities referred to in section 24.1, those which may be engaged in, under certain prescribed conditions, by categories of persons other than agrologists.”

3. 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, to crop production, to livestock raising or to food processing in order to obtain efficiently produced, healthy, reliable and useful animal- or plant-derived products.

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

The field of practice of agrologists includes the safeguarding of life, property and the environment, the preservation of heritage resources and economic efficiency to the extent that they relate to their professional activities.

“24.1. The following activities involved in the practice of agrology are reserved to agrologists:

- (1) assessing the state of a substrate, of a crop or of livestock;
- (2) analyzing an agricultural business on the basis of criteria that are both technical and economic and require knowledge belonging to the practice of agrology;
- (3) determining the nature, composition, quantity and proper use of a substance or mixture of substances required to meet the nutritional needs of livestock or plants, and determining when and for how long the substance or mixture is to be used in the course of a season, in order to ensure the growth, maintenance and yield of the livestock or plant;
- (4) determining the phytosanitary or protection measures to be applied to a substrate, to a crop or to livestock in order 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 or crop genetics improvement plan;
- (7) analyzing, designing and carrying out a process that acts on food, excluding the industrial scaling of such a process;
- (8) monitoring and certifying the quality of the composition, processing and properties of an animal- or plant-derived food product and of the processes that act on such food products; and
- (9) as part of an activity referred to in any of subparagraphs 1 to 8, giving advice or opinions and preparing, signing and sealing written opinions or reports.

Written opinions and reports referred to in subparagraph 9 of the first paragraph must be signed.

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

The activity referred to in subparagraph 1 of the first paragraph does not authorize an agrologist to engage in an activity reserved to veterinary surgeons.”

4. 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 other than a member of the Order may engage in an activity referred to in section 24.1.

The first paragraph does not apply to

(1) a person who, in the course of their crop production or livestock raising business, engages in an activity referred to in any of subparagraphs 1 to 6 of the first paragraph of section 24.1;

(2) a person who engages in an activity referred to in section 24.1, provided it is in accordance with a regulation under section 9.1 of this Act or paragraph *h* of section 94 of the Professional Code (chapter C-26); or

(3) a member of the Ordre professionnel des diététistes du Québec who, in the practice of their profession, engages in an activity referred to in subparagraph 7 or 8 of the first paragraph of section 24.1.”

ARCHITECTS ACT

5. Section 5.1 of the Architects Act (chapter A-21) is amended by replacing “acts referred to in section 16” by “activities referred to in the first paragraph of section 16.0.1” and “performed, under certain prescribed conditions, by classes” by “engaged in, under certain prescribed conditions, by categories”.

6. Section 15 of the Act is amended

(1) by replacing subparagraph *a* of the first paragraph and the introductory clause by the following:

“**15.** Only persons who are entered on the roll may

(*a*) engage in an activity referred to in the first paragraph of section 16.0.1;”;

(2) by replacing “assumes” in subparagraph *b* of the first paragraph by “assume”;

(3) by replacing “uses” in subparagraph *c* of the first paragraph by “use”;

(4) by replacing “acts” in subparagraph *d* of the first paragraph by “act”;

(5) by striking out subparagraph *e* of the first paragraph;

(6) by striking out “is guilty of an offence and is liable, for each offence, to the penalties provided in section 188 of the Professional Code (chapter C-26)” at the end of the first paragraph;

(7) by replacing the second paragraph by the following paragraph:

“Nothing in this section shall prevent a person who is a landscape architect from bearing such title.”;

(8) by inserting the following paragraph after the second paragraph:

“Despite the first paragraph, a person holding a diploma in architecture, a professional technologist, an architectural technician, a drafter, an interior designer, a construction estimator, or any other person with the required qualifications may, as an employee acting under the supervision and immediate direction of a member of the Order, participate in an activity referred to in subparagraph 1 of the first paragraph of section 16.0.1, except for signing and sealing documents.”;

(9) by replacing “performing acts” and “performs them” in the third paragraph by “engaging in activities” and “engages in them”, respectively;

(10) by replacing “class”, “performing acts” and “performed” in the fourth paragraph by “category”, “engaging in activities” and “engaged in”, respectively.

7. The Act is amended by inserting the following sections after section 15:

“15.1. No person may advertise or engage in a professional activity under a firm name which includes the word “architect”, “architecte” or “architecture”.

The first paragraph does not apply to partnerships or business corporations within which members of the Order are authorized to engage in professional activities, or constituted for the purpose of engaging in landscape architecture.

“15.2. Any person who contravenes a provision of the first paragraph of section 15 or 15.1 is guilty of an offence and is liable, for each offence, to the penalties prescribed in section 188 of the Professional Code (chapter C-26).”

8. Section 16 of the Act is replaced by the following sections:

“16. The practice of architecture consists in engaging in analysis, design or advisory activities applied to the construction, enlargement or alteration of a building in respect of its siting, envelope and interior layout as well as the materials and methods used, in order to ensure that the building is durable, functional and aesthetically pleasing.

The practice of architecture also consists in coordinating the work of persons who, in relation to architectural work, provide professional services in connection with the construction, enlargement or alteration of a building.

The field of practice of architects includes the safeguarding of life, property and the environment, the preservation of heritage resources and economic efficiency to the extent that they relate to their professional activities.

“16.0.1. The following activities involved in the practice of architecture are reserved to architects:

(1) preparing, modifying, signing and sealing drawings, plans and specifications, specification manuals, certificates of payment, addenda,

certificates of completion of architectural work, expert reports and architectural work supervision reports;

(2) supervising architectural work, including conducting and reporting on a general conformity review of such work; and

(3) as part of an activity referred to in subparagraph 1 or 2, giving advice or opinions and, in the case of written opinions, signing and sealing them.

Documents referred to in subparagraph 1, 2 or 3 of the first paragraph must be signed. Plans and specifications that are final must also be sealed.

For the purposes of subparagraph 2 of the first paragraph, subparagraph *b* of subparagraph 1 of the first paragraph of section 16.1 is considered to specify a surface area of 600 square metres.

A general conformity review is a supervisory activity that consists in verifying, at pivotal stages determined by the member of the Order commissioned to conduct the review, whether the construction, enlargement or alteration of a building meets the main requirements set out in the plans, specifications, addenda and expert reports used to carry out the work.”

9. Section 16.1 of the Act is replaced by the following section:

“**16.1.** Section 16.0.1 does not apply to a project

(1) for the construction, enlargement or alteration of

(a) a detached single-family dwelling if, once the work is completed, the building is not more than two storeys and not more than 600 square metres in gross area and has a single basement level;

(b) a semi-detached or attached single-family dwelling, a multi-family dwelling that contains no more than four units, a mercantile occupancy, a business occupancy, an industrial occupancy or a combination of such dwellings or occupancies if, once the work is completed, the building is not more than two storeys and not more than 300 square metres in gross area and has a single basement level; or

(c) a silo, a manure storage structure or a feed storage platform; or

(2) for the construction of a one-storey agricultural occupancy not more than 750 square metres in gross area, nor to a project to extend such occupancy if, once the extension is completed, the building is not more than one storey and 1,050 square metres in gross area.

Nor does section 16.0.1 apply to the reconfiguration of the interior layout of a building or part of a building, unless the use of the building is changed or the structural integrity, walls, firewalls, exits, access to exits or envelope of the building are affected.”

10. Section 16.2 of the Act is amended by inserting the following definition in alphabetical order:

““agricultural occupancy” means the occupancy or use or the intended occupancy or use of a building or part of a building for an agricultural activity within the meaning of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1);”.

11. Section 17 of the Act is replaced by the following section:

“17. Any person who, for the construction, enlargement or alteration of a building, uses or allows the use of a document referred to in subparagraph 1 of the first paragraph of section 16.0.1 which was not signed or, in the case of final plans and specifications, was not signed and sealed by a member of the Order is guilty of an offence and is liable to the penalties prescribed in section 188 of the Professional Code (chapter C-26).

However, in the case of a contractor who carries out work on behalf of others, if at first sight the document used appears to have been signed, and in the case of final plans and specifications, sealed by a member of the Order, the penalties are applicable only if the contractor continues the work after receiving a written notice from the Order that the document is not in compliance with the second paragraph of section 16.0.1.

Nor is a person liable to such penalties for allowing the use of a document referred to in subparagraph 1 of the first paragraph of section 16.0.1 which at first sight appears to have been signed and, if required, sealed by a member of the Order.”

12. Section 18 of the Act is amended by replacing the first paragraph by the following paragraph:

“18. Any investigator designated by the board of directors may, at any reasonable hour, enter a site where an architectural project is to be executed, other than a project described in section 16.1, or a site where such a project is being executed or has been executed, to ascertain whether the second paragraph of section 16.0.1 is complied with and obtain all pertinent documents mentioned in subparagraph 1 of the first paragraph of section 16.0.1.”

13. Section 20 of the Act is amended by replacing “and 16” by “to 16.0.1”.

PROFESSIONAL CHEMISTS ACT

14. The title of the Professional Chemists Act (chapter C-15) is amended by striking out “Professional”.

15. Section 1 of the Act is amended

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

“(a) “chemist” or “member of the Order” means any person entered on the roll”;

(2) by striking out paragraph *b*.

16. Sections 5 and 6 of the Act are repealed.

17. Section 7 of the Act is amended

(1) by replacing “acts contemplated in paragraph *b* of section 1” and “done by classes” in the first paragraph by “activities referred to in section 15.2” and “engaged in by categories”, respectively;

(2) by replacing “classes” in the second paragraph by “categories”.

18. Section 10 of the Act is amended

(1) by replacing “professional chemistry under the direction of a professional chemist” in paragraph *b* of subsection 1 by “chemistry under the direction of a chemist”;

(2) by striking out “professional” wherever it appears in subsection 4.

19. The Act is amended by inserting the following sections after section 15:

“15.1. The practice of chemistry consists in engaging in scientific activities that involve analyzing, designing, determining, producing, monitoring or certifying the composition, properties and transformation of a molecular entity in order to ensure its integrity, safety, utility and reliability.

The activities involved in the practice of chemistry also apply, for the same purposes as mentioned in the first paragraph, to processes that act on a molecular entity.

The field of practice of chemists includes the safeguarding of life, property and the environment, the preservation of heritage resources and economic efficiency to the extent that they relate to their professional activities.

The practice of chemistry does not include the industrial scaling of the processes referred to in the second paragraph.

“Molecular entity” means any chemically or isotopically distinct atom, molecule, ion, ion pair, radical, diradical, radical ion, complex or conformer, identifiable as a separately distinguishable entity.

“15.2. The following activities involved in the practice of chemistry are reserved to chemists:

(1) analyzing, designing and carrying out an instruction pertaining to a molecular entity;

(2) analyzing, designing and carrying out a process;

(3) conducting pre-analytic, analytic and post-analytic phases in a laboratory;

(4) monitoring and certifying the quality of the composition, transformation and properties of a molecular entity and of the processes required to make a molecular entity;

(5) determining parameters for the transport, storage or use of a molecular entity to ensure its quality or integrity, as well as parameters for the disposal of a molecular entity; and

(6) as part of an activity referred to in subparagraphs 1 to 5, giving advice or opinions and preparing, signing and sealing written opinions and reports.

Written opinions and reports referred to in subparagraph 6 of the first paragraph must be signed and sealed.”

20. Section 16 of the Act is replaced by the following section:

“**16.** Subject to the rights and privileges expressly granted by law to other professionals, no person other than a member of the Order may engage in an activity referred to in the first paragraph of section 15.2, or use the title of chemist or any abbreviation of that title, or be entitled to sue for the recovery of fees for services rendered as such in Québec.

Except as to the use of the title of chemist, the first paragraph does not apply to

(a) a person who engages in an activity referred to in the first paragraph of section 15.2, provided it is in accordance with a regulation under paragraph *h* of section 94 of the Professional Code (chapter C-26);

(b) a person belonging to a category of persons determined by a regulation made under the first paragraph of section 7 who engages in an activity referred to in the first paragraph of section 15.2, provided it is in accordance with that regulation;

(c) a person who, in the course of teaching chemistry or any related subject in an educational institution, engages in an activity referred to in the first paragraph of section 15.2;

(d) a member of a professional order who, in the practice of their profession, conducts research; or

(e) a member of the Ordre des médecins du Québec or a member of the Ordre des pharmaciens du Québec in the practice of their profession.”

21. The Act is amended by inserting the following section after section 16:

“**16.0.1.** Nothing in this Act shall prevent

(a) a person holding a university degree in biological sciences from engaging in activities pertaining to living beings or to the study of phenomena characterizing living beings, other than activities relating to microbiology;

(b) a person holding a university degree in food sciences and technology from engaging, as an employee of a food processing business or as a product development or quality assurance consultant with such a business, in an activity referred to in any of subparagraphs 1 to 5 of the first paragraph of section 15.2 with respect to foods to which laws and regulations made or administered by the Canadian Food Inspection Agency, Health Canada or the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation du Québec apply and with respect to food development; or

(c) a member of a professional order from using micromethods outside a laboratory setting and interpreting the results.

“Micromethod” means an analysis conducted on a very small sample.”

22. Sections 16.1, 16.2 and 17 of the Act are repealed.

23. Section 18 of the Act is amended by striking out “professional” wherever it appears in paragraph *a*.

GEOLOGISTS ACT

24. Section 4 of the Geologists Act (chapter G-1.01) is replaced by the following section:

“**4.** In addition to the duties imposed under sections 87 to 93 of the Professional Code (chapter C-26), the board of directors shall, by regulation,

(1) determine all particulars with respect to the seal of the Order, in particular its form and content, and the conditions and obligations attached to the use of the seal; and

(2) determine, among the activities referred to in the first paragraph of section 5.1, those which may be engaged in, under certain prescribed conditions, by categories of persons other than geologists.

Section 95.2 of the Professional Code applies to a regulation made under subparagraph 1 of the first paragraph.”

25. Section 5 of the Act is replaced by the following sections:

“5. The practice of geology consists in engaging in scientific activities that involve identifying, observing, interpreting or modeling the mineral substances, fossil substances and fluid substances of which the Earth is composed as well as the agents and processes that cause changes on or under the surface of the Earth—excluding the identification and enumeration of living organisms—with a view to improving the human environment and public security.

The field of practice of geologists includes the safeguarding of life, property and the environment, the preservation of heritage resources and economic efficiency to the extent that they relate to their professional activities.

“5.1. The following activities involved in the practice of geology are reserved to geologists:

(1) characterizing land or mineral substances, except any site and natural ground intended to receive a waste water discharge, collection or treatment system for a single or multi-family house governed by the Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22);

(2) evaluating underground resources;

(3) evaluating changes likely to affect a land site or its components;

(4) monitoring and supervising the state of land in the context of resource development or land restoration;

(5) as part of an activity reserved to geologists, giving advice or opinions and preparing, signing and sealing written opinions and reports.

Written opinions and reports referred to in subparagraph 5 of the first paragraph must be signed. Reports must also be sealed.”

26. Section 6 of the Act is replaced by the following section:

“6. Subject to the rights and privileges expressly granted by law to other professionals, only a person who is a member of the Order may engage in an activity referred to in the first paragraph of section 5.1.

The first paragraph does not apply to

(a) a person who engages in an activity referred to in the first paragraph of section 5.1, provided it is in accordance with a regulation under subparagraph 2 of the first paragraph of section 4 of this Act or paragraph *h* of section 94 of the Professional Code (chapter C-26); or

(b) a member of the Ordre des ingénieurs du Québec.”

27. Section 7 of the Act is repealed.

28. Section 10 of the Act is replaced by the following section:

“**10.** Any person who contravenes the first paragraph of section 6 is guilty of an offence and is liable to the fine prescribed in section 188 of the Professional Code (chapter C-26).”

29. Section 11 of the Act is replaced by the following section:

“**11.** Section 9 does not apply to members of the Ordre des ingénieurs du Québec.”

ENGINEERS ACT

30. Section 1 of the Engineers Act (chapter I-9) is amended by replacing paragraph *c* by the following paragraph:

“(c) “member”: any person who holds a licence issued by the Order and is entered on the roll of the Order;”.

31. Sections 2 to 4 of the Act are replaced by the following sections:

“**2.** Regardless of the life cycle phase of the works, the practice of engineering consists in engaging in scientific analysis, design, execution, alteration, development or advisory activities applied to infrastructures, structures, materials, processes or systems that extract, use, exchange, transform, transport or store energy, information or matter, including living beings, in order to produce a reliable, safe and durable works.

The practice of engineering also consists in coordinating various work activities related to a works.

The field of practice of engineers includes the safeguarding of life, property and the environment, the preservation of heritage resources and economic efficiency to the extent that they relate to their professional activities.

“**3.** The activities involved in the practice of engineering that are reserved to engineers relate to the following works:

(1) structural elements and mechanical, thermal and electrical systems of a building;

(2) temporary and permanent infrastructures and fixed or mobile structures, including municipal engineering works, that require a study of the properties of the materials composing or supporting them;

(3) waterworks, sewer or water treatment systems, waste materials treatment, disposal or reclamation systems and any other municipal engineering systems; private systems of the same type are also included;

(4) energy generation, accumulation, transmission, utilization or distribution systems;

(5) industrial processes that extract, transform or condition materials.

“3.1. The following works are not included under section 3:

(1) a waste water discharge, collection or treatment system for a single or multi-family house governed by the Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22), a private waterworks or a private waste materials treatment, disposal or reclamation system for the use of a single dwelling unit with not more than six bedrooms;

(2) an energy generation, accumulation, transmission, utilization or distribution system for the use of a single dwelling unit;

(3) a detached, semi-detached or attached single-family dwelling, a multi-family dwelling that contains not more than four units, a mercantile occupancy, a business occupancy or a combination of such dwellings or occupancies if, once the work is completed, the building is not more than two storeys and not more than 600 square metres in gross area, and has a single basement level and if complete acceptable solutions for the structural elements and mechanical, thermal and electrical systems are provided in Part 9 of Chapter 1 of the Construction Code (chapter B-1.1, r. 2) and are applied to the building;

(4) an agricultural occupancy or an enlargement of an agricultural occupancy within which no agrifood or industrial scale process is used—other than a silo or a dropping pit for manure or other storage tank—if, once the work is completed, the building is not more than one storey and not more than 600 square metres in gross area and 5 metres in height.

“3.2. For the purposes of section 3.1,

“agricultural occupancy” means the occupancy or use or intended occupancy or use of a building or part of a building for an agricultural activity within the meaning of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1);

“business occupancy” means the occupancy or use of a building or part of a building for the transaction of business or for the provision of professional or personal services;

“dwelling” means a building or part of a building that provides sleeping accommodation for persons but is not used for the housing or detention of persons who require medical care or who are involuntarily detained;

“mercantile occupancy” means the occupancy or use of a building or part of a building for displaying or selling retail goods, wares or merchandise;

“gross area” means the total area of all floors above grade measured between the outside surfaces of exterior walls.

3.3. The following activities involved in the practice of engineering when they relate to works referred to in section 3 are reserved to engineers:

(1) determining the concepts, parameters, equations and models that make it possible to anticipate the behaviour of structures, materials, processes or systems on the basis of the principles of mechanics, soil behaviour, electromagnetics, chemistry, thermodynamics and materials sciences;

(2) making tests or calculations requiring the use of models based on mechanics, soil behaviour, electromagnetics, chemistry, thermodynamics and materials sciences;

(3) confirming the validity of results generated by computer systems or software whose fundamental algorithms require the use of concepts or models based on mechanics, soil behaviour, electromagnetics, chemistry, thermodynamics and materials sciences;

(4) taking measurements and designing layouts, and preparing, modifying, signing and sealing engineering documents;

(5) supervising engineering work, including conducting and reporting on a general conformity review of such work;

(6) inspecting engineering work;

(7) giving directives for the supervision or inspection of engineering work;
and

(8) as part of an activity reserved to engineers, giving advice or opinions.

“Engineering documents” means plans, specifications, reports, calculations, studies, drawings, operating or maintenance manuals, specification manuals, written opinions, directives for the supervision or inspection of engineering work, mock-ups and templates, as well as all other documents of a similar nature that relate to a works.

“Directives for the supervision of engineering work” means all means prescribed by an engineer to verify whether the work is in conformity with the plans, specifications and other engineering documents.

A general conformity review is a supervisory activity that consists in verifying, at pivotal stages determined by the engineer commissioned to conduct

the review, whether the engineering work meets the main requirements set out in the engineering documents used to carry out the work.

Engineering documents must be signed by a member of the Order. Plans and specifications must also be sealed by a member of the Order.

The fifth paragraph does not apply to engineering documents prepared outside of Québec that relate exclusively to elements incorporated into a works described in section 3, provided that such elements alone do not constitute a works and that they were specified and included in an engineering document prepared by a member of the Order.

“4. An engineer must collaborate with an architect to take measurements, design layouts and prepare or modify engineering documents with respect to a works described in paragraph 1 of section 3, unless the activity relates to an existing building and does not alter its form.”

32. Section 5 of the Act is amended

(1) by replacing “works contemplated by paragraph *e* of section 2” in paragraph *a* by “works described in paragraph 1 of section 3” and by replacing “works contemplated by the said section” at the end of that paragraph by “works described in that section”;

(2) by replacing “and professional chemists” in paragraph *e* by “, chemists and geologists”;

(3) by replacing “chemist, bacteriologist, geologist” in paragraph *f* by “bacteriologist” and by replacing “from doing anything related” in that paragraph by “from engaging in an activity relating”;

(4) by replacing paragraphs *i* and *j* by the following paragraphs:

“(i) except in the case of a general conformity review, prevent any person from carrying out or supervising engineering work related to works described in section 3 as owner, contractor, superintendent, overseer or inspector, provided the work is carried out using engineering documents prepared by an engineer for this purpose and is in compliance with the directives given by an engineer for the supervision of the work;

“(j) prevent a person holding a diploma of college studies, a construction estimator, an industrial designer, a drafter, a construction inspector or any other person with the required qualifications from participating, as an employee acting under the supervision and immediate direction of a member of the Order, in one of the following activities: taking measurements, designing layouts and preparing reports, calculations, studies, designs, drawings, plans and specifications and specification manuals;”;

(5) by replacing “from performing acts reserved for members of the Order, provided he performs them” in paragraph *l* by “from engaging in activities

reserved to members of the Order, provided it is” and by inserting “section 11.1 of this Act or” after “pursuant to” in that paragraph.

33. Section 9 of the Act is repealed.

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

“**11.1.** In addition to the duties imposed under sections 87 to 93 of the Professional Code (chapter C-26), the board of directors shall, by regulation, determine, among the activities referred to in the first paragraph of section 3.3, those which may be engaged in, under certain prescribed conditions, by categories of persons other than engineers.”

35. Section 18 of the Act is replaced by the following section:

“**18.** The board of directors may, on specified conditions, grant a temporary licence for specific work within a specific project, valid for a renewable period not exceeding one year, to any person who

(a) is a member of a Canadian association of engineers authorized to regulate the practice of engineering; or

(b) does not meet the requirements of paragraph a but holds a diploma in engineering, a bachelor of applied sciences degree, or an equivalent diploma from a school or university recognized by the board of directors, or is a member of an engineers’ association recognized by the board of directors.”

36. Sections 19 and 20 of the Act are repealed.

37. Section 22 of the Act is amended

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

“(1) engages in any of the activities referred to in the first paragraph of section 3.3.”;

(2) by replacing “fulfill the office of” in paragraph 4 by “practise engineering”;

(3) by replacing paragraph 5 by the following paragraph:

“(5) seals, signs or initials an engineering document.”.

38. The Act is amended by inserting the following section after section 22:

“**22.1.** Any person who contravenes paragraph *i* of section 5 is guilty of an offence and is liable to the penalties prescribed in section 188 of the Professional Code (chapter C-26).”

39. Sections 24 and 25 of the Act are replaced by the following sections:

“24. Any person who, for the execution of a works described in section 3, uses or allows the use of engineering documents that are not in compliance with the fifth paragraph of section 3.3 is guilty of an offence and is liable to the penalties prescribed in section 188 of the Professional Code (chapter C-26).

However, in the case of a person who carries out work for the execution of a works described in section 3, if at first sight the engineering documents used appear to have been signed and, if required, sealed by a member of the Order, the penalty is incurred only if the person continues the work after receiving written notice from the Order that the documents are not in compliance with the fifth paragraph of section 3.3.

Nor is a person liable to such penalties for allowing the use of engineering documents which at first sight appear to be in compliance with the fifth paragraph of section 3.3.

“25. Any investigator designated by the board of directors may, at any reasonable hour, enter a site where the execution of a works described in section 3 is planned or is being or has been carried out, for the purpose of ascertaining compliance with the provisions of the fifth paragraph of section 3.3 or paragraph *i* of section 5 and obtaining all pertinent engineering documents. Such investigator, if so required, must exhibit a certificate of authority signed by the secretary of the Order.”

OTHER AMENDMENTS

CIVIL CODE OF QUÉBEC

40. The Civil Code of Québec is amended by inserting the following articles before article 2110:

“2109.1. Before the start of architectural work, other than that relating to a project described in section 16.1 of the Architects Act (chapter A-21), the client is bound to commission an architect to conduct a general conformity review of the work in accordance with that Act. For the purposes of this paragraph, subparagraph *b* of subparagraph 1 of the first paragraph of that section is considered to specify a surface area of 600 square metres.

Similarly, before the start of engineering work relating to a works described in section 3 of the Engineers Act (chapter I-9), the client is bound to commission an engineer to conduct a general conformity review of the work in accordance with that Act.

The client and the architect or the engineer may at any time agree on additional supervision of the work.

“2109.2. The architect or the engineer must give the client and the contractor a report on any general conformity review conducted during the

work. On completion of the work, the architect or the engineer must also provide them with a final report on the degree of conformity of the work.

“2109.3. When work has been carried out under their direction or supervision and they were commissioned under article 2109.1 to conduct a general conformity review, the architect and the engineer must give the architectural or engineering documents pertaining to the work to the client before the delivery of the works.

The client must keep the documents for as long as he is the owner of the works. The architect and the engineer must also keep copies of the documents for the entire life cycle of the works.

The transfer of ownership of the works entails an obligation on the part of the owner to give the documents pertaining to the work to any subsequent owner.”

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

41. Section 120 of the Act respecting land use planning and development (chapter A-19.1) is amended by inserting the following subparagraph after subparagraph 1.1 of the first paragraph:

“(1.2) the applicant has provided a statement that indicates whether the work to which the application relates is subject to a general conformity review under the Civil Code and, if so, confirms that an engineer or an architect has been commissioned to conduct the review, stating the latter’s name and contact details;”.

PROFESSIONAL CODE

42. The Professional Code (chapter C-26) is amended by inserting the following section after section 34:

“34.1. Research and teaching are included in the field of practice of a profession practised by the members of a professional order.”

43. The Code is amended by inserting the following section after section 37:

“37.0.1. Research and teaching are included in the field of practice of a profession practised by the members of a professional order.”

44. Section 37.1 of the Code is amended by adding the following subparagraph after subparagraph *e* of paragraph 6:

“(f) conducting pre-analytic, analytic and post-analytic phases in a laboratory.”

NURSES ACT

45. Section 36.1 of the Nurses Act (chapter I-8) is amended by replacing “second” by “third”.

MEDICAL ACT

46. Sections 18.2 and 19 of the Medical Act (chapter M-9) are amended by replacing “second” in the first paragraph by “third”.

47. Section 31 of the Act is amended

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

“For the same purpose as set out in the first paragraph, the practice of medicine also consists in engaging in scientific activities that involve analyzing, designing, determining, carrying out or monitoring

(1) the composition, properties and transformation of a molecular entity; and

(2) processes that act on a molecular entity, excluding the industrial scaling of such processes.”;

(2) by adding the following subparagraphs at the end of the second paragraph:

“(12) analyzing, designing and carrying out an instruction pertaining to a molecular entity;

“(13) analyzing, designing and carrying out a process;

“(14) conducting pre-analytic, analytic and post-analytic phases in a laboratory;

“(15) monitoring and certifying the quality of the composition, processing and properties of a molecular entity and of the processes required to make a molecular entity; and

“(16) determining parameters for the transport, storage or use of a molecular entity to ensure its quality or integrity, as well as parameters for the disposal of a molecular entity.”

48. Sections 42.1 and 43 of the Act are amended by replacing “second” in the first paragraph by “third”.

PHARMACY ACT

49. Section 10 of the Pharmacy Act (chapter P-10) is amended by inserting “and in the second paragraph of section 17.1” after “section 17” in subparagraph *a* of the first paragraph.

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

“**17.1.** The practice of pharmacy also consists in engaging in scientific activities that involve analyzing, designing, determining, carrying out, monitoring or certifying

- (1) the composition, properties and transformation of a medication; and
- (2) processes that act on a medication, excluding the industrial scaling of such processes.

The following activities involved in the practice of pharmacy described in the first paragraph are reserved to pharmacists:

- (1) determining parameters for the transport, storage or use of a medication to ensure its quality or integrity, as well as parameters for the disposal of a medication;
- (2) analyzing, formulating and carrying out an instruction pertaining to a medication; and
- (3) analyzing, designing and carrying out a process.”

51. Section 35 of the Act is amended by inserting “and in the second paragraph of section 17.1” after “section 17”.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

52. Section 190 of the Act respecting health services and social services (chapter S-4.2) is amended by replacing “second” in subparagraph 1.1 of the first paragraph by “third”.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR CREE NATIVE PERSONS

53. Section 71.2 of the Act respecting health services and social services for Cree Native persons (chapter S-5) is amended by replacing “second” in subparagraph 1.1 of the first paragraph by “third”.

FINAL PROVISIONS

54. Articles 2109.1 to 2109.3 of the Civil Code, enacted by section 40, do not apply to architectural or engineering work in progress on (*insert the date of coming into force of this section*).

55. The provisions of this Act come into force on the date or dates to be set by the Government.