



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 120

**An Act to amend the Animal Health
Protection Act and other legislative
provisions and to repeal the Bees Act**

Introduction

**Introduced by
Mr Rémy Trudel
Minister of Agriculture, Fisheries and Food**

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EXPLANATORY NOTES

The purpose of this bill is to effect a comprehensive revision of provisions relating to animal health protection and to render more efficient the sanitation controls required to protect the health of animals and persons who are in contact with animals or consume animal products. To that end, the bill consolidates the health-related provisions in the Bees Act and the Act respecting commercial fisheries and aquaculture into the Animal Health Protection Act.

The bill provides for the introduction of powers permitting the taking of samples of animal tissue for the purpose of determining the state of health of animals. The provisions that deal with disease are broadened to include infectious agents and syndromes.

The bill provides for the establishment of an animal identification system.

As regards artificial insemination of animals, the bill repeals provisions relating to certain permits and provisions that relate to the establishment of or compliance with standards for equipment that is not directly related to animal health.

The bill contains various provisions to ensure the safety of animal feed and to regulate its composition.

As concerns veterinary medications, the bill provides that a prescription from a veterinarian will be required to obtain and keep certain substances, defines the obligations of persons transporting animals to the slaughterhouse and provides for order-making powers to control medicinal residues. Administrative penalties in this respect are introduced.

As for animal safety and well-being, the bill confers on the Government the power to designate the species and categories of animals concerned, introduces provisions concerning the transportation of animals, and proposes provisions enabling a municipality, an urban community or the Kativik Regional Government to enter into an inspection agreement with the Minister.

Lastly, the bill introduces regulatory provisions allowing fees to be established for inspections, sample taking and sample analysis.

Provisions granting authority to enter into intergovernmental agreements as well as consequential amendments and transitional provisions are also contained in the bill.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1);
- Act respecting commercial fisheries and aquaculture (R.S.Q., chapter P-9.01);
- Animal Health Protection Act (R.S.Q., chapter P-42).

LEGISLATION REPEALED BY THIS BILL :

- Bees Act (R.S.Q., chapter A-1).

Bill 120

AN ACT TO AMEND THE ANIMAL HEALTH PROTECTION ACT AND OTHER LEGISLATIVE PROVISIONS AND TO REPEAL THE BEES ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 1 of the Animal Health Protection Act (R.S.Q., chapter P-42) is amended by adding the following sentence at the end: “The duties of the Minister include ensuring that an appropriate level of animal health protection is maintained.”

2. Section 2 of the said Act is amended

(1) by inserting the following paragraph before paragraph 1 :

“(0.1) “infectious agent” means an organism, micro-organism or protein particle capable of causing an infection or a disease in animals or in humans and designated by regulation;”;

(2) by replacing “, except an animal kept in a zoological garden” in the second line of paragraph 1 by “and applies, wherever the context permits, to any part of such an animal”;

(3) by adding the following paragraph after paragraph 3 :

“(4) “syndrome” means a syndrome designated by regulation.”;

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

“For the purposes of subparagraph 1, fish, amphibians, echinoderms, crustaceans or shellfish produced or bred in a fish-breeding plant or fishing pond referred to in section 12 of the Act respecting commercial fisheries and aquaculture (chapter P-9.01) are deemed to be kept in captivity.

For the purposes of subparagraph 3, the presence in a bee of an undesirable genotype related to African subspecies or hybrids of those subspecies is considered to be a parasitic disease of the bee.”

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

“2.0.1. A veterinary surgeon designated by the Minister or any other person authorized for that purpose by the Minister may enter, at any reasonable time, any premises, other than a dwelling-house, or any vehicle where there is an animal or animal carcass in order to take, free of charge, any samples of the animal’s products or tissues, in particular blood or semen, any samples of its secretion, its excreta or its dejecta or any samples of the animal’s immediate environment required to determine the state of health of the animal.

An injection administered to an animal to determine if the animal is affected with a disease, an infectious agent or a syndrome is considered to be a taking of a tissue sample.

Before taking a sample, the designated veterinary surgeon or the authorized person must produce identification and the certificate signed by the Minister attesting to the veterinary surgeon’s or the person’s authority and inform the owner or the person in charge of the premises or the vehicle or any person in such premises or vehicle of the compulsory character of the sample taking and state how the information collected and the results of the analyses will be used.

At the request of the designated veterinary surgeon or of the authorized person, the owner or custodian of the animal must provide any relevant information, in particular information on the age, origin and health history of the animal, that is required for the selection of the animals from which samples will be taken and for the determination of their representativeness and condition of health.

For the purposes of this section, the provisions of the first paragraph of section 55.11 and of section 55.12 apply, with the necessary modifications.”

4. Section 2.1 of the said Act is replaced by the following section :

“2.1. The owner or custodian of an animal belonging to a species or to a category determined by regulation must, in compliance with the conditions prescribed by regulation, subject the animal or samples of its tissues, products, secretions, excreta or dejecta, or samples of its environment, to a screening test for a contagious or parasitic disease, an infectious agent or a syndrome designated under subparagraph *a* of paragraph 1 of section 3.”

5. Section 3 of the said Act is amended

(1) by replacing “The Government may make regulations to:” in the first line by “The Minister may make regulations to”;

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

“(1) designate the contagious or parasitic diseases and the infectious agents or the syndromes for the purposes of each of the following provisions:

- (a) the provisions of section 2.1 relating to screening tests;
- (b) the provisions of section 3.1 relating to mandatory reports;
- (c) the provisions of sections 3.2 to 3.4 relating to treatments or sanitary measures;
- (d) the provisions of section 8 relating to the transfer or transportation of animals;
- (e) the provisions of section 9 relating to the health certification of imported animals;
- (f) the provisions of the third paragraph of section 10.1 relating to the health certification of animals likely to be in direct contact with the public.

The diseases, infectious agents or syndromes so designated may vary according to the species or category of animal;

“(1.0.1) designate sanitary zones that the Minister considers free from a contagious or parasitic disease, an infectious agent or a syndrome, and determine the species or categories of animals likely to contract or transmit the disease, infectious agent or syndrome that may not be brought into the sanitary zones without a certificate from a veterinary surgeon stating that the animal is free from the disease, syndrome or infectious agent;”;

- (3) by replacing paragraph 3.1 by the following paragraphs:

“(3.1) determine, for the purposes of section 2.1, the species or categories of animals that must be subjected to a screening test or the samples of animals in those species or categories that must be subjected to such a test, prescribe the frequency of and standards applicable to such a test, in particular the place where a sample to be analyzed must be sent; the species or categories determined may vary according to territory or sector;

“(3.2) prescribe the content of the reports required under section 3.1 and the rules relating to the sending and keeping of the reports and the use of the documents relating to the reports;

“(3.3) determine, for the purposes of section 8.4, the species or categories of plants likely to be foraged by bees that may not be sprayed or dusted with toxic substances;

“(3.4) determine the species or categories of animals to which the prohibition in the first paragraph of section 8 applies;

“(3.5) fix the period for which the certificate provided for in section 9 is valid;

“(3.6) determine, for the purposes of section 10.1, the species or categories of animals for which the holding of a certificate is mandatory, fix the period of validity of the certificate and establish the conditions of its issue;

“(3.7) fix the fees payable for the analysis of the samples required under section 2.1, for the issue of the certificates referred to in sections 8 and 10.1 or for the review of an application for authorization referred to in section 10, and for inspections, determine the persons who are to pay the fees and the cases and manner in which the fees are to be paid;

“(3.8) establish standards for the particulars to be given by the operators of pet shops, pounds or animal houses to the purchaser of any animal of a species or category determined, with respect to the sanitary measures required to reduce the health risk for the animal or the persons who are in contact with the animal;

“(3.9) render the provisions of Division I it indicates applicable to insect pollinators other than bees;”.

6. The said Act is amended by inserting the following section after section 3 :

“3.0.1. The Government may, by regulation, to the extent and on the terms and conditions it fixes, require the owner of an animal of a species or category it determines to register with the Minister, and determine the information and documents to be kept and furnished by the owner and the applicable registration fees according to the species or the category of the animal.

Notwithstanding the first paragraph, a farm producer within the meaning of the Farm Producers Act (chapter P-28) must register with the Minister if the farm producer is in possession of an animal intended for human consumption or whose products are intended for human consumption. The farm producer must, for that purpose, furnish information pertaining to the farm producer’s identity, location and operations.

The second paragraph does not apply to such a farm producer who has consented in writing to have the information furnished pursuant to the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14) stand in lieu of registration.”

7. Section 3.1 of the said Act is amended

(1) by inserting “, an infectious agent or a syndrome” after “disease” in the second line of the first paragraph;

(2) by replacing “of a contagious or parasitic disease” in the third line of the second paragraph by “in which the veterinary surgeon suspects the existence of a contagious or parasitic disease or the existence of an infectious agent or a syndrome”;

(3) by adding the following paragraph after the second paragraph :

“The head of a laboratory where samples of animal tissues, products, secretions, excreta or dejecta or samples of an animal’s environment have been analysed shall report immediately to the Minister or to any other person designated by the Minister any analysis results indicating the existence of a contagious or parasitic disease, an infectious agent or a syndrome designated under subparagraph *b* of paragraph 1 of section 3.”

8. Section 3.2 of the said Act is amended

(1) by inserting “, an infectious agent or a syndrome” after “disease” in the second line of the first paragraph ;

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

“If the disease, infectious agent or syndrome affects bees, the veterinary surgeon designated may, in addition to the treatments the veterinary surgeon may prescribe with respect to bee colonies, order the destruction of the hives and the apiary accessories which cannot be effectually disinfected.”

9. Section 3.4 of the said Act is amended

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

“3.4. A designated veterinary surgeon who has reasonable cause to believe that there is a high risk of propagation of a contagious or parasitic disease, an infectious agent or a syndrome may require the owner or custodian to destroy the contagious or infected animal and dispose of its carcass or, in the case of bees, destroy the infected colony, hive or apiary accessories according to the veterinary surgeon’s instructions. The veterinary surgeon shall give notice to that effect by means of a written statement delivered personally to the owner or custodian.”;

(2) by replacing “slaughter” in the first line of the second paragraph by “destruction” ;

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

“Upon failure by the owner or custodian of an animal to comply with a destruction and disposal order under the first paragraph, the animal shall be confiscated by the designated veterinary surgeon so as to be destroyed and its carcass disposed of at the expense of the owner or custodian or, in the case of bees, the colony, hive and apiary accessories shall be confiscated so as to be destroyed at the expense of the owner or custodian. The costs shall bear interest at the rate determined under section 28 of the Act respecting the Ministère du Revenu (chapter M-31).”

10. Section 6 of the said Act, amended by section 236 of chapter 40 of the statutes of 1999, is again amended by replacing “by a designated veterinary surgeon” in the second and third lines of the first paragraph by “under the provisions of this division”.

11. Section 8 of the said Act is amended

(1) by inserting “of a species or category prescribed by regulation and” after “animal” in the first line of the first paragraph and by inserting “, an infectious agent or a syndrome” after “disease” in the second line of the first paragraph;

(2) by inserting the following sentence at the end of the first paragraph: “In the case of bees, the prohibition also applies to hives, frames and apiary equipment.”;

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

“In the case of a zone designated as free from disease pursuant to paragraph 1.0.1 of section 3, the certificate provided for in the second paragraph may be issued only upon proof of the absence of any risk of propagation of the disease.”

12. The said Act is amended by inserting the following sections after section 8:

“8.1. No owner or custodian of a hive shall leave in the open any frames, honeycombs or apiary accessories infected by bees affected with a contagious or parasitic disease, an infectious agent or a syndrome.

“8.2. No person shall keep bees in hives without movable frames.

“8.3. If bees are kept in a hive without movable frames, any designated veterinary surgeon may order their owner or custodian to move the bees into hives with movable frames. Upon failure by the owner or custodian to comply with the order, the designated veterinary surgeon may destroy the hives and the bees in the hives.

The owner or custodian of a hive to whom an order is notified without prior notice because, in the opinion of the designated veterinary surgeon, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by the designated veterinary surgeon.

“8.4. No person shall spray, by sprinkler or otherwise, or dust, using chemical or biological products that are toxic to bees, a fruit tree or a plant of a species or category designated by regulation while the fruit tree or plant is in bloom.

“8.5. No person shall place a hive containing a bee colony within 15 metres of a highway or dwelling.

That prohibition does not apply if the land upon which the hive is placed, on the side nearest to the dwelling or highway, as the case may be, has a solid fence at least 2.5 metres in height that extends beyond the limits of the hive for a distance of not less than 4.5 metres.”

13. Section 9 of the said Act, amended by section 236 of chapter 40 of the statutes of 1999, is again amended

(1) by inserting “or their products” after “animals” in the first line and by replacing “free from disease” at the end of the fourth line by “free from a contagious or parasitic disease, an infectious agent or a syndrome”;

(2) by adding the following paragraphs :

“In the case of bees, the prohibition also applies to the apiary equipment that has been used, unless it is accompanied by a certificate stating that the equipment is not infected.

The Minister may, for scientific purposes, authorize a person to derogate from the provisions of the preceding paragraphs. The holder of the authorization must comply with the conditions determined by the Minister.”

14. Section 10 of the said Act is replaced by the following sections :

“10. Livestock auctions where animals are present shall take place only on sites approved by the Minister. No approval shall be given unless, after an examination of the site location, the environmental features and the animal species involved, the Minister is satisfied that there is an acceptably low level of risk of propagation of disease to neighbouring operations.

The application for authorization must be accompanied by documents giving the location of the site and describing the project implementation. In addition, the Minister may require any information, study or research the Minister considers necessary to decide on the acceptability of the site.

Auction sites operating on (*insert here the date of introduction of this Act*) in compliance with the provisions of section 10 as it read on (*insert here the date which immediately precedes the date of coming into force of this section*) are not subject to authorization.

“10.1. No owner or custodian of an animal of a species or category prescribed by regulation shall bring an animal or cause it to be brought into a place where the animal is likely to be in direct contact with the public.

No person shall receive or keep such an animal in a place referred to in the preceding paragraph.

The prohibitions do not apply if the owner, custodian or possessor holds a certificate issued by a designated veterinary surgeon stating that the animal is free from any contagious or parasitic disease, infectious agent or syndrome.”

15. Section 11.1 of the said Act is amended

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

“11.1. The Minister may, where the Minister has reasonable cause to believe that there is a chemical, physical or biological agent present which may constitute a health risk for animals or for persons who are in contact with them or consume them or their products, order the owner or custodian of the animals, or if necessary, all the owners or custodians situated in the sector determined by the Minister, to segregate the animals, subject to the conditions fixed by the Minister, until the results of the analyses of the samples taken are known.

If the analyses confirm the Minister’s fears or the Minister is of the opinion, on the basis of an epidemiological study, that such an agent is present, the Minister may, in an emergency or in the public interest, order the owner or custodian of the animals, or as the case may be, all the owners or custodians situated in the sector determined by the Minister regardless of whether or not an order has been issued in their respect under the first paragraph, to segregate, treat, mark, immunize the animals or to destroy them and dispose of their carcasses within the time and subject to the conditions specified by the Minister.”;

(2) by adding “or their products” at the end of the second paragraph ;

(3) by inserting “referred to in any provision of this section” after “order” in the first line of the third paragraph.

16. The said Act is amended by inserting the following sections after section 11.2 :

“11.3. The Minister may, subject to the applicable legislative provisions, enter into agreements with the Minister of Health and Social Services, the Régie des assurances agricoles du Québec, the Minister of Agriculture of Canada or the Canadian Food Inspection Agency, to obtain from them or communicate to them information necessary for the purposes of the provisions of Division I

(1) to identify the owners or custodians of animals referred to in the provisions of this division, and the places where the animals are kept, including by means of the pairing or cross-matching of files ;

(2) to know the prevalence of diseases, infectious agents or syndromes likely to affect animals or the persons who are in contact with them or consume them or their products, including by means of the pairing or cross-matching of files.

The agreements shall specify, in particular, the nature of the information to be transmitted, the means to be used to ensure that the information transmitted remains confidential as well as the security measures.

The agreements must be submitted to the Commission d'accès à l'information for an opinion as provided in section 70 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

“11.4. The Minister or the person designated by the Minister may, in the public interest, disclose information in the Minister's possession that is necessary for the protection of the health or safety of the persons who are in contact with the animals or consume them or their products.

The first paragraph applies notwithstanding subparagraphs 5 and 9 of the first paragraph of section 28 and section 53 of the Act respecting Access to documents held by public bodies and the Protection of personal information.

“11.5. Where the Minister is of the opinion that animals may constitute a risk for the health or safety of the persons who consume them, in particular because of the chemical, physical or biological agent the animals could be carrying, the Minister may prescribe, by regulation, special standards for their destruction, disposal or elimination, according to species or category.

Any person in possession of an animal to which the regulation applies must comply with the regulation.

The provisions of Divisions III and IV of the Regulations Act (chapter R-18.1) relating to the publication and coming into force of proposed regulations and regulations do not apply to a regulation made by the Minister pursuant to this section. The regulation shall be published in the *Gazette officielle du Québec*. However, it comes into force on the date it is made by the Minister and shall be disseminated by any other means the Minister considers necessary.”

17. The said Act is amended by inserting the following division after Division II:

“DIVISION II.1

“IDENTIFICATION OF ANIMALS

“22.1. In this division, unless the context indicates otherwise,

“identification number” means the number issued by the Minister and used to identify an animal or a group of animals, and to the extent provided by regulation, the mark, tag, brand, tattoo or implant corresponding to that number or, as the case may be, the document corresponding to that number.

“22.2. Every owner of an animal that is born in Québec of a species or category determined by regulation is required to identify the animal within the time and in the manner prescribed by regulation.

That obligation also applies in respect of the carcass of an animal, other than stillborn, that died on the premises of the operation where it was born before having been identified and that will not be buried on the premises.

“22.3. Every owner of an animal that is imported into Québec of a species or category determined by regulation is required to identify the animal within the time and in the manner prescribed by regulation.

“22.4. The inspectors responsible for the enforcement of the provisions of this division shall be designated by the Minister.

“22.5. The Minister shall issue an identification number to any person who meets the conditions and pays the fees determined by regulation.

No person may be issued more identification numbers than the number the person is able to justify for use in relation to the person’s operation for one year.

“22.6. The owner of an animal that is identified shall, within the time and in the manner prescribed by regulation, transmit reports prescribed by regulation to the Minister.

“22.7. Every person who transfers the ownership of an animal that has been identified under section 22.2 or 22.3 is required to notify the transfer to the Minister within the time and in the manner prescribed by regulation.

Every person who imports an animal bearing an identification number issued outside Québec and approved by the Minister is also required to notify the acquisition or movement of the animal within the time and as prescribed by regulation.

“22.8. The owner or custodian of an animal whose identification number is replaced is required, within the time and in the manner prescribed by regulation, to report that replacement to the Minister.

“22.9. The Minister shall establish and maintain, in the form determined by regulation, a traceability file in which shall be recorded for each identification number, the name and address of the operator, the address of the operation, the registration number of the operation if it is registered under the provisions of Division VII.2 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation, the species or category of the animal, the date of issue of the identification number, the date of identification of the animal, the animal’s sex and age and, if applicable, any replacement identification number.

All the movements of the animal outside the agricultural operation from the time it leaves the operation where it was born or, if the animal is from outside Québec, from the day it entered the province, until the time the carcass of the animal is disposed of shall also be recorded in the traceability file. The information appearing in the register of animals or of animal carcasses referred to in paragraph 9 of section 22.18 shall be recorded in relation to the movements of the animal.

“22.10. The Minister may, subject to the applicable legislative provisions, enter into an agreement with the Minister of Agriculture of Canada or the Canadian Food Inspection Agency, or with the Régie des assurances agricoles du Québec to obtain from them or communicate to them nominative information necessary for the purposes of this division, in particular, to identify the operation from which the animal originates, the animal’s movements and its successive owners or possessors, including by means of the pairing or cross-matching of files.

The Minister may, in order to identify the persons to whom an agreement under this section applies, communicate their names and addresses and the agricultural operation registration numbers. The Minister, the body or the person who receives such information must, unless legally entitled to retain it, destroy the information once the purpose for which it was communicated has been fulfilled.

The agreements shall specify, in particular, the nature of the information to be transmitted, the means to be used to ensure that the information transmitted remains confidential as well as the security measures.

The agreements must be submitted to the Commission d’accès à l’information for an opinion as provided in section 70 of the Act respecting Access to documents held by public bodies and the Protection of personal information.

“22.11. Any animal of a species or category whose identification is mandatory is presumed to be born in Québec and be the property of the person having custody of it.

“22.12. No person shall keep an animal to which section 22.2 or 22.3 applies that has not been identified in accordance with the provisions of this division and the regulations.

“22.13. No person shall damage or make illegible an identification number or use an identification number issued for another operation.

“22.14. No person shall identify an animal using an identification number that has already been used for the identification of another animal, or another group of animals in the case of an animal of a species or category for which identification by group is authorized by regulation.

The prohibition provided for in this section does not apply to the re-use of an identification number issued before the expiry of the period prescribed by regulation for the species or category of animal, where it is indicated in the traceability file that the animal or group of animals originally identified are no longer alive.

“22.15. No identification paper or document that may be confused with an identification paper or document issued by the Minister may be used to identify an animal.

This section does not apply with respect to an identification paper or document issued by or under the authority of the Government of Canada, a province of Canada or another country.

“22.16. Except to the extent and for the species or categories of animals prescribed by regulation, no person shall remove an identification number from an animal or the carcass of an animal to which it has been affixed.

A veterinary surgeon may, however, disregard the prohibition under the first paragraph if the veterinary surgeon is required to remove the identification number in order to treat the animal. Once the treatment is finished, a replacement identification number must be immediately affixed to the animal.

The first paragraph does not apply to the operator of a slaughterhouse or plant for dismembering animals, to a salvager in the performance of duties, and to an inspector, an analyst or any other agent responsible for the implementation of this Act.

Nor does it apply to the owner of an animal who buries the carcass of the animal in accordance with the prescriptions of the Environment Quality Act (chapter Q-2) on the premises of the operation from which the animal originates. In that case, the owner of the animal shall immediately report the burial to the Minister, and specify the identification number of the animal.

“22.17. Every person authorized to act as an inspector under this division who has reasonable grounds to believe that an animal that is required to be identified under this division has not been identified, may, whether or not the animal has been seized, order the owner or custodian of the animal who is unable to prove the animal’s identification within the time fixed by the inspector, to bring the animal to the nearest slaughterhouse within the time indicated by the inspector, to have the animal slaughtered under the inspector’s supervision at the expense of the owner.

An animal slaughtered under such an order is deemed unfit for human consumption.

Upon failure by the owner or custodian of the animal to comply with the order, the authorized person may confiscate the animal so that it may be brought to the slaughterhouse indicated by the authorized person and be slaughtered at the expense of the owner or custodian.

The costs payable by an owner or custodian of animals shall bear interest at the rate determined under section 28 of the Act respecting the Ministère du Revenu.

“22.18. The Government may make regulations to

(1) determine the species or categories of animals for which identification is mandatory;

(2) determine the types of identification authorized, according to the species or category of animal, in particular for animals from outside Québec;

(3) determine the form and tenor, the term of the marks or identification, the manner of their issue or replacement and the applicable fees payable, according to the species or category of animal or the types of marks or identification;

(4) define what constitutes identification by group and determine its terms and conditions;

(5) determine the manufacturing standards for the identification marks according to their type;

(6) prescribe the time within which animals of a species or category are to be identified;

(7) prescribe the conditions or procedure for the issue and use of the identification marks, the restrictions on their use, and the conditions or procedure for their replacement;

(8) prescribe the standards for the transmission of the reports and notifications required under sections 22.6 to 22.8 and determine the person to whom the reports and notifications must be transmitted;

(9) determine the cases in which the operator of a place or vehicle must keep and preserve a register of animals or of animal carcasses in the operator's possession and prescribe, according to the type of operation, the nature, form and content of the registers, the standards for the keeping of the registers, in particular the obligation to computerize them and to make them compatible with the traceability files, and the period during which the person who must keep a register must preserve it;

(10) require any person who keeps a register referred to in paragraph 9 of this section to transmit to the person the information recorded in the register and prescribe, according to the type of operation, the standards for the transmission of the information;

(11) determine, according to the species or category of animal, the cases in which a person who moves an animal that has been identified is required to notify the movement to the person and prescribe the standards for such notification;

(12) exempt, on the conditions it may fix, certain classes of persons it determines from all or any of the provisions of this division or the regulations;

(13) determine, among the provisions of a regulation under this section, the provisions the contravention of which is punishable under section 55.43.3.

“22.19. The Minister may, on the conditions the Minister determines and with the approval of the Government, enter into an agreement with a person or a body with respect to the voluntary implementation of animal identification measures where the Minister considers that the special measures encourage the competitiveness of the breeding sector and ensure traceability of the animals equivalent to the traceability provided for in this division.

Every person to whom the agreement applies is exempted from the application of the provisions of this division or the regulations, provided the person fulfils the conditions set out in the agreement. Animals identified pursuant to the agreement are then deemed to be identified in accordance with the provisions of this division or the regulations.”

18. Section 23 of the said Act is amended

(1) by replacing “, male or female as the case may be” in the first and second lines of paragraph *a* by “or of any other species prescribed by regulation”;

(2) by striking out paragraphs *b* and *c*.

19. Sections 24 and 25 of the said Act are repealed.

20. Section 27 of the said Act is amended by striking out the first paragraph.

21. Section 28 of the said Act is amended

(1) by striking out paragraphs 1 to 5, 7, 10 and 14;

(2) by adding “, fix fees for the taking of specimens or their analysis, and for inspection” at the end of paragraph 12;

(3) by replacing “a permit holder” in the first and second lines of paragraph 13 by “a person who takes semen from an animal, keeps animal semen in his possession, delivers semen to any person or artificially inseminates an animal,” and by replacing “he” in the second line of that paragraph by “the person”;

(4) by adding the following paragraph after paragraph 14:

“(14.1) determine the animal species to which this division applies in addition to those specified in paragraph *a* of section 23;”.

22. Section 30 of the said Act is amended

(1) by inserting “caprine,” after “bovine,” in the first line of paragraph *a*;

(2) by adding “as well as any animal of another species prescribed by regulation” at the end of paragraph *a*.

23. Section 45 of the said Act, amended by section 66 of chapter 50 of the statutes of 1999, is again amended

(1) by inserting the following subparagraph after subparagraph *c* of the first paragraph:

“(c.1) determine animal species to which this division applies in addition to those specified in paragraph *a* of section 30;”;

(2) by replacing “infected by a contagious disease” in the first and second lines of subparagraph *e* of the first paragraph by “affected with a contagious or parasitic disease, an infectious agent or a syndrome designated by regulation”.

24. Section 55 of the said Act is repealed.

25. The said Act is amended by inserting the following after section 55:

“DIVISION IV.0.1

“ANIMAL FEED

“55.0.1. No person shall give food that is unfit for animal consumption or that is so deteriorated as to be unfit for animal consumption or that does not meet applicable regulatory standards to farm animals or animals kept in captivity if the animals or their products are intended for human consumption, or prepare, keep, transport or supply such food for remuneration.

“55.0.2. The Government may make regulations to

(1) prohibit or restrict the addition of the substances it determines to food preparations for the animals to which section 55.0.1 applies;

(2) prohibit or restrict the direct or indirect administration of the substances it indicates to the animals to which section 55.0.1 applies;

(3) prescribe the methods, conditions and procedure for the taking and analysis of samples for the purpose of detecting the presence of a substance the use of which is forbidden or restricted under a regulation made pursuant to paragraphs 1 and 2, determine the place where samples must be sent for

analysis and fix the fees payable by the persons it indicates for the taking and analysis of samples and for inspection;

(4) establish standards respecting the composition, preparation, conditioning, handling, keeping, packaging or labelling of products for animal consumption;

(5) determine, among the provisions of a regulation under this section, the provisions the contravention of which is punishable under section 55.43.”

26. The said Act is amended by inserting the following sections after section 55.3:

“55.3.1. The holder of a permit issued for an activity referred to in subparagraph 1 or 4 of the first paragraph of section 55.2 may sell or supply by retail a medicinal premix or medicinal food containing a medication appearing on the list prepared pursuant to section 9 of the Veterinary Surgeons Act (chapter M-8) only upon presentation by the purchaser of a prescription from a veterinary surgeon.

“55.3.2. No person shall be in possession of a medication mentioned in section 9 of the Veterinary Surgeons Act that was obtained without a prescription from a veterinary surgeon, or be in possession of a medication whose administration is prohibited under a regulation made under subparagraph 7 of the first paragraph of section 55.9 of this Act or under the Food and Drug Regulations (Consolidated Regulations of Canada, chapter 870) made under the Food and Drugs Act (Revised Statutes of Canada, 1985, chapter F-27), with a view to administering the medication to an animal.

In the absence of any evidence to the contrary, the possession of a medication referred to in the first paragraph in a place where animals are kept is proof that the medication is possessed with a view to administering it to an animal.”

27. Section 55.4 of the said Act is amended

(1) by inserting “or allow to be administered” after “administer” in the first line;

(2) by replacing “or feed them” in the fourth line by “, give them or allow them to be given”.

28. Section 55.7 of the said Act is replaced by the following sections:

“55.7. No person may deliver or send to a slaughterhouse, for the purposes of human consumption, an animal whose tissues are not totally free of any trace of metabolite of a medication or of medicinal residues other than those allowed by the Food and Drug Regulations or whose quantity or concentration in the tissues of the animal exceeds that permitted by those regulations.

“55.7.1. Where the examination of the tissues of an animal that has been slaughtered for the purposes of human consumption reveals the presence of medications or medicinal residues that are forbidden or that exceed the quantity or concentration permitted, the Minister may, for a period not exceeding 60 days, order the immediate owner or the custodian of the animal, and the former owners or custodians of the animal to suspend or restrict, to the extent determined by the Minister, the delivery to any slaughterhouse for human consumption of any animal from the same operation as the animal carrying the medication or the medicinal residues.

The order shall contain a statement of the Minister’s reasons and refer to any written statement, analysis or other technical report considered by the Minister for the purposes of the order.

“55.7.2. The owner or custodian of an animal to whom an order under section 55.7.1 is notified without prior notice because, in the opinion of the Minister, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by the Minister.”

29. The said Act is amended by inserting the following section after section 55.8:

“55.8.1. Where the Minister is of the opinion that animals may constitute a risk for the health or safety of the persons who consume them, in particular because of the medicinal residues or metabolites the animals could be carrying, the Minister may prescribe, by regulation, special standards for their destruction, disposal or elimination, according to species or category.

Any person in possession of an animal to which the regulation applies must comply with the regulation.

The provisions of Divisions III and IV of the Regulations Act relating to the publication and coming into force of proposed regulations and regulations do not apply to a regulation made by the Minister pursuant to this section. The regulation shall be published in the *Gazette officielle du Québec*. However, it comes into force on the date it is made by the Minister and shall be disseminated by any other means the Minister considers necessary.”

30. Section 55.9 of the said Act is amended

(1) by inserting the following subparagraph after subparagraph 4.1 :

“(4.2) prescribe standards applicable to the labelling of medicinal premises or medicinal food and prescribe the mandatory inscriptions with respect to their ingredients or the waiting period applicable to the medications they contain;”;

(2) by adding “, fix fees for the taking of samples or their analysis and for inspection, and determine the persons who are to pay the fees and the cases and manner in which the fees are to be paid” at the end of subparagraph 10.

31. Section 55.9.1 of the said Act is replaced by the following section :

“55.9.1. The provisions of this division apply to domestic animals and animals kept in captivity, other than those governed by the Act respecting the conservation and development of wildlife (chapter C-61.1) and that belong to a species or category designated by regulation of the Government.”

32. Section 55.9.2 of the said Act is amended

(1) by adding “or is not properly transported in an appropriate vehicle” at the end of paragraph 2 ;

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

“(5) the animal is kept or transported in contravention of the regulatory standards established pursuant to section 55.9.14.1.”

33. Section 55.9.4 of the said Act is amended by inserting “, including a municipality, an urban community or the Kativik Regional Government,” after “person” in the first line of the second paragraph.

34. Section 55.9.9 of the said Act is repealed.

35. Section 55.9.10 of the said Act is amended

(1) by replacing “upon expiry of the period provided for in section 55.9.9” in the second and third lines of the first paragraph by “within 90 days after the date of seizure” ;

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

“A justice of the peace may, however, order the period of seizure extended by not more than 90 days.”

36. The said Act is amended by inserting the following section after section 55.9.14 :

“55.9.14.1. The Government may by regulation fix, for the purposes of section 55.9.2, standards for the custody and transportation of animals.”

37. Section 55.9.16 of the said Act is amended by inserting “and those of any regulation made under section 55.9.14.1” after “division” in the first line.

38. Section 55.10 of the said Act is amended by replacing “in section 12, 24 or 55.2” in the sixth line of the first paragraph by “in section 55.2”.

39. Section 55.13 of the said Act is amended by inserting “a person authorized for the purposes of section 2.0.1,” after “surgeon,” in the first line.

40. Section 55.25 of the said Act is amended by inserting “an infectious agent or a syndrome,” after “disease,” in the third line of the first paragraph.

41. The said Act is amended by adding “AND OTHER SANCTIONS” at the end of the heading of Division IV.5.

42. Section 55.43 of the said Act, amended by section 236 of chapter 40 of the statutes of 1999, is again amended

(1) by inserting “8.4,” after “8,” in the first line of the first paragraph;

(2) by inserting “10.1, 55.0.1,” after “10,” in the first line of the first paragraph;

(3) by inserting “55.3.1, 55.3.2,” after “55.2,” in the first line of the first paragraph;

(4) by inserting “, paragraph 5 of section 55.0.2” after “3” in the third line of the first paragraph;

(5) by inserting “or any provision of a regulation made under section 11.5 or section 55.8.1 or any condition of an authorization issued pursuant to the third paragraph of section 9” after “55.8” in the fourth line of the first paragraph.

43. The said Act is amended by inserting the following sections after section 55.43.1 :

“55.43.2. Every person who contravenes an order issued pursuant to section 3.2, 3.4, 11.1, 22.20 or 55.7.1 is liable to a fine of \$1,600 to \$5,000 in the case of a natural person and of \$5,000 to \$15,000 in the case of a legal person.

For any subsequent conviction, the offender is liable to a fine of \$3,200 to \$15,000 in the case of a natural person and of \$15,000 to \$45,000 in the case of a legal person.

“55.43.3. Every person who contravenes the provisions of sections 22.2, 22.3, 22.6 to 22.8, 22.12 to 22.16 or the provision of a regulation under paragraph 13 of section 22.18 is liable to a fine of \$250 to \$2,450 in the case of a natural person and of \$625 to \$6,075 in the case of a legal person.

For any subsequent conviction, the offender is liable to a fine of \$1,225 to \$12,150 in the case of a natural person and of \$3,650 to \$36,425 in the case of a legal person.

“55.43.4. Every person who contravenes the provisions of sections 8.1, 8.2, 8.5 or an order issued pursuant to section 8.3 is liable to a fine of not less than \$100 and not more than \$300 and, for any subsequent conviction in both cases, of a fine of not less than \$300 and of not more than \$900.”

44. Section 55.44 of the said Act, amended by section 236 of chapter 40 and by section 67 of chapter 50 of the statutes of 1999, is again amended by striking out “24,” in the first line of the first paragraph.

45. Section 55.50 of the said Act is amended by adding the following paragraph :

“The cost of inspection, analysis or specimen or sample taking as established by a regulation made under section 3, 28, 55.0.2 or 55.9 of this Act is included in the costs of the proceedings in the case of penal proceedings.”

46. The said Act is amended by inserting the following section after section 55.51 :

“55.52. The Minister may claim, in the same manner as any debt owing to the Government, from an offender who has been convicted of an offence under section 55.6 or 55.7, the costs of specimens or samples taken and analyses made to ascertain, during the year following the date of conviction, the absence of medicinal residues or the metabolite of a medication, or to ensure that the quantities and concentrations permitted in the offender’s animals are being complied with.”

47. The Bees Act (R.S.Q., chapter A-1) is repealed.

48. Section 149 of the Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1) is amended by adding the following paragraph after paragraph 6 :

“(7) require the operator of an establishment referred to in paragraph *c* of section 30 of the Animal Health Protection Act (chapter P-42) to insure the animals kept by the operator in that establishment and determine the risks to be insured and the amount of the insurance.”

49. Section 19 of the Act respecting commercial fisheries and aquaculture (R.S.Q., chapter P-9.01) is amended by replacing “by an inspector or officer in application of section 47” in the second and third lines of the second paragraph by “in an order made pursuant to the provisions of Division I of the Animal Health Protection Act (chapter P-42)”.

50. Sections 47 and 48 of the said Act are repealed.

51. Section 49 of the said Act, amended by section 209 of chapter 40 of the statutes of 1999, is again amended by striking out paragraph 11.

TRANSITIONAL AND FINAL PROVISIONS

52. The provisions of section 14 of the Commercial Aquaculture Regulation, made by the Government by Order in Council 1311-87 (1987, G.O. 2, 3368) remain in force until they are replaced or repealed by a regulation made by the Minister of Agriculture, Fisheries and Food under section 3 of the Animal Health Protection Act. Such provisions are deemed to have been made under subparagraph *c* of paragraph 1 of section 3 of the Animal Health Protection Act.

53. An order issued under section 47 of the Act respecting commercial fisheries and aquaculture remains in force until the date on which it would have expired.

54. The provisions of this Act come into force on (*insert here the date of assent to this Act*), except the provisions of section 6, section 17 to the extent that it introduces section 22.17, sections 18 to 21 and sections 31 to 36 which come into force on the date or dates to be fixed by the Government.