



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 70

An Act to amend the Animal Health Protection Act

Introduction

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

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EXPLANATORY NOTES

This bill amends the Animal Health Protection Act in a number of ways.

The bill provides for the appointment, within the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, of a chief veterinary surgeon and sets the rules relating to that appointment. It provides that the chief veterinary surgeon must send to the Minister of Agriculture, Fisheries and Food a yearly report regarding the measures ordered pursuant to the exercise of certain powers conferred on the chief veterinary surgeon by the bill.

The bill proposes that changes be made to the categories or species of animals to which the various provisions of that Act apply.

The bill provides that an epidemiological study may be carried out for the surveillance of the health status of animals. It modifies certain powers concerning the taking of samples of animal tissues or of an animal's environment as well as certain powers to issue orders, and it introduces new powers. It grants the chief veterinary surgeon, in certain circumstances, the power to confiscate and to euthanize an animal or to exhume an animal carcass. The bill grants the Minister certain powers to intervene in the presence of a biological, chemical or physical agent which could constitute a health risk for animals or for persons who are in contact with them or who consume them or their products, and which poses a high risk of propagation. It also grants the Minister new regulatory powers concerning animal health.

The bill amends the reporting obligation with regard to contagious or parasitic diseases, infectious agents or syndromes in order to provide for a veterinary surgeon's obligation to report the occurrence of a serious situation, the criteria of which are to be determined by regulation of the Minister. It also subjects persons who requested that a sample be analyzed by a laboratory situated outside Québec and the veterinary surgeons who carried out or supervised an analysis outside a laboratory to the obligation to report any positive result. In addition, the bill broadens the reporting obligation to any result of an analysis carried out in order to better characterize the disease, agent or syndrome and to results of tests or categories of tests, determined by regulation of the Minister, suggesting previous

exposure to a disease, agent or syndrome. Moreover, it specifically provides that a veterinary surgeon's reporting obligation applies despite professional secrecy.

The bill specifies that the Government may, by regulation and in addition to the identification of animals currently provided for, require that sites where animals are kept be registered. It also specifies the concept of "management", as applied to the animal identification system, which is now to be called the traceability system.

The bill empowers the Government to require, by regulation, that various registers be kept concerning medications, medicinal premixes and medicinal foods intended for animals. It also empowers the Government to establish, by regulation, a system for monitoring the use of medications. As with the traceability system, the bill provides that the management of that monitoring system may be entrusted to a body.

The bill confers new powers of inspection and empowers the Minister to appoint investigators. It also increases the amounts of the fines and sets out certain aggravating factors.

Lastly, the bill contains consequential amendments to regulations and a final provision.

LEGISLATION AMENDED BY THIS BILL:

- Animal Health Protection Act (chapter P-42).

REGULATIONS AMENDED BY THIS BILL:

- Regulation respecting the administering of certain medications (chapter P-42, r. 1);
- Regulation respecting the sanitary conditions applicable to places where birds are kept in captivity (chapter P-42, r. 4);
- Regulation to designate contagious or parasitic diseases, infectious agents and syndromes (chapter P-42, r. 4.2);
- Regulation respecting the identification and traceability of certain animals (chapter P-42, r. 7);

- Artificial Insemination of Cattle Regulation (chapter P-42, r. 9);
- Regulation respecting medicinal premixes and medicinal foods for animals (chapter P-42, r. 10);
- Regulation respecting the sale of livestock by auction (chapter P-42, r. 11).

Bill 70

AN ACT TO AMEND THE ANIMAL HEALTH PROTECTION ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ANIMAL HEALTH PROTECTION ACT

1. The Animal Health Protection Act (chapter P-42) is amended by inserting the following before section 1:

“DIVISION 0.1

“GENERAL PROVISIONS”.

2. The Act is amended by inserting the following sections after section 1:

“**1.1.** For the purposes of this Act, unless the context indicates otherwise, “person” means a natural person, a legal person, a partnership or an association without legal personality.

“**1.2.** The Minister shall designate a chief veterinary surgeon who is a public servant of the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation appointed in accordance with the Public Service Act (chapter F-3.1.1).

The chief veterinary surgeon must

- (1) be a member of the Ordre des médecins vétérinaires du Québec;
- (2) have been practising veterinary medicine for at least five years; and
- (3) have no condition or restriction attached to his permit to practise.

The chief veterinary surgeon shall perform the duties and exercise the powers conferred on him by this Act.

“**1.3.** If the chief veterinary surgeon is absent or unable to act, the Minister may designate a veterinary surgeon who meets the conditions set out in section 1.2 to replace him.

“1.4. The chief veterinary surgeon must, after exercising any of the powers set out in sections 2.0.5 to 2.0.7 and 55.7.1, so inform the Minister.

Not later than 31 March each year, the chief veterinary surgeon shall send the Minister an annual report, for the preceding calendar year, relating to the measures ordered after the exercise of any of the powers mentioned in the first paragraph.”

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

“§1.—*General provisions*

“1.5. Unless otherwise provided, this division applies to any domestic animal and to any non-domestic insect used for commercial pollination purposes.

In addition, it applies to any other animal if the animal is kept in captivity and the animal or its products are intended for human consumption or if the animal is bred for its fur or for stocking. It also applies to any other animal kept in captivity for reproduction activities if the animals born from such activities, or their products, are intended for human consumption or if they are bred for their fur or for stocking.

Fish, amphibians, echinoderms, crustaceans and shellfish produced or raised in a fishing pond or aquaculture site referred to respectively in sections 1 and 5 of the Act respecting commercial aquaculture (chapter A-20.2) are deemed to be kept in captivity.

In this division, the animals referred to in the first and second paragraphs are called “animal”. The term “animal” also designates, wherever the context permits, an animal’s fertilized eggs and ova as well as any part of an animal.”

4. Section 2 of the Act is amended

(1) by striking out subparagraph 1 of the first paragraph;

(2) by striking out the second paragraph.

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

“2.0.0.1. An epidemiological study may be carried out to obtain, on an ad hoc or recurring basis, the information necessary for the surveillance of the health status of animals, in particular as regards the prevalence of diseases or antibiotic resistance.

The owner or custodian of an animal that is the subject of an epidemiological study must provide the information necessary for the carrying out of the study.”

6. Section 2.0.1 of the Act is replaced by the following sections:

“2.0.1. For the purposes set out in section 2.0.0.1 or in order to determine the state of health of an animal or the health status of a herd, a veterinary surgeon appointed under section 55.9.17 or a veterinary surgeon 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 an animal carcass in order to take, free of charge, samples of products or tissues, in particular blood or semen, secretions, excreta or dejecta, or samples of the animal’s environment. The veterinary surgeon may also confiscate an animal carcass to perform a necropsy on it.

In addition, the veterinary surgeon may enter, at any reasonable time, any premises, other than a dwelling-house, or any vehicle where an animal was kept in order to take, free of charge, samples of the environment in which the animal was kept.

For the purposes of this section, an injection administered to an animal to determine its state of health is considered to be a taking of a tissue sample.

The power to take samples of the environment may also be exercised by an inspector appointed under section 55.9.17 or by a person authorized for that purpose by the Minister, who may enter, at any reasonable time, any premises referred to in the first or second paragraph.

“2.0.2. Before taking a sample or confiscating an animal carcass, a person referred to in section 2.0.1 must identify himself and produce the certificate attesting his authority. The person must inform the owner or custodian of the animal or, where applicable, the owner or person in charge of the premises or vehicle of the compulsory character of the sample taking or necropsy and of the purpose for which the information collected and the analysis results obtained will be used.

“2.0.3. At the request of a person referred to in section 2.0.1, the owner or custodian of an animal must provide any information that is relevant for determining the state of health of the animal or health status of the herd or that is necessary for the surveillance or control of an agent, in particular the animal’s age and origin, the treatment history of the animal or the herd as well as the husbandry practices in use.

Likewise, the owner or person in charge of the premises or vehicle where an animal was kept must provide any relevant information that is required for determining if an agent might be present in the premises or vehicle.

For the purposes of this Act, “agent” means a biological, chemical or physical agent which could constitute a health risk for animals or for persons who are in contact with them or who consume them or their products.

“2.0.4. If a veterinary surgeon or inspector appointed under section 55.9.17 has reasonable cause to believe that an agent is present, he may order any owner or custodian of an animal or, where applicable, any owner or person in charge of premises where there is an animal to put in place any measure that makes it possible to contain or prevent the propagation of the agent, in particular measures for quarantine, segregation or the control of movement into and out of the place of custody, until the state of health of the animal or health status of the herd is known.

The order must be notified to the owner or custodian of the animal or, where applicable, to the owner or person in charge of the premises. It must specify the obligations of the owner or custodian of the animal or, as the case may be, those of the owner or person in charge of the premises, as well as the manner in which those obligations must be fulfilled. The order takes effect on the date of its notification.

“2.0.5. If the chief veterinary surgeon has reasonable cause to believe that an agent whose presence cannot be confirmed in a living animal is present or if a diagnostic approach has been used without it being possible to identify the agent in question and a necropsy is necessary to identify it, the chief veterinary surgeon may confiscate the animal and euthanize it or exhume an animal carcass to carry out the tests or analyses he considers useful for identifying the agent.

Section 2.0.2 applies, with the necessary modifications.

“2.0.6. Following an order issued under section 2.0.4 and until the state of health of the animal or health status of the herd concerned by the order is known, the chief veterinary surgeon may issue such an order with regard to any owner or custodian of an animal or, where applicable, with regard to any owner or person in charge of premises or a vehicle where there is or was an animal, if the chief veterinary surgeon has reasonable cause to believe that the agent is present due to the proximity of the animal or herd concerned by the order issued under section 2.0.4 or due to the existence of an epidemiologic link with that animal or with that herd.

The chief veterinary surgeon may also, by order, require that any fact indicating that the agent is present be reported to him.

The second paragraph of section 2.0.4 applies to an order issued in accordance with the provisions of this section.

“2.0.7. If an analysis confirms that an agent is present, the chief veterinary surgeon may order the owner or custodian of the animal affected by the agent or, where applicable, the owner or person in charge of premises or a vehicle where the animal affected by the agent is or was to put in place, within the time and subject to the conditions the chief veterinary surgeon specifies, any measure necessary for the surveillance or control of the agent, in particular,

- (1) the quarantine or segregation of an animal;
- (2) the control of movement into and out of a place of custody;
- (3) the treatment or immunization of an animal or herd;
- (4) the slaughter of an animal or herd;
- (5) the disposal of an animal carcass;
- (6) the cleaning and disinfecting of a place of custody or vehicle; and
- (7) the reporting of any fact indicating the presence of the agent.

The chief veterinary surgeon may also order the disposal of any animal product or by-product as well as of any animal feed if he has reasonable cause to believe that they may be contaminated by the agent.

If the chief veterinary surgeon has reasonable cause to believe that the agent is present due to proximity with an animal that is the subject of a measure set out in the first paragraph or due to the existence of an epidemiologic link, he may, in addition, order any owner or custodian of an animal or, where applicable, any owner or person in charge of premises where there is or was an animal to put in place any measure referred to in the first or second paragraph.

The second paragraph of section 2.0.4 applies to an order issued in accordance with this section.

“2.0.8. The owner or custodian of an animal or, where applicable, the owner or person in charge of premises or a vehicle where there is or was an animal, to whom an order referred to in section 2.0.4, 2.0.6 or 2.0.7 is notified without prior notice because, in the opinion of the person who issued the order, 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 that person.

“2.0.9. Upon failure by the owner or custodian of an animal or, where applicable, by the owner or person in charge of premises or a vehicle where there is or was an animal to comply with an order referred to in section 2.0.4, 2.0.6 or 2.0.7, the person who issued the order may personally carry out the order or cause it to be carried out at the expense of that owner, custodian or person in charge.

If the order contains a command to slaughter or dispose of an animal or to dispose of an animal carcass with which the owner or custodian does not comply, the animal may be confiscated so that it may be slaughtered or the carcass confiscated so that it may be disposed of, at the expense of the owner or custodian.

The costs payable under the first or second paragraph shall bear interest at the rate determined under section 28 of the Tax Administration Act (chapter A-6.002).

“2.0.10. If the Minister has reasonable cause to believe that an agent posing a high risk of propagation in a sector or in the whole territory of Québec is present, he may, by order and for a period not exceeding 30 days, require that any measure making it possible to contain or prevent the propagation of the agent be put in place, in all or part of the territory, and require that any fact indicating the presence of the agent be reported to the person he designates.

If an analysis confirms that such an agent is present or if the Minister is of the opinion, based on an epidemiologic study, that such an agent is present and that, in such cases, the situation requires that measures be implemented immediately, the Minister may require, by order and for a period not exceeding 60 days, that the measures necessary for the surveillance or control of the agent be put in place, in all or part of the territory of Québec, in particular

- (1) reporting any fact indicating the presence of the agent;
- (2) submitting an animal to a screening test;
- (3) regulating or ending activities that cause animals to be assembled or activities for the production or distribution of animal feed or bedding;
- (4) quarantining or segregating an animal;
- (5) controlling movement into and out of a place of custody;
- (6) vaccinating an animal;
- (7) disposing of an animal carcass;
- (8) prohibiting the sale of any animal product or by-product; and
- (9) cleaning and disinfecting a place of custody of an animal.

Any measure whose implementation is required under the second paragraph may be renewed by the Minister for a single period not exceeding 30 days.

An order made under this section must contain a statement of the Minister’s reasons and specify the territory concerned and the measures that must be put in place. It shall be published in the *Gazette officielle du Québec* and come into force on the date of its publication. It shall also be disseminated by any means allowing the persons concerned to be rapidly and efficiently informed. It is not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1).

“2.0.11. The Minister may, before the expiry of the time limit indicated in an order made under section 2.0.10, put an end to any measure specified in the order as soon as he considers that it is no longer necessary.

The decision must be published in the *Gazette officielle du Québec* and a notice must be disseminated by any means allowing the persons concerned to be rapidly and efficiently informed.”

7. Section 2.1 of the Act is amended by striking out “designated under subparagraph *a* of paragraph 1 of section 3”.

8. Section 3 of the Act is amended

(1) by replacing “treatments or sanitary measures” in subparagraph *c* of paragraph 1 by “surveillance or control measures”;

(2) by inserting the following paragraph after paragraph 1.0.1:

“(1.1) determine surveillance or control zones within which measures for the surveillance or control of an agent may be required, which measures may vary according to the species or category of animal;”;

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

“(3) prescribe biosecurity standards applicable to the places of custody of animals, the vehicles used for their transportation or the places where animals are assembled for sale, for exchange, for a competition or for an exhibition;

“(3.0.1) prescribe standards relating to the disposal of manure contaminated by a contagious or parasitic disease, an infectious agent or a syndrome and the standards relating to the disposal of infirm, incurable or diseased animals or of animal carcasses;

“(3.0.2) determine the conditions on which an activity that assembles animals for sale, for exchange, for a competition or for an exhibition may be carried on, restrict such activities or prohibit them;

“(3.0.3) require that a biosecurity plan be developed and put in place within a place of custody of animals, which plan may vary according to the species or category of animal;

“(3.0.4) require veterinary consultations, which may vary according to the species or category of animal, and determine the related terms and conditions;”.

9. Section 3.1 of the Act is amended

(1) by replacing “existence” in the first paragraph by “presence”;

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

“A veterinary surgeon shall, without delay, report to a veterinary surgeon appointed under section 55.9.17 all the cases in which he suspects the presence of a contagious or parasitic disease, an infectious agent or a syndrome or the occurrence of a serious situation the criteria of which are determined by regulation of the Minister.”;

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

“The following persons are required to report without delay to the Minister or to the person designated by the Minister any result indicating the presence of a contagious or parasitic disease, an infectious agent or a syndrome:

(1) the head of a laboratory where a sample of animal products, tissues, secretions, excreta or dejecta or a sample of an animal’s environment has been analyzed;

(2) the person who requested that a sample of animal products, tissues, secretions, excreta or dejecta or a sample of an animal’s environment be analyzed by a laboratory situated outside Québec; and

(3) the veterinary surgeon who carried out or supervised, outside a laboratory, the analysis of a sample of animal products, tissues, secretions, excreta or dejecta or the analysis of a sample of an animal’s environment.

The reporting obligation set out in the third paragraph also applies to any result of an analysis made on the sample in order to better characterize the disease, agent or syndrome. The obligation also applies to results of tests or categories of tests suggesting the presence of a disease, agent or syndrome determined by a regulation of the Minister or suggesting previous exposure to such a disease, agent or syndrome.

Where a result indicates the presence of a contagious or parasitic disease, an infectious agent or a syndrome, any person who has submitted samples must, at the request of an authorized person referred to in section 55.9.17, also provide the information necessary for the surveillance or control of that disease, agent or syndrome.

The veterinary surgeon’s reporting obligation prescribed under this section applies even with regard to information protected by professional secrecy. No proceedings may be brought against a veterinary surgeon who, in good faith, fulfills his reporting obligation.”

10. Section 3.2 of the Act is replaced by the following section:

“3.2. If a veterinary surgeon appointed under section 55.9.17 observes or suspects the presence of a contagious or parasitic disease, an infectious agent or a syndrome, he may, by order, require that any measure aimed at surveilling or controlling the disease, agent or syndrome be put in place, in particular the quarantine, segregation or treatment of an animal, the control of movement into and out of the place of custody, the cleaning and disinfecting of that place or of a vehicle that was used to transport an animal, or the prohibition to sell any animal product or by-product.

The order must be notified to the owner or custodian of the animal or, where applicable, to the owner or person in charge of the premises or vehicle where there is or was an animal. The order must specify, in particular, the obligations of the owner or custodian of the animal or those of the owner or person in charge of the premises or vehicle and the manner in which those obligations must be fulfilled. The order takes effect on the date of its notification.”

11. Section 3.3 of the Act is amended

(1) by inserting “or, where applicable, by the owner or person in charge of the premises or vehicle where there is or was an animal” after “of an animal”;

(2) by replacing “designated veterinary surgeon” by “veterinary surgeon appointed under section 55.9.17”;

(3) by replacing “or custodian” by “, custodian or person in charge”.

12. Section 3.4 of the Act is amended

(1) by replacing “designated veterinary surgeon” in the first paragraph by “veterinary surgeon appointed under section 55.9.17”;

(2) by replacing “designated veterinary surgeon, an inspector authorized by the Minister under this Act” in the second paragraph by “veterinary surgeon or inspector appointed under section 55.9.17”;

(3) by striking out “designated” in the third paragraph.

13. The Act is amended by inserting the following section after section 3.5:

“4. An order referred to in section 2.0.6 or 2.0.7 may be issued with regard to an owner or custodian of an animal to which the Act respecting the conservation and development of wildlife (chapter C-61.1) applies, where the animal is kept in captivity and is not an animal referred to in section 1.5 of this Act, after consultation between the chief veterinary surgeon and the public servant designated by the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks.”

14. Section 6 of the Act is amended by replacing “designated veterinary surgeon” in the second paragraph by “veterinary surgeon or inspector appointed under section 55.9.17, by the chief veterinary surgeon”.

15. Section 8 of the Act is amended by replacing “designated veterinary surgeon” in the second paragraph by “veterinary surgeon appointed under section 55.9.17”.

16. Section 9 of the Act is amended by replacing “veterinary-in-chief or other competent officer of the province, or of the country of origin, of such animals or products attesting that the animals” in the first paragraph by “chief veterinary surgeon or from another competent officer of the province or country of origin of the animals or products attesting that they”.

17. Section 10.1 of the Act is amended by replacing “designated veterinary surgeon” in the third paragraph by “veterinary surgeon appointed under section 55.9.17”.

18. Sections 11.1 and 11.2 of the Act are repealed.

19. The heading of subdivision 1 of Division I of the Act is replaced by the following heading:

“§2.—Special provisions applicable to bees and to non-domestic insects used for commercial pollination purposes”.

20. Section 11.7 of the Act is amended

(1) by replacing “pursuant to the provisions of” by “under the provisions of subdivision 1 of”;

(2) by replacing “hives, frames and other apiary equipment” by “houses being used for bees or for non-domestic insects used for commercial pollination purposes and equipment used for commercial pollination or for apiculture”.

21. Section 11.8 of the Act is amended by replacing “previously used hives, frames and other apiary equipment” by “houses previously used for bees or for non-domestic insects used for commercial pollination purposes and equipment previously used for commercial pollination or for apiculture”.

22. Section 11.10 of the Act is amended by replacing “movable frames” by “movable frames or combs”.

23. Section 11.11 of the Act is amended

(1) in the first paragraph,

(a) by replacing “without movable frames” by “without movable frames or combs”;

(b) by replacing “any designated veterinary surgeon” by “any veterinary surgeon appointed under section 55.9.17”;

(c) by replacing “with movable frames” by “with movable frames or combs”;

(d) by replacing “the designated veterinary surgeon” by “the veterinary surgeon”;

(2) by striking out both occurrences of “designated” in the second paragraph.

24. Section 11.14 of the Act is amended

(1) in paragraph 2,

(a) by replacing “of hives” by “of houses being used for bees or for non-domestic insects used for commercial pollination purposes”;

(b) by striking out “on each hive”;

(2) by replacing paragraph 3 by the following paragraphs:

“(3) prescribe biosecurity standards, including the cleaning, disinfection, disposal or destruction of houses being used or previously used for bees or for non-domestic insects used for commercial pollination purposes, or of equipment currently or previously used for commercial pollination or for apiculture;

“(4) determine from among the provisions of Division I, those that shall be applicable to non-domestic insects kept in captivity for purposes other than those provided for in section 1.5;

“(5) exempt from some or all of the provisions of Division I or of the regulations made under it, subject to the conditions the Minister determines, certain species or categories of non-domestic insects used for commercial pollination purposes.”

25. The heading of Division II.1 of the Act is amended by replacing “IDENTIFICATION” by “TRACEABILITY”.

26. Section 22.1 of the Act is amended

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

“The Government may, by regulation, establish an animal traceability system. For that purpose, the regulation may set out the obligation to identify animals or to register sites where animals are kept subject to the conditions and according to the rules or procedure it fixes, prescribe the obligations of owners or custodians of animals or of any other person it determines and fix the applicable fees payable. Such standards may vary according to the species or category of animal specified in the regulation.”;

(2) by replacing “identification” in the second paragraph by “traceability”.

27. Section 22.2 of the Act is repealed.

28. Section 22.3 of the Act is amended

(1) in the first paragraph,

(a) by replacing “an identification” by “a traceability”;

(b) by adding the following sentence at the end: “The management includes, in particular, the system’s operation, maintenance, improvement, evolution and migration activities.”;

(2) by replacing “identification system” in the third paragraph by “traceability system”.

29. Section 22.4 of the Act is amended, in the first paragraph,

(1) by replacing “administers an identification system for animals” by “administers a system relating to animal traceability or identification”;

(2) by replacing “the purposes of an animal identification system” by “the purposes of an animal traceability system”.

30. Section 22.5 of the Act is repealed.

31. Section 22.6 of the Act is amended

(1) by replacing both occurrences of “identification” in the first paragraph by “traceability”;

(2) by striking out the last sentence of the second paragraph.

32. Section 23 of the Act is replaced by the following section:

“23. This division applies to domestic animals of the bovine species, male or female as the case may be, as well as to any other species or category of domestic animal determined by government regulation.”

33. Section 24 of the Act is replaced by the following section:

“24. The Government may, by regulation, require that a permit be obtained for the collection of semen from an animal.”

34. Section 26 of the Act is amended

(1) by replacing “by regulation” by “by government regulation”;

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

“For the purposes of this division, “artificial insemination” means the action of inseminating an animal by means of semen collected from another animal.”

35. Section 27 of the Act is amended by replacing “by regulation” at the end of the first and second paragraphs by “by government regulation”.

36. Section 28 of the Act, amended by section 18 of chapter 40 of the statutes of 2000, is again amended

(1) by replacing “make regulations to” in the introductory clause by “, by regulation,”;

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

“(1.1) determine classes or subclasses of permits;”;

(3) by inserting “or to each class or subclass of permit” at the end of paragraph 2;

(4) by inserting “traceability,” after “collection,” in paragraph 7;

(5) by replacing “in” in paragraph 13 by “in any of subparagraphs *a* to *d* of”;

(6) by striking out paragraphs 14.1 and 15.

37. The Act is amended by inserting the following section before section 30:

“**29.1.** This division applies to live domestic animals of the equine, bovine, caprine, ovine or porcine species and to live domestic rabbits as well as to any other species or category of domestic animal determined by government regulation.”

38. Section 30 of the Act is amended by striking out paragraphs *a*, *g*, *h* and *i*.

39. Section 43 of the Act is replaced by the following section:

“**43.** The operator of an establishment must, subject to the conditions prescribed by government regulation, insure the animals being kept in his establishment against the risks determined by the regulation.”

40. Section 45 of the Act is amended

(1) in the first paragraph,

(a) by replacing “make regulations to:” in the introductory clause by “, by regulation,”;

(b) by striking out subparagraph *c.1*;

(c) by inserting the following subparagraph after subparagraph *n*:

“(n.1) exempt from some or all of the provisions of this division or of the regulations made under it, subject to the conditions the Government determines, certain classes of persons or certain species or categories of animals;”;

(d) by striking out subparagraph *o*;

(2) by striking out the second paragraph.

41. Section 55.0.2 of the Act is amended by striking out paragraph 5.

42. The heading of Division IV.1 of the Act is amended by adding “AND FIGHT AGAINST ANTIBIOTIC RESISTANCE” at the end.

43. The Act is amended by inserting the following sections before section 55.1:

“**55.0.3.** This division applies to any domestic animal and to any non-domestic insect used for commercial pollination purposes.

In addition, it applies to any other animal if the animal is kept in captivity and the animal or its products are intended for human consumption or if the animal is bred for its fur or for stocking. It also applies to any other animal kept in captivity for reproduction activities if the animals born from such activities, or their products, are intended for human consumption or if they are bred for their fur or for stocking.

Fish, amphibians, echinoderms, crustaceans or shellfish produced or raised in a fishing pond or aquaculture site referred to respectively in sections 1 and 5 of the Act respecting commercial aquaculture (chapter A-20.2) are deemed to be kept in captivity.

The animals referred to in the first and second paragraphs are, in this division, called “animal”. The term “animal” also designates, wherever the context permits, an animal’s fertilized eggs and ova as well as any part of an animal.

“**55.0.4.** The Government may, by regulation, determine from among the provisions of this division, those that shall be applicable to non-domestic insects kept in captivity for purposes other than those provided for in the first paragraph of section 55.0.3.”

44. Section 55.1 of the Act is amended by inserting the following definition before the definition of “premix”:

““medication” means a substance or preparation administered to establish a medical diagnosis, to treat or to prevent a parasitic infestation or a disease

or to restore, correct or modify physiological functions; this term also includes vaccines and antiparasitics;”.

45. Section 55.5 of the Act is replaced by the following sections:

“55.5. The Government may, by regulation, require any owner or custodian of an animal of a species or category it determines to keep a register of administered medications, medicinal premixes or medicinal foods.

The regulation may also require a person or class of persons to keep a register of acquisitions, sales or supplies of medications, medicinal premixes or medicinal foods intended for an animal or for a species or category of animal.

A regulation made under this section determines the manner in which the registers are to be kept, in particular the information that the registers must contain, and the manner in which the information is to be sent.

“55.5.0.1. The Government may, by regulation and for the purpose of collecting the information determined under a regulation made under section 55.5, establish a system for monitoring the use of medications.

The Minister may, by way of a memorandum of agreement, entrust to a body the management of the system. The management includes, in particular, the system’s operation, maintenance, improvement, evolution and migration activities. In such a case, sections 22.3 and 22.3.1 apply, with the necessary modifications.”

46. Section 55.7.1 of the Act is amended by replacing all occurrences of “Minister” and “Minister’s” by “chief veterinary surgeon” and “chief veterinary surgeon’s”, respectively.

47. Section 55.7.2 of the Act is amended by replacing both occurrences of “Minister” by “chief veterinary surgeon”.

48. Section 55.9 of the Act is amended

(1) in the first paragraph,

(a) by striking out subparagraph 3;

(b) by replacing “in the possession of a permit holder” in subparagraph 6 by “intended for a species or category of animal”;

(c) by replacing “the administering of certain medications to categories of animals” in subparagraph 7 by “the possession or administration, subject to the conditions the Government determines, of certain medications with respect to species or categories of animals”;

(d) by inserting the following subparagraphs after subparagraph 7:

“(7.1) determine the books, accounts, registers, reports or other documents, including the supporting documents, that must be kept or provided by a person or class of persons who prescribe, administer, acquire, sell or provide medications, medicinal premixes or medicinal foods, the information they must contain and the manner in which they are to be sent;

“(7.2) determine the information that the seller of a species or category of animal must provide to a buyer and the manner in which it is to be sent;”;

(e) by striking out subparagraph 11;

(2) by striking out the second paragraph.

49. The heading of Division IV.2 of the Act is amended by inserting “INVESTIGATION,” after “INSPECTION,”.

50. The Act is amended by inserting the following section after the heading of Division IV.2:

“**55.9.16.3.** For the purposes of this division,

“animal” includes an animal carcass;

“equipment” includes any object to which this Act applies; and

“product” includes a medication, an animal product or by-product, a medicinal premix, a medicinal food and the tissues, secretions, excreta and dejecta of an animal, as well as animal feed or bedding.”

51. The heading of subdivision 1 of Division IV.2 of the Act is amended by adding “*and investigation*” at the end.

52. Section 55.9.17 of the Act is amended

(1) by inserting “, hereinafter referred to as “authorized persons”,” after “this Act”;

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

“The chief veterinary surgeon is an authorized person by virtue of office.”

53. The Act is amended by inserting the following section after section 55.9.17:

“**55.9.18.** The Minister may appoint investigators to see to the enforcement of this Act and the regulations.”

54. Section 55.10 of the Act is amended

(1) by replacing the introductory clause by the following:

“55.10. An authorized person who has reasonable cause to believe that an animal, a product or equipment to which this Act applies is or was in premises, other than a dwelling-house, or in a vehicle may, in the performance of his duties,”;

(2) by replacing “such premises” in paragraph 1 by “the premises or the vehicle”;

(3) by striking out “inspect any vehicle in which a product, an animal or equipment to which this Act applies is transported or” in paragraph 2;

(4) by inserting the following paragraphs after paragraph 2:

“(2.1) require the suspension or restriction, during the inspection, of any activity or any operation to which this Act applies;

“(2.2) order that an animal, a product or equipment be submitted for examination and prohibit or limit other animals’ access to that animal, product or equipment until the examination has been conducted;”;

(5) by replacing “ces lieux” in paragraph 3 in the French text by “ce lieu”;

(6) by replacing “vehicle, premises” in paragraph 4 by “premises, vehicle”;

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

“(6) be accompanied by any person whose presence is considered necessary for the purposes of the inspection, who may then exercise the powers set out in paragraphs 1, 3 and 4.”

55. The Act is amended by inserting the following section after section 55.10:

“55.10.1. An authorized person may require any person to communicate, within a reasonable time specified by the authorized person, any information or document relating to the application of this Act and the regulations.

The information or documents must be requested and sent by any means that allows proof of receipt at a specific time.”

56. Section 55.11 of the Act is amended

(1) in the first paragraph,

(a) by replacing “assist a veterinary surgeon, inspector or analyst” in the first paragraph by “provide assistance to an authorized person”;

(b) by inserting “or to a person accompanying the authorized person under paragraph 6 of section 55.10” at the end;

(2) by replacing “A veterinary surgeon, inspector or analyst shall” in the second paragraph by “An authorized person must”;

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

“The obligation set out in the first paragraph also applies to a veterinary surgeon or to a person the Minister has authorized under section 2.0.1.”

57. Section 55.12 of the Act is amended

(1) by replacing “No person may, in any manner, hinder the action of a veterinary surgeon, inspector or analyst” by “It is prohibited to hinder, in any manner, the action of an authorized person”;

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

“The prohibition set out in the first paragraph also applies to a veterinary surgeon or to a person the Minister has authorized under section 2.0.1 or to a person accompanying the authorized person under paragraph 6 of section 55.10.”

58. Section 55.13 of the Act is amended by replacing “In no case may the Minister, a veterinary surgeon, a person authorized for the purposes of section 2.0.1, an inspector or an analyst be prosecuted” by “No judicial proceedings may be brought against the Minister, an authorized person or a person accompanying the authorized person under paragraph 6 of section 55.10 or against a veterinary surgeon or person the Minister has authorized under section 2.0.1”.

59. Section 55.14 of the Act is amended

(1) by replacing “A veterinary surgeon, an inspector or an analyst” by “An authorized person”;

(2) by replacing “s’il” in the French text by “si elle”;

(3) by replacing “where the owner or custodian of an animal” by “where a person”;

(4) by inserting “, including a ministerial order” at the end.

60. Section 55.15 of the Act is amended by replacing “a veterinary surgeon, an inspector or an analyst” by “an authorized person”.

61. Section 55.18 of the Act is amended

(1) by replacing “veterinary surgeon, analyst or inspector” in the first paragraph by “authorized person”;

(2) by replacing “, 55.24 and 55.25” in the second paragraph by “and 55.24”.

62. Section 55.19 of the Act is amended by replacing “veterinary surgeon, inspector or analyst” by “authorized person”.

63. Section 55.20 of the Act is amended, in paragraph 2,

(1) by replacing “veterinary surgeon, inspector or analyst” by “authorized person”;

(2) by replacing “the regulations or” by “a regulation or a ministerial order, or with”.

64. Section 55.25 of the Act is repealed.

65. Section 55.26 of the Act is amended by replacing “legal person or a partnership” in the second paragraph by “person other than a natural person”.

66. Sections 55.43 to 55.45 of the Act are replaced by the following sections:

“55.43. Except in the cases where another penalty is prescribed, anyone who contravenes this Act or the regulations is liable to a fine of \$250 to \$2,500 in the case of a natural person and of \$500 to \$5,000 in any other case.

“55.43.1. Anyone who contravenes section 2.0.0.1, 2.0.3, 11.10, 35 or 41 or a provision of a regulation made under the first paragraph of section 3.0.1 or under section 55.5 is liable to a fine of \$500 to \$5,000 in the case of a natural person and of \$1,000 to \$10,000 in any other case.

“55.43.2. Anyone who contravenes section 2.1, 3.1, 11.12, 26, 27, 38, 39, 40, 42, 43, 55.0.1, 55.3.1, 55.3.2, 55.4, 55.5.1, 55.6, 55.18 or 55.19, the first paragraph of section 9, any provision of an order in council approving a program contemplated in section 55.8 or any provision of a regulation made under section 3, 11.14, 22.1, 28, 45, 55.0.2 or 55.9 is liable to a fine of \$1,000 to \$10,000 in the case of a natural person and of \$2,000 to \$20,000 in any other case.

“55.43.3. Anyone who contravenes section 8, 10, 10.1, 11.9, 31, 55.2, 55.7, 55.10.1, 55.11 or 55.12, any condition of an authorization issued under the second paragraph of section 9, any condition, restriction or prohibition specified in the person’s permit in accordance with section 55.28 or any provision of a regulation made under section 11.5, 24 or 55.8.1 is liable to a fine of \$2,500 to \$25,000 in the case of a natural person and of \$5,000 to \$50,000 in any other case.

“55.43.4. Anyone who contravenes an order made under section 2.0.4, 2.0.6, 2.0.7, 3.2, 3.4, 11.11 or 55.7.1 or any provision of a ministerial order made under section 2.0.10 is liable to a fine of \$5,000 to \$50,000 in the case of a natural person and of \$10,000 to \$100,000 in any other case.

“55.44. The minimum and maximum fines prescribed by this Act are doubled for a second offence and tripled for a third or subsequent offence.

“55.45. In determining the amount of the fine, the court shall take into account, in particular,

- (1) the seriousness of the risk to the health of animals and to human health;
- (2) the benefits and revenues the offender has derived from the offence;
- (3) the socio-economic consequences for society;
- (4) the duration of the offence;
- (5) the repetitive nature of the offence;
- (6) the foreseeable character of the offence or the failure to follow recommendations or warnings to prevent it;
- (7) whether the offender acted intentionally or was reckless or negligent;
- (8) whether the offender failed to take reasonable measures to prevent the commission of the offence or limit its effects despite the offender’s financial ability to do so given, in particular, the offender’s assets, turnover or revenues; and
- (9) the cost to society of repairing the harm or damage.

A judge who, despite the presence of an aggravating factor, decides to impose the minimum fine must give reasons for the decision.”

REGULATION RESPECTING THE ADMINISTERING OF CERTAIN MEDICATIONS

67. Section 1.4 of the Regulation respecting the administering of certain medications (chapter P-42, r. 1) is repealed.

REGULATION RESPECTING THE SANITARY CONDITIONS APPLICABLE TO PLACES WHERE BIRDS ARE KEPT IN CAPTIVITY

68. Section 2 of the Regulation respecting the sanitary conditions applicable to places where birds are kept in captivity (chapter P-42, r. 4) is amended by replacing “birds reared or kept in captivity for the production of meat, eggs for consumption or other commercial products, for restocking supplies of game or for breeding those categories of birds, and includes show fowl” by “domestic birds and all birds kept in captivity which are intended for human consumption or whose products are intended for human consumption”.

REGULATION TO DESIGNATE CONTAGIOUS OR PARASITIC DISEASES, INFECTIOUS AGENTS AND SYNDROMES

69. Section 2 of the Regulation to designate contagious or parasitic diseases, infectious agents and syndromes (chapter P-42, r. 4.2) is amended by replacing “of the third paragraph” by “of the third, fourth and fifth paragraphs”.

70. Section 3 of the Regulation is amended by replacing “of the third paragraph” in the introductory clause by “of the third, fourth and fifth paragraphs”.

71. Section 4 of the Regulation is amended by inserting “kept in captivity and intended for human consumption or whose products are intended for human consumption” after “(cervidae)”.

72. Section 9 of the Regulation is amended by replacing “the third paragraph” in the introductory clause by “the third and fourth paragraphs”.

REGULATION RESPECTING THE IDENTIFICATION AND TRACEABILITY OF CERTAIN ANIMALS

73. The title of the Regulation respecting the identification and traceability of certain animals (chapter P-42, r. 7) is amended by striking out “identification and”.

74. The heading of Division I of the Regulation is amended by replacing “SCOPE” by “GENERAL PROVISIONS”.

75. Section 1 of the Regulation is replaced by the following section:

1. This Regulation applies to bovines of the “*Bos taurus*” and “*Bos indicus*” species and their hybrids, to cervids of the “*Cervidae*” family and to ovines of the “*Ovis*” genus, kept or raised in Québec.

Its purpose is to ensure the traceability of those animals by establishing a traceability system.”

76. Section 1.1 of the Regulation is amended by replacing “identification” in the definition of “management body” by “animal traceability”.

77. The heading of Division I.I of the Regulation is amended by replacing “IDENTIFICATION” by “ANIMAL TRACEABILITY”.

78. Section 2 of the Regulation is amended by replacing “identification” in the introductory clause by “traceability”.

79. Section 5 of the Regulation is amended by replacing “an inspector designated under section 22.2 of the Act” in the fourth paragraph by “an authorized person appointed under section 55.9.17 of the Act, hereinafter called “authorized person””.

80. Section 6 of the Regulation is amended by replacing “only an inspector” by “only an authorized person”.

81. Section 12 of the Regulation is amended by replacing “an inspector” in the fourth paragraph by “an authorized person”.

82. Section 26 of the Regulation is amended by replacing “the inspector referred to in section 22.2 of the Act” in the second paragraph by “an authorized person”.

ARTIFICIAL INSEMINATION OF CATTLE REGULATION

83. The title of the Artificial Insemination of Cattle Regulation (chapter P-42, r. 9) is amended by inserting “Domestic” before “Cattle”.

84. The Regulation is amended by adding the following division before Division I:

“DIVISION 0.1

“SCOPE

“**0.1.** This Regulation applies to domestic cattle, hereinafter called “cattle.””

85. Section 6 of the Regulation is repealed.

86. Section 58.7 of the Regulation is amended

(1) by replacing “La” in the French text by “Une”;

(2) by inserting “appointed under section 55.9.17 of the Act, hereinafter called “authorized person”,” after “authorized person”.

87. Section 61 of the Regulation is repealed.

REGULATION RESPECTING MEDICINAL PREMIXES AND
MEDICINAL FOODS FOR ANIMALS

88. Section 31 of the Regulation respecting medicinal premixes and medicinal foods for animals (chapter P-42, r. 10) is repealed.

REGULATION RESPECTING THE SALE OF LIVESTOCK BY
AUCTION

89. Section 20 of the Regulation respecting the sale of livestock by auction (chapter P-42, r. 11) is amended, in paragraph *i*,

(1) by replacing “office” by “inspection office”;

(2) by replacing “the inspector” by “an authorized person appointed under section 55.9.17 of the Act, hereinafter called “authorized person””.

90. Section 40 of the Regulation is amended

(1) by replacing “veterinary surgeon inspector” in the first paragraph by “veterinary surgeon appointed under section 55.9.17 of the Act”;

(2) by replacing “such inspector” in the second paragraph by “the veterinary surgeon”.

91. Section 41 of the Regulation is amended

(1) in the first paragraph,

(a) by replacing “an inspector” by “an authorized person”;

(b) by replacing “a veterinary surgeon inspector” by “a veterinary surgeon appointed under section 55.9.17 of the Act”;

(2) in the second paragraph,

(a) by replacing “the veterinary surgeon inspector” by “a veterinary surgeon referred to in the first paragraph”;

(b) by replacing “such inspector” by “the veterinary surgeon”.

92. Section 59 of the Regulation is repealed.

FINAL PROVISION

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

