



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 894

**An Act to extend health insurance
plan and basic prescription drug
insurance plan eligibility to all women
or persons who are pregnant
and living in Québec regardless
of their migratory status**

Introduction

**Introduced by
Mr. Guillaume Cliche-Rivard
Member for Saint-Henri–Sainte-Anne**

**Québec Official Publisher
2024**

EXPLANATORY NOTES

The purpose of this bill is to make all women or persons who are pregnant and living in Québec eligible for the health insurance plan and basic prescription drug insurance plan, regardless of their migratory status.

As concerns health insurance plan eligibility, the bill amends the Health Insurance Act and the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec so that all women or persons who are pregnant and who demonstrate their intention to stay in Québec for a period of more than six months following their registration with the Régie de l'assurance maladie du Québec and for a period of more than two months following the expected date of delivery are considered domiciled in Québec and thus covered by the health insurance plan as residents.

The bill provides that women or persons who are pregnant and not otherwise eligible are eligible for a period of two years following the expected date of delivery. In the case of a termination of pregnancy, the bill provides that the woman or person who is pregnant remains eligible for a period of 12 weeks after the date on which the termination occurs.

The waiting period for health insurance is eliminated for all women or persons who are pregnant.

Lastly, the bill contains transitional provisions.

LEGISLATION AMENDED BY THIS BILL:

- Health Insurance Act (chapter A-29);
- Act respecting prescription drug insurance (chapter A-29.01).

REGULATION AMENDED BY THIS BILL:

- Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec (chapter A-29, r. 1).

Bill 894

AN ACT TO EXTEND HEALTH INSURANCE PLAN AND BASIC PRESCRIPTION DRUG INSURANCE PLAN ELIGIBILITY TO ALL WOMEN OR PERSONS WHO ARE PREGNANT AND LIVING IN QUÉBEC REGARDLESS OF THEIR MIGRATORY STATUS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

HEALTH INSURANCE ACT

1. Section 5 of the Health Insurance Act (chapter A-29) is amended by replacing the second paragraph by the following paragraphs:

“For the purposes of the first paragraph, a woman or person who is pregnant or an unemancipated minor who is not already domiciled in Québec under articles 75 and 80 of the Civil Code is considered domiciled in Québec in the cases and on the conditions determined by regulation.

Unless otherwise specified, for the purposes of this Act and the regulations made under it, “woman or person who is pregnant” also means a woman or other person who has given birth in Québec in the last two years or a woman or other person who has undergone a termination of pregnancy in Québec in the last 12 weeks.”

2. Section 69 of the Act is amended, in subparagraph *j* of the first paragraph,

(1) by inserting “a woman or person who is pregnant, or” after “the cases or conditions in which”;

(2) by replacing “article 80” by “articles 75 and 80”.

ACT RESPECTING PRESCRIPTION DRUG INSURANCE

3. Section 24 of the Act respecting prescription drug insurance (chapter A-29.01) is amended by adding the following paragraph at the end:

“(5) a woman or person who is pregnant, a woman or other person who has given birth in Québec in the last two years or a woman or other person who has undergone a termination of pregnancy in Québec in the last 12 weeks and to whom paragraph 4 of section 15 applies.”

REGULATION RESPECTING ELIGIBILITY AND REGISTRATION
OF PERSONS IN RESPECT OF THE RÉGIE DE L'ASSURANCE
MALADIE DU QUÉBEC

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

“(6) women or persons not otherwise eligible for health insurance who are pregnant and who demonstrate their intention to stay in Québec for a period of more than 6 months in the year following the date of their registration and at least 2 months following the expected date of delivery.”

5. Section 2.1 of the Regulation is amended

(1) by inserting “women or persons who are pregnant, or” after “section 5 of the Act,”;

(2) by replacing “article 80” by “articles 75 and 80”;

(3) by adding the following sentence at the end: “Women or persons who are pregnant must also demonstrate that the period for which they intend to stay in Québec covers the 2 months following the expected date of delivery.”

6. Section 4 of the Regulation is amended

(1) by inserting “, or a woman or person who is pregnant” after “a minor child” in paragraph *b*;

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

“Despite the third paragraph of section 5 of the Act, subparagraph *b* of the first paragraph applies to the woman or person who is pregnant throughout the pregnancy only.”

7. The Regulation is amended by inserting the following section after section 4.9:

“4.9.1. A woman or person who is pregnant referred to in paragraph 6 of section 2 becomes a resident of Québec from the estimated date of confirmed conception or, if the woman or person who is pregnant is not yet settled in Québec on that date, from the date on which the woman or person who is pregnant is settled in Québec.”

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

(1) by replacing the introductory clause of subparagraph *a* of subparagraph 3 by the following:

“(a) for a person who is a resident of Québec, except a minor foreign national, or a woman or person who is pregnant, referred to in paragraphs 5 and 6, respectively, of section 2:”;

(2) by inserting “except a woman or person who is pregnant referred to in paragraph 6 of section 2 or in section 2.1,” after “or who returns to settle in Québec,” in subparagraph 7;

(3) by inserting the following paragraph after subparagraph 9.2:

“(9.3) in the case of a woman or person who is pregnant, referred to in paragraph 6 of section 2 or in section 2.1, a medical certificate attesting to the pregnancy and the expected date of delivery or a written report which includes that information signed by a health professional authorized to provide pregnancy care, and one of the following documents, in accordance with the following order of priority:

(a) the original of the authorization issued by Canadian immigration authorities attesting that the woman or person who is pregnant is authorized to stay in Québec for a period of more than 6 months from the date of registration of the woman or person who is pregnant and for a period of more than 2 months from the expected date of delivery;

(b) one of the documents listed in subparagraph 7 of this paragraph; or

(c) an attestation by affidavit of the intention of the woman or person who is pregnant to stay in Québec for more than 6 months following their registration and for more than 2 months following the expected date of delivery;”.

9. Section 19.1 of the Regulation is amended by inserting “or the women or persons who are pregnant, referred to in paragraph 6 of section 2 and in section 2.1.” at the end.

10. Section 23 of the Regulation is amended

(1) by adding the following paragraph at the end of the first paragraph:

“(7) for the period determined in accordance with the rule set out in section 23.1.1 in the case of a woman or person who is pregnant, referred to in paragraph 6 of section 2 or in section 2.1.”;

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

“Likewise, the Board may not issue a health insurance card if the card’s expiry date is later than

(a) the day preceding the date of the person’s 18th birthday, in the case of a minor foreign national referred to in paragraph 5 of section 2 or in paragraph 7 of section 3; or

(b) the last day of the month following two years from the expected date of delivery of a woman or person who is pregnant, referred to in paragraph 6 of section 2 or in section 2.1.”

11. The Regulation is amended by inserting the following section after section 23.1:

“**23.1.1.** The period of validity of health insurance cards issued to the insured persons referred to in subparagraph 7 of the first paragraph of section 23 is computed from the month of issue of the card until the month that is 2 years after the expected date of delivery.”

12. Section 26 of the Regulation is amended by adding the following subparagraph at the end of the first paragraph:

“(4) of any termination of pregnancy if the insured person is a woman or person who is pregnant, eligible under paragraph 6 of section 2 or referred to in section 2.1.”

TRANSITIONAL AND FINAL PROVISIONS

13. Despite section 4.9.1 of the Regulation respecting eligibility and registration of persons in respect of the Régie de l’assurance maladie du Québec (chapter A-29, r. 1), as enacted by section 7 of this Act, for the purposes of the Health Insurance Act (chapter A-29), the Act respecting prescription drug insurance (chapter A-29.01) and their regulations, a woman or person who is pregnant and who, on the date of coming into force of section 1 of this Act, becomes a resident of Québec within the meaning of section 5 of the Health Insurance Act, as enacted by section 1 of this Act, is deemed to have become a resident of Québec on that date.

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