

**AMENDMENT**

**Bill 23**

**AN ACT MAINLY TO PROVIDE BETTER SUPPORT TO PERSONS  
WHOSE MENTAL STATE COULD PRESENT A RISK FOR THEIR OWN  
SAFETY OR THAT OF OTHERS**

**SECTION 2 (preamble of the Act respecting the protection of  
persons presenting an altered mental state)**

Add at the end of the proposed preamble:

“AS the intervention approach with persons presenting an altered mental state must be respectful, adapted to their characteristics and sensitive to their social, cultural and historical realities;

“AS the close relations of persons presenting an altered mental state can be indispensable partners and as they can be informed, involved and supported in order to exercise their roles adequately and safely;

Adopt  
VB

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**SECTION 3 (section 2 of the Act respecting the protection of  
persons presenting an altered mental state)**

Replace paragraph 1 by:

- (1) in the first paragraph,
  - (a) by inserting “or following a request by a physician or a specialized nurse practitioner” after “court decision”;
  - (b) by inserting “or by a nurse practitioner specialized in mental health” at the end;

*Adopte-  
vs*

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**SECTION 3.1 (section 3 of the Act respecting the protection of  
persons presenting an altered mental state)**

Insert after section 3:

**3.1.** Section 3 of the Act is amended by replacing “by the examining physician. He” in the introductory clause by “by the physician or the nurse practitioner specialized in mental health who carried out the examination. That professional”.

*Adopte*  
*VB*

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**SECTION 4 (section 4 of the Act respecting the protection of  
persons presenting an altered mental state)**

Replace by:

4. Section 4 of the Act is amended

(1) by replacing “to administer a psychiatric examination, it is incumbent on the medical and professional services director” by “by a court to administer a psychiatric examination, it is incumbent on the medical and professional services director or the director of nursing services”;

(2) by replacing “physician’s report” by “report of the physician or the nurse practitioner specialized in mental health”.

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**SECTION 7 (section 7 of the Act respecting the protection of  
persons presenting an altered mental state)**

Replace "and a court order under article 27 of the Civil Code could not, in the circumstances, be obtained in due time" in paragraph 1 by "and that it is justified to place the person under confinement more quickly than under the first paragraph of article 27 of the Civil Code".

*Adopte  
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**SECTION 8** (section 8 of the Act respecting the protection of  
persons presenting an altered mental state)

In paragraph 1:

1. Insert “, taking into account, among other things, the information obtained from the person’s close relations, including the person having parental authority, the tutor to a minor or any of the persons referred to in article 15 of the Civil Code” at the end of the first proposed paragraph.

2. In the third proposed paragraph:

(a) Replace “may also” by “or an ambulance technician may”.

(b) Insert “, taking into account, among other things, the information obtained from the person’s close relations, including the person having parental authority, the tutor to a minor or any of the persons referred to in article 15 of the Civil Code,” after “considers”.

3. Insert “a resource person in mental health or social services who is” after all occurrences of “the person is” in the paragraph proposed by paragraph 3.

Adopte  
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**SECTION 8.1 (section 8.1 of the Act respecting the protection of  
persons presenting an altered mental state)**

Insert after section 8:

**8.1.** The Act is amended by inserting the following section after section 8:

**“8.1.** A peace officer may, without the authorization of the court, take against his will, to an institution described in section 6, a person having been placed under confinement, under section 7, in a facility maintained by such an institution, or having been taken to such an institution in accordance with section 8, where such an institution has requested, within not more than the last 24 hours, a police force to find the person, on the grounds that the person left the premises of the facility where the person was even though his confinement had not ended or even though, after being taken in charge by the institution, he was to be examined by a physician or specialized nurse practitioner.”

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**SECTION 9** (section 9 of the Act respecting the protection of  
persons presenting an altered mental state)

Replace by:

9. Section 9 of the Act is amended

(1) by replacing "that is equipped with the necessary facilities for receiving and treating mentally ill persons," by "and equipped with the necessary facilities";

(2) by replacing "court judgment" by "court decision".

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**SECTION 9.1 (section 11 of the Act respecting the protection of  
persons presenting an altered mental state)**

Insert after section 9:

**9.1.** Section 11 of the Act is amended

(1) in the first paragraph,

(a) by replacing “may transfer the person to another institution which he considers” by “or a specialized nurse practitioner may transfer the person to another institution where, in their opinion, the institution is”;

(b) by inserting “or specialized nurse practitioner” before “must obtain”;

(c) by inserting “or specialized nurse practitioner’s” after “physician’s”;

(2) by replacing “attests, by way of a certificate containing reasons, that in his” in the second paragraph by “or a specialized nurse practitioner attests, by way of a certificate containing reasons, that in their”;

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

“This section also applies to a person under temporary confinement.”

*Adopte  
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**SECTION 9.2 (section 12 of the Act respecting the protection of  
persons presenting an altered mental state)**

Insert after section 9.1, introduced by amendment:

**9.2.** Section 12 of the Act is amended by replacing "judgment" in paragraph 3 by "decision".

*Adopte  
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**SECTION 10** (section 13.2 of the Act respecting the protection of  
persons presenting an altered mental state)

Strike out subparagraph 6 of the second paragraph of proposed section  
13.2.

*Adopt  
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**SECTION 10 (section 13.4 of the Act respecting the protection of  
persons presenting an altered mental state)**

Insert after the first paragraph of proposed section 13.4:

For the purposes of subparagraph 2 of the first paragraph, consent is given, in the case of a minor under 14 years of age, by the person having parental authority or the tutor or, in the case of a minor 14 years of age or over, by the minor, the person having parental authority or the tutor.

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**SECTION 10 (section 13.7 of the Act respecting the protection of  
persons presenting an altered mental state)**

Insert after the second paragraph of proposed section 13.7:

The lifting of professional secrecy authorized under this section does not apply to professional secrecy between an advocate or a notary and a client.

*Adopte*  
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**SECTION 10 (section 13.9 of the Act respecting the protection of  
persons presenting an altered mental state)**

Strike out "the Director of Criminal and Penal Prosecutions," in the first paragraph of proposed section 13.9.

*Adopte  
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**SECTION 10 (section 13.9 of the Act respecting the protection of  
persons presenting an altered mental state)**

Insert "a representative of users," after "the Public Curator," in the first paragraph of proposed section 13.9, as amended.

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**SECTION 10** (Division I of Chapter II.3 of the Act respecting the  
protection of persons presenting an altered mental  
state)

Strike out before proposed section 13.11:

**"DIVISION I**  
**"GENERAL PROVISIONS**

*Adopte  
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**SECTION 10 (section 13.11 of the Act respecting the protection of  
persons presenting an altered mental state)**

In proposed section 13.11:

1. Replace "whether or not he consents to care" in the first paragraph by "the care he consents to and".
2. Insert "or an ambulance technician" after "peace officer" in the second paragraph.

*Adopte  
VB*

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**SECTION 10 (section 13.13 of the Act respecting the protection of  
persons presenting an altered mental state)**

Add the following paragraph at the end of proposed section 13.13:

Every person has the right to be accompanied by a person of his choice at any stage of the formulation of the directives, including an advocate or notary whose services he has retained.

*Adopte  
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**SECTION 10 (section 13.14 of the Act respecting the protection of  
persons presenting an altered mental state)**

In the first paragraph of proposed section 13.14:

1. Replace subparagraph a of subparagraph 3 by:
  - (a) by making sure that the directives are being formulated in a free and informed manner, in particular by ascertaining
    - (i) that they are not being made as a result of external pressure;  
and
    - (ii) that the person has clearly understood their effects, in particular the fact that the wishes relating to care that are expressed in the directives prevail, for the period prescribed in the second paragraph of section 13.24 or the period indicated in the directives, over any refusal the person could express regarding such care while incapable of giving consent to care;
2. Replace "established in accordance with section 13.29" in subparagraph 5 by "referred to in section 13.19".

*Adopte  
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**SECTION 10** (section 13.19 of the Act respecting the protection of  
persons presenting an altered mental state)

Replace "referred to in section 13.29" in proposed section 13.19 by "kept by Santé Québec in accordance with subparagraph 6 of the second paragraph of section 76 of the Act respecting the governance of the health and social services system (chapter G-1.021)".

*Adopte*  
*MS*

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**SECTION 10** (section 13.20 of the Act respecting the protection of  
persons presenting an altered mental state)

Replace "13.29" in the second paragraph of proposed section 13.20 by  
"13.19".

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*VB*

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**SECTION 10** (section 13.22 of the Act respecting the protection of  
persons presenting an altered mental state)

Replace "13.29" in the first paragraph of proposed section 13.22 by "13.19".

*Adopte  
13*

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**SECTION 10** (section 13.24 of the Act respecting the protection of  
persons presenting an altered mental state)

In proposed section 13.24:

1. Replace "13.29" by "13.19".
2. Add the following paragraph at the end:

Where a person incapable of giving consent to care categorically refuses to receive the care he previously consented to in the directives, the wishes the person expressed in the directives prevail over such a refusal. If the person's incapacity continues beyond a period of 30 consecutive days or a shorter period indicated by the person in the directives, article 16 of the Civil Code, prescribing the authorization of the court, applies in the event of such a refusal.

*Adopte RB*

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**SECTION 10** (section 13.25 of the Act respecting the protection of  
persons presenting an altered mental state)

Withdraw proposed section 13.25.

*Adopte vs*

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**SECTION 10 (section 13.26 of the Act respecting the protection of  
persons presenting an altered mental state)**

Withdraw proposed section 13.26.

*Adopte vs*

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**SECTION 10** (Division II of Chapter II.3 of the Act respecting the  
protection of persons presenting an altered mental  
state)

Withdraw proposed Division II of Chapter II.3, comprising sections 13.29  
and 13.30.

*Adopte 1/13*

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**SECTION 13 (section 16 of the Act respecting the protection of  
persons presenting an altered mental state)**

Replace "a judgment referred to" in the introductory clause of the first paragraph of proposed section 16 by "a decision referred to".

*Adopte V13*

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**SECTION 14 (section 19 of the Act respecting the protection of  
persons presenting an altered mental state)**

Replace paragraph 1 by:

(1) by replacing "to place the person under preventive  
confinement" in subparagraph 1 by "or a specialized nurse practitioner to  
place the person under temporary confinement";

*Adopte  
1/3*

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**SECTION 20** (article 27 of the Civil Code of Québec)

Replace the paragraph proposed by paragraph 2 by:

“If placing a person under temporary confinement more quickly is justified, the person may be so placed, without the authorization of the court, on the conditions set out in the Act respecting the protection of persons presenting an altered mental state (chapter P-38.001).”

*Adopté*

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**SECTION 21 (article 28 of the Civil Code of Québec)**

Replace paragraphs 2 and 3 by:

(2) by replacing the second and third paragraphs by the following paragraphs:

“If the physician or the nurse practitioner specialized in mental health who carries out the examination concludes that confinement in an institution is necessary, a second psychiatric examination must be carried out by another such professional, at the latest within 72 hours after the person is taken in charge.

As soon as one of them reaches the conclusion that confinement is not necessary, the person must be released. If both professionals reach the conclusion that confinement is necessary, the person may be kept under confinement, for not more than 96 hours, without his consent or the authorization of the court. However, if that period ends on a Saturday or a holiday, the authorization of the court is impossible to obtain and the termination of the confinement would present a danger, the confinement may be extended until the expiry of the following working day.”

*Adopté*  
*13*

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**SECTION 21.1** (article 30.1 of the Civil Code of Québec)

Insert after section 21:

**21.1.** Article 30.1 of the Code is amended

(1) by replacing “A judgment” in the first paragraph by “A decision of the court”;

(2) by replacing “the judgment” in the third paragraph by “the decision”.

*Adopte*  
*VB*

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**SECTION 30.1** (section 76 of the Act respecting the governance of  
the health and social services system)

Insert after section 30:

**30.1.** Section 76 of the Act is amended by inserting “of the advance psychiatric directives governed by the Act respecting the protection of persons presenting an altered mental state (chapter P-38.001) as well as” after “register” in subparagraph 6 of the second paragraph.

*Adopte 10*

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**SECTION 30.2 (section 297 of the Act respecting the governance  
of the health and social services system)**

Insert after section 30.1, introduced by amendment:

**30.2.** Section 297 of the Act is amended by adding the following paragraph at the end:

“(5) transmitting the psychiatric examination report of the nurse practitioner specialized in mental health to the court in accordance with section 4 of the Act respecting the protection of persons presenting an altered mental state (chapter P-38.001).”

*Adopte  
VB*

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**SECTION 61.1 (section 28 of the Notaries Act)**

Insert after section 61:

**NOTARIES ACT**

**61.1.** Section 28 of the Notaries Act (chapter N-3) is amended

(1) by replacing “or a judgment placing the notary under tutorship, homologating a protection mandate or ordering, pursuant to article 30 of the Civil Code,” in the first paragraph by “, a judgment placing the notary under tutorship, a judgment homologating a protection mandate, or a decision rendered under article 30 of the Civil Code and ordering”;

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

“The clerk of the court or the secretary of the Administrative Tribunal of Québec, as applicable, shall, as soon as possible, give notice of any such judgment or decision to the secretary of the Order.”

*Adopté  
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**SECTION 62.1 (section 76 of the Act respecting health and social  
services information)**

Insert after section 62:

**ACT RESPECTING HEALTH AND SOCIAL SERVICES INFORMATION**

**62.1.** Section 76 of the Act respecting health and social services information (chapter R-22.1) is amended by inserting the following subparagraph after subparagraph 1 of the first paragraph:

“(1.1) the police force conducts, at the body’s request, a search to find a person and, if applicable, take the person to an institution described in section 6 of the Act respecting the protection of persons presenting an altered mental state (chapter P-38.001) against the person’s will, in accordance with section 8.1 of that Act;”.

*Adopte vs*

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**SECTION 31** (section 394 of the Act respecting the governance of  
the health and social services system)

Replace by:

**31.** Section 394 of the Act is replaced by the following section:

**“394.** Any institution referred to in section 6 or 9 of the Act respecting the protection of persons presenting an altered mental state (chapter P-38.001) must adopt a procedure regarding the placement of persons under confinement in its facilities and the taking in charge of persons brought to the institution against their will by an authorized person. The procedure must be in keeping with the orientations determined by the Minister and be made known to the personnel assigned to performing tasks within the institution and the persons practising in a centre it operates as well as to the users concerned and their close relations.

The procedure must, among other things, provide that the following information and documents are to be entered or filed in the user's record:

(1) the duration, including the start and end dates, of any confinement, as well as the time in the case of temporary confinement;

(2) a description of the reasons that warrant placing the user under confinement, continuing the confinement or not, or lifting the confinement, as well as those that warrant the absence of temporary confinement;

(3) a reproduction of the psychiatric examination reports, of the applications for confinement in the facilities of the institution presented to the court by Santé Québec, if it is a public institution, or by the private institution as well as of any decision ordering confinement;

(4) if a psychiatric assessment was carried out without the user being placed under temporary confinement, a note attesting that the user's consent to undergo the assessment was obtained or, if the user was placed under temporary confinement, a note attesting that the user's consent to undergo the assessment was obtained or attesting the user's refusal to undergo the assessment;

(5) the date on which the information required under section 15 of the Act respecting the protection of persons presenting an altered mental state was transmitted to the user; and

(6) if measures from among those provided for in the third paragraph of this section were applied, a note detailing those measures.

In addition, the procedure must, among other things, include measures

(1) to accompany the user to enable them to benefit from the services and resources available to support them in understanding and exercising their rights and remedies;

(2) to inform the user of the benefits that could result from the involvement of a close relation in the care and services the user receives, in particular when it is possible for health and social services professionals providing care and services to the user to communicate with one of the latter's close relations;

(3) to evaluate the information and assistance needs of the user's close relations, including in connection with the support they provide to the user, as well as the possible measures to meet such needs;

(4) to ensure the user's dignity where the user appears at a hearing carried out by technological means from within the institution; and

(5) to ensure the safe discharge of the user and to prevent placement under confinement from recurring, specifying the actions the institution must take for that purpose, including the following actions:

(a) assessing the user's psychosocial needs,

(b) estimating the risk of suicide or homicide, or any other risk of the user's health or safety or the safety of others being compromised, that may persist after the user's discharge,

(c) directing the user toward services or resources adapted to meet their needs and facilitate their recovery, and

(d) determining safety measures adapted to the user's situation that are applicable after the user's discharge and that take into account the actions referred to in subparagraphs a to c that have been taken.

The most senior officer of the institution must report at least once every three months on the implementation of the procedure, indicating, among other things and for the period concerned,

(1) the number of applications for confinement of persons in the facilities of the institution presented to the court by Santé Québec, if it is a public institution, or by the private institution;

(2) the number of persons taken in charge by the institution after being brought there against their will by a peace officer or brought under the third paragraph of section 8 of the Act respecting the protection of persons presenting an altered mental state;

(3) the number of temporary confinements not resulting in a psychiatric examination, of those resulting in a psychiatric examination and of those resulting in two psychiatric examinations;

(4) the number of temporary confinements resulting in confinement under article 30 of the Civil Code;

(5) the number of confinements resulting in direction toward an alternative to hospitalization;

(6) the number of transfers carried out under section 11 of the Act respecting the protection of persons presenting an altered mental state; and

(7) any other information required by the Minister.

If it is a public institution, the report must be sent to the board of directors of Santé Québec. A summary of the reports so submitted must be included in a separate section of the annual management report referred to in section 127. If it is a private institution, the report must be sent to its board of directors or, if the institution is not a legal person, to the holder of the authorization and the institution must include a summary of the reports so obtained in the activity report it sends Santé Québec under section 376."

*Adèle 13*

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**SECTION 30 (section 70.1 of the Act respecting pre-hospital  
emergency services)**

Strike out "regularly" in the first paragraph of proposed section 70.1.

*Adopted vs*

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**SECTION 63 (section 118.2 of the Act respecting health services and  
social services for the Inuit and Naskapi)**

Replace by:

**63.** Section 118.2 of the Act respecting health services and social services for the Inuit and Naskapi (chapter S-4.2) is replaced by the following section:

**“118.2.** Any institution referred to in section 6 or 9 of the Act respecting the protection of persons presenting an altered mental state (chapter P-38.001) must adopt a procedure regarding the placement of persons under confinement in its facilities and the taking in charge of persons brought to the institution against their will by an authorized person. The procedure must be in keeping with the orientations determined by the Minister and be made known to the personnel assigned to performing tasks within the institution and the persons practising in a centre it operates as well as to the users concerned and their close relations.

The procedure must, among other things, provide that the following information and documents are to be entered or filed in the user's record:

- (1) the duration, including the start and end dates, of any confinement, as well as the time in the case of temporary confinement;
- (2) a description of the reasons that warrant placing the user under confinement, continuing the confinement or not, or lifting the confinement, as well as those that warrant the absence of temporary confinement;
- (3) a reproduction of the psychiatric examination reports, of the applications for confinement in the facilities of the institution presented to the court by the institution as well as of any decision ordering confinement;

(4) if a psychiatric assessment was carried out without the user being placed under temporary confinement, a note attesting that the user's consent to undergo the assessment was obtained or, if the user was placed under temporary confinement, a note attesting that the user's consent to undergo the assessment was obtained or attesting the user's refusal to undergo the assessment;

(5) the date on which the information required under section 15 of the Act respecting the protection of persons presenting an altered mental state was transmitted to the user; and

(6) if measures among those provided for in the third paragraph of this section were applied, a note detailing those measures.

In addition, the procedure must, among other things, include measures

(1) to accompany the user to enable them to benefit from the services and resources available to support them in understanding and exercising their rights and remedies;

(2) to inform the user of the benefits that could result from the involvement of a close relation in the care and services the user receives, in particular when it is possible for health and social services professionals providing care and services to the user to communicate with one of the latter's close relations;

(3) to evaluate the information and assistance needs of the user's close relations, including in connection with the support they provide to the user, as well as the possible measures to meet such needs;

(4) to ensure the user's dignity where the user appears at a hearing carried out by technological means from within the institution; and

(5) to ensure the safe discharge of the user and to prevent placement under confinement from recurring, specifying the actions the institution must take for that purpose, including the following actions:

(a) assessing the user's psychosocial needs,

(b) estimating the risk of suicide or homicide, or any other risk of the user's health or safety or the safety of others being compromised, that may persist after the user's discharge,

(c) directing the user toward services or resources adapted to meet their needs and facilitate their recovery, and

(d) determining safety measures adapted to the user's situation that are applicable after the user's discharge and that take into account the actions referred to in subparagraphs a to c that have been taken.

The most senior officer of the institution must, at least once every three months, transmit to the institution's board of directors a report on the implementation of the procedure, indicating, among other things and for the period concerned,

(1) the number of applications for confinement of persons in the facilities of the institution presented to the court by the institution;

(2) the number of persons taken in charge by the institution after being brought there against their will by a peace officer or brought under the third paragraph of section 8 of the Act respecting the protection of persons presenting an altered mental state;

(3) the number of temporary confinements not resulting in a psychiatric examination, of those resulting in a psychiatric examination and of those resulting in two psychiatric examinations;

(4) the number of temporary confinements resulting in confinement under article 30 of the Civil Code;

(5) the number of confinements resulting in direction toward an alternative to hospitalization;

(6) the number of transfers carried out under section 11 of the Act respecting the protection of persons presenting an altered mental state; and

(7) any other information required by the Minister.

The data presented in a report provided for in the fourth paragraph must be presented for each of the institution's missions. The institution must include in a separate section of its annual management report a summary of the reports transmitted during the year covered by the annual report."

*Adopté 1/13*

**AMENDMENT**

**Bill 23**

**AN ACT MAINLY TO PROVIDE BETTER SUPPORT TO PERSONS  
WHOSE MENTAL STATE COULD PRESENT A RISK FOR THEIR OWN  
SAFETY OR THAT OF OTHERS**

**SECTION 63.1 (section 65 of the Act respecting pre-hospital  
emergency services)**

Insert after section 63:

**ACT RESPECTING PRE-HOSPITAL EMERGENCY SERVICES**

**63.1.** Section 65 of the Act respecting pre-hospital emergency services (chapter S-6.2) is amended by adding the following paragraph at the end:

“In addition, in response to a request made under the third paragraph of section 8 of the Act respecting the protection of persons presenting an altered mental state (chapter P-38.001) for a person to be brought to the facility of an institution referred to in section 6 of that Act, an ambulance technician may transport that person to such a facility. Such transport is deemed to constitute a pre-hospital emergency service provided by an ambulance service, whether or not the person receives care due to their condition.”

*Adopte VB*

**AMENDMENT**

**Bill 23**

**AN ACT MAINLY TO PROVIDE BETTER SUPPORT TO PERSONS  
WHOSE MENTAL STATE COULD PRESENT A RISK FOR THEIR OWN  
SAFETY OR THAT OF OTHERS**

**SECTION 64.1** (section 39 of the Regulation respecting the training, skill and knowledge evaluation, accreditation and discipline of stenographers)

Insert after section 64:

**REGULATION RESPECTING THE TRAINING, SKILL AND KNOWLEDGE  
EVALUATION, ACCREDITATION AND DISCIPLINE OF  
STENOGRAPHERS**

**64.1.** Section 39 of the Regulation respecting the training, skill and knowledge evaluation, accreditation and discipline of stenographers (chapter B-1, r.13) is amended by replacing "homologating a protection mandate or ordering, pursuant to article 30 of the Civil Code," in the second paragraph by "a judgment homologating a protection mandate, or a decision rendered under article 30 of the Civil Code and ordering".

*Adopte 1/3*

**AMENDMENT**

**Bill 23**

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**SECTION 73.1**

Insert after proposed section 73:

**73.1.** The Minister must, not later than (*insert the date that is five years after the date of coming into force of section 1 of this Act*), report to the Government on the carrying out of this Act and on the advisability of maintaining or amending its provisions. The report is published on the website of the Ministère de la Santé et des Services sociaux.

Adopté 1/3

**AMENDMENT**

**Bill 23**

**AN ACT MAINLY TO PROVIDE BETTER SUPPORT TO PERSONS  
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**SECTION 38 (section 37.3 of the Act respecting administrative justice)**

Replace the second paragraph of proposed section 37.3 by the following paragraph:

Other proceedings under section 21 of that Act shall be heard and determined by a panel of three members, one of whom is an advocate or notary and the other two of whom are from two separate professions chosen from among the professions of psychiatrist, specialized nurse practitioner, social worker, psychologist, psychoeducator, criminologist and occupational therapist.

*Adopte' v13*

**AMENDMENT**

**Bill 23**

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**SECTION 43 (section 103 of the Act respecting administrative justice)**

Insert after paragraph 1:

(1.1) by replacing "the applicant" by "the person concerned by the application or the applicant, as the case may be,";

*Adopté v3*

**AMENDMENT**

**Bill 23**

**AN ACT MAINLY TO PROVIDE BETTER SUPPORT TO PERSONS  
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**SECTION 47 (section 113 of the Act respecting administrative justice)**

Replace "for confinement in an institution or for a safeguard order made in connection with an application for authorization of care" in the proposed paragraph by "for authorization of care or for confinement in an institution".

*Adopte  
VB*

**AMENDMENT**

**Bill 23**

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**SECTION 53 (section 155 of the Act respecting administrative justice)**

Replace by:

**53.** The Act is amended by inserting the following section after section 155:

**“155.1.** The Tribunal may, upon an application, vary a decision authorizing care if the applicant or any interested person is able to present new facts sufficient for the Tribunal to do so.

Such an application is governed by the rules of procedure applicable to an application for authorization of care.”

*Adopte MB*

**AMENDMENT**

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**SECTION 54(section 156.1 of the Act respecting administrative  
justice)**

Strike out the last sentence of the second paragraph of proposed section  
156.1.

*Adopte' VO*

**AMENDMENT**

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**SECTION 54(section 156.2 of the Act respecting administrative  
justice)**

Insert "may be executed by a peace officer. It" after "institution" in proposed  
section 156.2.

Adopte  
1/3

**AMENDMENT**

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**SECTION 62 (section 11 of the Act to protect persons with regard to  
activities involving firearms)**

Replace paragraph 1 by:

(1) by replacing “The clerk of the Court of Québec must inform the chief firearms officer immediately of an application referred to in article 396 of the Code of Civil Procedure (chapter C-25.01) relating” and “court file number.” in the first paragraph by “The secretary of the Administrative Tribunal of Québec must inform the chief firearms officer immediately of any application for confinement in an institution based on article 27 or 30 of the Civil Code that relates” and “Tribunal file number. Any health and social services institution must inform the chief firearms officer immediately where a person is placed under temporary confinement in that institution following the decision of a physician or a specialized nurse practitioner and provide the chief firearms officer with the name, address and date of birth of that person.”, respectively;

*Adopté rjg*

**AMENDMENT**

**Bill 23**

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**SECTION 66 (section 6.1 of the Regulation respecting the procedure  
of the Administrative Tribunal of Québec)**

Replace "to obtain an authorization of care or concerning a person's  
confinement in an institution" in proposed section 6.1 by "for authorization  
of care".

*Adopté vs*

**AMENDMENT**

**Bill 23**

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**SECTION 67 (section 20 of the Regulation respecting the procedure of  
the Administrative Tribunal of Québec)**

Insert "concerning the continuance of a confinement" after "(chapter P-38.001)" in proposed section 20.

*Adopté vs*

**AMENDMENT**

**Bill 23**

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**SECTION 68.1**

Insert before section 69:

**68.1.** As of the date of coming into force of section 10 of this Act and until the date of coming into force of subparagraph 6 of the second paragraph of section 76 of the Act respecting the governance of the health and social services system (chapter G-1.021), Chapter II.3 of the Act respecting the protection of persons presenting an altered mental state (chapter P-38.001), enacted by section 10 of this Act, is to be read

(1) as if the following were inserted before section 13.11:

**“DIVISION  
“GENERAL PROVISIONS”;**

(2) as if section 13.19 were replaced by the following section:

**“13.19.** The advance psychiatric directives must be filed in the person’s record by the health professional providing assistance to the person. The health professional must also file them in the register established in accordance with section 13.29, unless the person refuses.”;

(3) as if the following division were inserted after section 13.28:

**“DIVISION II “  
REGISTER OF ADVANCE PSYCHIATRIC DIRECTIVES**

**“13.29.** The Minister must establish and maintain a register of advance psychiatric directives.

The Minister may manage the register or entrust its management to a body that is subject to the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1). In

the latter case, the Minister must enter into a written agreement with that manager.

**“13.30.** The Minister must prescribe, by regulation, how the register is to be accessed and operated, including who may record advance medical directives in the register and who may consult it.”

Adopte' VB

**AMENDMENT**

**Bill 23**

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**SECTION 68.2**

Insert after section 68.1, introduced by amendment:

**68.2.** On the date of coming into force of subparagraph 6 of the second paragraph of section 76 of the Act respecting the governance of the health and social services system (chapter G-1.021), the information contained in the register of advance psychiatric directives established and maintained by the Minister under the first paragraph of section 13.29 of the Act respecting the protection of persons presenting an altered mental state (chapter P-38.001), enacted by section 68.1 of this Act, is transferred to Santé Québec for the purposes of the equivalent register that Santé Québec puts in place by means of the national information filing system. Likewise, the information assets related to that register are transferred to Santé Québec with all the related rights and obligations.

*Adopté  
VB*

**AMENDMENT**

**Bill 23**

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**SECTION 71**

Insert "advocates, notaries," after "affairs division as".

*Adopted  
KB*