

chapter S-2.2

PUBLIC HEALTH ACT

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CHAPTER I

OBJECT

1. The object of this Act is the protection of the health of the population and the establishment of conditions favourable to the maintenance and enhancement of the health and well-being of the general population.

2001, c. 60, s. 1.

2. Certain measures in this Act are intended to enable public health authorities to engage in public health monitoring activities and to give public health authorities the power to take action in cases where the health of the population is threatened.

In this Act, a threat to the health of the population means the presence within the population of a biological, chemical or physical agent that may cause an epidemic if it is not controlled.

For the purposes of this Act, the public health authorities include the Minister of Health and Social Services, the national public health director appointed under the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2) and the public health directors appointed under the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5).

2001, c. 60, s. 2; 2002, c. 38, s. 13.

3. Other measures in this Act pertain to the prevention of disease, trauma and social problems having an impact on the health of the population and the means of exerting a positive influence on major health determinants, in particular through trans-sectoral coordination.

These measures are intended to maintain and promote physical health and the mental and social capacities of persons to remain active within their environment.

2001, c. 60, s. 3.

4. Other measures in this Act provide for the ongoing surveillance of the health status of the general population and of health determinants so as to measure their evolution and be able to offer appropriate services to the population.

The provisions of this Act concerning ongoing surveillance of the health status of the population do not apply to research and knowledge development activities carried out in the sector of health or social services, in particular, by the Institut national de santé publique du Québec.

2001, c. 60, s. 4.

5. Public health actions must be directed at protecting, maintaining or enhancing the health status and well-being of the general population and shall not focus on individuals except insofar as such actions are taken for the benefit of the community as a whole or a group of individuals.

2001, c. 60, s. 5.

6. This Act is binding on the Government, on government departments and on bodies that are mandataries of the State.

2001, c. 60, s. 6.

CHAPTER II

NATIONAL PUBLIC HEALTH PROGRAM AND REGIONAL AND LOCAL PUBLIC HEALTH ACTION PLANS

7. In accordance with the multi-year strategic plan referred to in section 431.1 of the Act respecting health services and social services (chapter S-4.2), the Minister shall develop a national public health program that provides a framework for national, regional and local public health activities.

The Minister shall assess the outcomes of the program and update it regularly. The Minister shall ensure national and interregional coordination of the program.

2001, c. 60, s. 7; 2005, c. 32, s. 291.

8. The national public health program must contain orientations, objectives and priorities relating to

- (1) ongoing surveillance of the health status of the population and of health determinants;
- (2) the prevention of diseases, trauma and social problems that have an impact on the health of the population;
- (3) the promotion of systemic measures capable of fostering the enhancement of the health and well-being of the population;
- (4) the protection of the health of the population and the relevant health monitoring activities.

The Minister may add orientations, objectives and priorities that relate to any other aspect of public health which the Minister considers necessary or relevant to include in the program.

The Minister shall, in developing the components of the program that relate to prevention and promotion, focus, insofar as possible, on the most effective actions as regards health determinants, more particularly actions capable of having an influence on health and welfare inequalities in the population and actions capable of decreasing the risk factors affecting, in particular, the most vulnerable groups of the population.

2001, c. 60, s. 8.

9. The national public health program may also

- (1) include a list of specific actions to be taken or services to be provided to the population and specify the manner in which such actions or services are to be carried out or provided;
- (2) identify the outcomes to be achieved within a specific time;
- (3) establish an ethical framework or ethical guidelines that must be complied with in the implementation of the national public health program or regional and local action plans;
- (4) provide for the development of the public health workforce.

2001, c. 60, s. 9.

10. The national public health program shall define the parameters of the periodic national and regional reports on the population health status that must be produced and made public in concerted fashion by the Minister and public health directors.

The parameters must enable, as far as possible, a comparison of the health outcomes obtained throughout Québec and those obtained in the territory of each agency and in the territory of the regional council and, at

the regional level, a comparison of the health outcomes obtained in the territories served by institutions operating a local community service centre.

The national report on the health status of the population shall be prepared by the national public health director in collaboration with the public health directors and with the support of the Institut national de santé publique du Québec. The report shall be submitted to the Minister, who shall make it public and ensure its dissemination.

The regional reports shall be prepared by each of the public health directors with the support of the Institut national de santé publique du Québec and shall be made public and disseminated in each region by the regional director.

2001, c. 60, s. 10; 2002, c. 38, s. 14; 2005, c. 32, s. 308.

11. The agencies must, in collaboration with, in particular the institutions that operate a local community service centre in their territory, develop, implement, evaluate and regularly update a regional public health action plan.

A regional action plan must be consistent with the prescriptions of the national public health program and must take into account the specific characteristics of the population living in the territory of the agency.

2001, c. 60, s. 11; 2005, c. 32, s. 308.

12. The regional action plan must include a plan providing for the mobilization of the resources of the health and social services institutions in the territory concerned whenever such resources are needed by the public health director to conduct an epidemiological investigation or to take the measures considered necessary to protect the health of the population if it is threatened.

2001, c. 60, s. 12.

13. The regional action plan may provide that certain activities will be carried out or certain services will be offered to the population by other resources than public health departments or institutions operating a local community service centre. The plan must take into account the services and care offered by physicians practising in the regional board's territory.

The agency shall identify the responsibilities it entrusts to the health and social services institutions in its territory for the purposes of the regional public health action plan.

2001, c. 60, s. 13; 2005, c. 32, s. 292.

14. Each health and social services institution operating a local community service centre shall develop, implement, evaluate and regularly update a local public health action plan. The plan must be developed in collaboration with, in particular the community organizations concerned.

The local plan must be consistent with the prescriptions of the national public health program and must define the measures to be taken at the local level to achieve the objectives identified in the regional action plan, having regard for the specific characteristics of the population served by the institution.

2001, c. 60, s. 14.

15. Before implementing a regional public health plan, the agency must consult the people's forum created under section 343.1 of the Act respecting health services and social services (chapter S-4.2) and the various resources concerned by the plan.

2001, c. 60, s. 15; 2005, c. 32, s. 308.

16. The national public health program and the regional and local public health action plans must contain reporting mechanisms and a framework for the assessment of outcomes.

2001, c. 60, s. 16.

17. Each agency must deposit its regional public health action plan with the Minister before implementing it, and each institution operating a local community service centre must deposit its local public health action plan with the agency concerned before implementing it.

2001, c. 60, s. 17; 2005, c. 32, s. 308.

18. The Minister shall ensure coordination between the health and social services network and the Institut national de santé publique du Québec created under the Act respecting Institut national de santé publique du Québec (chapter I-13.1.1) as regards the delivery of the required public health services to the population and the carrying out of public health activities, as provided in the national public health program.

The Minister shall also ensure that public health activities to be carried out pursuant to this chapter shall, where they concern health issues in the work environment, be developed in collaboration with the Commission des normes, de l'équité, de la santé et de la sécurité du travail.

2001, c. 60, s. 18; 2015, c. 15, s. 237.

CHAPTER III

Repealed, 2009, c. 45, s. 12.

2009, c. 45, s. 12.

19. *(Repealed).*

2001, c. 60, s. 19; 2009, c. 45, s. 12.

20. *(Repealed).*

2001, c. 60, s. 20; 2009, c. 45, s. 12.

21. *(Repealed).*

2001, c. 60, s. 21; 2009, c. 45, s. 12.

22. *(Repealed).*

2001, c. 60, s. 22; 2009, c. 45, s. 12.

23. *(Repealed).*

2001, c. 60, s. 23; 2009, c. 45, s. 12.

24. *(Repealed).*

2001, c. 60, s. 24; 2009, c. 45, s. 12.

25. *(Repealed).*

2001, c. 60, s. 25; 2009, c. 45, s. 12.

26. *(Repealed).*

2001, c. 60, s. 26; 2009, c. 45, s. 12.

27. *(Repealed).*

2001, c. 60, s. 27; 2009, c. 45, s. 12.

28. *(Repealed).*

2001, c. 60, s. 28; 2009, c. 45, s. 12.

29. *(Repealed).*

2001, c. 60, s. 29; 2009, c. 45, s. 12.

30. *(Repealed).*

2001, c. 60, s. 30; 2009, c. 45, s. 12.

31. *(Repealed).*

2001, c. 60, s. 31; 2009, c. 45, s. 12.

32. *(Repealed).*

2001, c. 60, s. 32; 2009, c. 45, s. 12.

CHAPTER IV

ONGOING SURVEILLANCE

DIVISION I

GENERAL PROVISIONS

33. Ongoing surveillance of the health status of the population and of health determinants shall be carried out so as to

- (1) obtain an overall picture of the health status of the population;
- (2) monitor trends and temporal and spatial variations;
- (3) detect emerging problems;
- (4) identify major problems;
- (5) develop prospective scenarios of the health status of the population;
- (6) monitor the development within the population of certain specific health problems and of their determinants.

2001, c. 60, s. 33.

34. Ongoing surveillance of the health status of the population is a function conferred exclusively on the Minister and the public health directors.

However, the Minister may confer on the Institut national de santé publique du Québec the mandate to exercise all or part of the Minister's surveillance function or certain surveillance activities, on the conditions and to the extent the Minister considers appropriate. The Minister may also confer such a mandate on a third

person, but in such a case, the mandate must first be submitted to the Commission d'accès à l'information for an opinion.

2001, c. 60, s. 34.

35. The Minister and the public health directors, each for their own purpose, shall develop plans for the surveillance of the health status of the population which specify the purpose and objects of the surveillance, the personal or non-personal information it will be necessary to collect, the proposed sources of information, and the analytic study necessary to be able to exercise their surveillance function. Where the Minister confers certain surveillance activities or part of the Minister's surveillance function on a third person, the surveillance plan must so provide.

2001, c. 60, s. 35.

36. The proposed surveillance plans must be submitted to the ethics committee of the Institut national de santé publique du Québec for an opinion.

Where a surveillance plan provides for the communication of personal information which is within the purview of the Commission d'accès à l'information under the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or where the Commission must examine a mandate conferred by the Minister under section 34 of this Act, a copy of the opinion of the ethics committee of the Institut national de santé publique du Québec must be forwarded to the Commission.

2001, c. 60, s. 36; 2009, c. 45, s. 13.

37. The Minister and each public health director must periodically re-evaluate the necessity of maintaining each of their surveillance plans or of making changes to them.

2001, c. 60, s. 37.

38. The Minister and the public health directors may require physicians, public or private medical laboratories, health and social services institutions, any government department or any body to provide them with the information necessary for a surveillance plan, in a form that does not allow the persons to whom the information relates to be identified but that enables such information to be obtained for each area served by a health and social services institution operating a local community service centre, each municipality, each borough or each ward.

2001, c. 60, s. 38.

DIVISION II

SURVEYS ON HEALTH AND SOCIAL ISSUES

39. Periodic surveys on health and social issues shall be conducted to gather the recurrent information necessary for ongoing surveillance of the health status of the population.

2001, c. 60, s. 39.

40. The Minister may personally conduct such surveys or ensure that the information collected in the course of surveys conducted by other resources is transmitted to the Minister or made available to the public health directors.

2001, c. 60, s. 40.

41. Where the Minister chooses to conduct a national survey for the purposes of ongoing surveillance of the health status of the population, the Minister shall determine the survey's objectives after consulting the public health directors.

2001, c. 60, s. 41.

42. The carrying out of national surveys shall be entrusted to the Institut de la statistique du Québec created under the Act respecting the Institut de la statistique du Québec (chapter I-13.011), which shall comply with the objectives determined by the Minister.

Public health directors may conduct regional surveys on health and social issues.

2001, c. 60, s. 42.

43. Surveys on health and social issues conducted for the purposes of surveillance of the health status of the population must first be submitted to the ethics committee of the Institut national de santé publique du Québec for an opinion.

However, the Minister may exempt a proposed national survey from that requirement if the ethical review of that survey is conducted by the ethics committee of the Institut de la statistique du Québec.

2001, c. 60, s. 43; 2009, c. 45, s. 14.

CHAPTER V

COLLECTION OF INFORMATION AND REGISTRIES

44. The Minister shall establish and maintain, in particular for the purposes of ongoing surveillance of the health status of the population, a system for the collection of sociological and health-related personal or non-personal information on births, stillbirths and deaths; the mechanics of the system shall be fixed by regulation.

2001, c. 60, s. 44.

45. The physician or midwife or, if there is no physician or midwife, any person assisting a woman during childbirth must complete a certificate of birth for the purposes of this Act.

2001, c. 60, s. 45.

46. An institution that maintains a facility in which a death occurs must cause a certificate of death to be drawn up by a physician, for the purposes of this Act.

Where a death occurs elsewhere than in a facility maintained by an institution, the last physician who treated the person shall fill out the certificate of death. If the physician is not accessible, the certificate of death may be drawn up by another physician, a nurse or a coroner. If no person acting in any of such capacities is available within a radius of 16 km, the certificate of death may be drawn up by two persons of full age.

Where a death is the subject of an investigation and, where applicable, of an inquest under the Act respecting the determination of the causes and circumstances of death (chapter R-0.2), the certificate of death shall be drawn up by the coroner.

Where the remains of a person who died outside Québec are transported into Québec, the certificate of death shall be drawn up by the funeral services director of the funeral services business transporting the remains, unless the case falls within the competence of the coroner.

2001, c. 60, s. 46; 2016, c. 1, s. 140.

47. The Minister may also establish and maintain, in particular for the purposes of ongoing surveillance of the health status of the population, systems for the collection of data and personal and non-personal information on the prevalence, incidence and distribution of health problems and in particular on problems

having significant impacts on premature mortality and on morbidity and disability; the particulars of the system shall be fixed by regulation.

2001, c. 60, s. 47.

48. The certificates, data or information referred to in sections 45, 46 and 47 shall be transmitted to the Minister in accordance with the regulations of the Minister.

2001, c. 60, s. 48.

49. The Minister may, for the purposes of clinical preventive care or the protection of the health of the population, make regulations establishing registries in which personal information on certain health services or health care received by the population is recorded.

The regulations shall specify the services or care that must be recorded in the registries, the personal information that must be furnished, in what circumstances and by what health professionals, and who will have access to such personal information and for what purposes.

The regulations shall provide that the consent of the person receiving the services or care is required both for the recording of the information in the registry and for allowing third persons to have access to the information, and the regulations must enable a person to remove all or part of the information that relates to him or her from a registry.

The regulations may, however, provide for the recording of certain information in a registry or allow access to certain information without the consent of the person to whom the information relates, where the refusal of that person could endanger the health of other persons. In such a case, the person concerned may not require the removal of the information that relates to him or her from the registry.

2001, c. 60, s. 49.

50. Draft regulations establishing the registries provided for in section 49 must be submitted to the Commission d'accès à l'information for an opinion. Should the Commission give an unfavourable opinion, the draft regulations may not be adopted by the Minister except with the approval of the Government.

The opinion of the Commission and the approval of the Government must be tabled in the National Assembly within 30 days of the approval if the Assembly is sitting or, if it is not sitting, within 30 days of the opening of the next session, or of resumption.

2001, c. 60, s. 50.

51. From the time a regulation of the Minister made under section 49 becomes effective, the health professionals to whom the regulation applies are required to record the information specified in the regulation in the registry so established, in the manner and within the time limits prescribed in the regulation.

2001, c. 60, s. 51.

51.1. The Minister may, in order to identify real or apprehended health threats for the population of two or more regions, make regulations to determine the information that public health directors must send the Minister and the conditions on which they are to do so.

The information sent must be provided in a form that ensures anonymity.

2009, c. 45, s. 15.

52. The Minister may personally assume the operations management of the information, the data collection systems or the registries provided for in this chapter or entrust that management to the Régie de l'assurance

maladie du Québec or a public body listed in section 2 of the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03).

2001, c. 60, s. 52; 2009, c. 45, s. 16; 2012, c. 23, s. 153.

52.1. When the Minister entrusts the operations management of the information, the data collection systems or the registries provided for in this chapter to an operations manager, the Minister enters into a written agreement with that manager.

2012, c. 23, s. 153.

CHAPTER VI

HEALTH PROMOTION AND PREVENTION

DIVISION I

GENERAL PROVISIONS

53. The Minister, public health directors and institutions operating a local community service centre may, each at the appropriate level of intervention, for the purpose of preventing disease, trauma and social problems that have an impact on the health of the population and influencing population health determinants positively,

(1) organize public information and awareness campaigns;

(2) promote and support preventive health care practice among health care professionals;

(3) identify and assess situations involving health risks within the population;

(4) establish mechanisms providing for concerted action between various resources able to act on situations that may cause problems of avoidable morbidity, disability and mortality;

(5) promote health and the adoption of public social policies capable of fostering the enhancement of the health and welfare of the population among the various resources whose decisions or actions may have an impact on the health of the general population or of certain groups;

(6) support actions which, within a community, foster the creation of a living environment conducive to health and well-being.

2001, c. 60, s. 53.

54. The Minister is by virtue of his or her office the advisor of the Government on any public health issue. The Minister shall give the other ministers any advice he or she considers advisable for health promotion and the adoption of policies capable of fostering the enhancement of the health and welfare of the population.

In the Minister's capacity as government advisor, the Minister shall be consulted in relation to the development of the measures provided for in an Act or regulation that could have significant impact on the health of the population.

2001, c. 60, s. 54.

55. Where a public health director becomes aware of the existence or fears the occurrence in the region of a situation putting the population or a group of individuals at high risk of avoidable mortality, disability or morbidity and, in the director's opinion, effective solutions exist for the reduction or elimination of those risks, the director may formally request the authorities whose intervention appears useful to participate in the search for a solution adapted to the circumstances.

Authorities who receive such an invitation are required to participate in the search for a solution.

Where one of the authorities is a department or body of the Government, the public health director may not formally request their participation without first notifying the national public health director.

2001, c. 60, s. 55.

56. The Minister may at all times choose to personally exercise the power provided for in section 55, in collaboration with the public health director or directors concerned.

2001, c. 60, s. 56.

DIVISION II

FLUORIDATION OF DRINKING WATER

57. Every owner of a water treatment plant that fluoridates the water it supplies must monitor the quality of the fluoridation to ensure it meets the optimum fluoride concentration prescribed by regulation of the Minister to prevent tooth decay.

2001, c. 60, s. 57.

58. The Minister may, by regulation, set standards as regards the procedure for monitoring the quality of drinking water fluoridation.

2001, c. 60, s. 58.

59. The national public health program must include actions designed to encourage the fluoridation of water.

2001, c. 60, s. 59.

60. The Minister may, to the extent the Minister considers appropriate, grant a subsidy to every owner of a water treatment plant who applies therefor, to cover the costs of purchasing, housing, installing or repairing a fluoridation system and the cost of the fluoride used.

The Minister may subject the granting of the subsidy to the conditions considered appropriate.

2001, c. 60, s. 60.

CHAPTER VII

VACCINATION

DIVISION I

VACCINATION REGISTRY

61. The Minister shall establish and maintain a vaccination registry in which all vaccinations received by a person in Québec are recorded.

The same applies for all the vaccinations received by a person outside Québec, when they are brought to the attention of a health professional and validated by the latter or by another health professional.

2001, c. 60, s. 61; 2012, c. 23, s. 154.

61.1. The Minister may personally assume the operations management of the registry or entrust that management to a body referred to in section 52.

2012, c. 23, s. 154.

61.2. When the Minister entrusts the operations management of the vaccination registry to an operations manager, the Minister enters into a written agreement with that manager.

2012, c. 23, s. 154.

61.3. The Minister may, by regulation, prescribe that, in a given region or area, an agency or a health and social services institution must, in the name of the Minister, collect, record or release information in the vaccination registry.

2012, c. 23, s. 154.

62. *(Repealed).*

2001, c. 60, s. 62; 2012, c. 23, s. 155.

63. The Minister shall inform the public of the purpose of the vaccination registry and of how it works.

2001, c. 60, s. 63; 2012, c. 23, s. 156.

64. The following information on each vaccination is released to the operations manager of the vaccination registry for registration, under the conditions and in the manner prescribed by regulation of the Minister:

(1) information on the person vaccinated:

(a) the person's name, date of birth and sex,

(b) health insurance number, if applicable,

(c) residential address, telephone number and email address, if applicable,

(d) if the person vaccinated is under the age of 14 or is incapable, the holder of parental authority or the tutor, curator or mandatary of the person as well as their residential address, telephone number and email address, if applicable,

(e) the name of the childcare centre or day care centre attended or of the home childcare provider, if applicable,

(f) the permanent student code assigned by the Ministère de l'Éducation, du Loisir et du Sport, if applicable, and

(g) the name of the educational institution attended, educational level, and, if applicable, the class number, the building and the name of the school board concerned;

(2) information on the vaccine administered:

(a) the brand name, including the name of the manufacturer,

(b) the date and time of administration,

(c) the quantity administered and unit of measurement,

(d) the lot number and expiry date,

- (e) the name of the immunizing agent,
- (f) the dose number,
- (g) the administration route,
- (h) the injection site,
- (i) an indicator of any cold chain failure associated with the vaccine,

(j) the name of the vaccinator and the vaccinator's unique provider number assigned by the Régie de l'assurance maladie du Québec under the Act respecting the sharing of certain health information (chapter P-9.0001), or, if the vaccinator has no such number, the vaccinator's title and the number of the vaccinator's licence to practise, and

(k) the name, address, telephone number and unique identification number, assigned by the operations manager of the register of bodies under the Act respecting the sharing of certain health information, of the location providing health services and social services to which the vaccinator is attached and, if applicable, the physical location where the vaccine was administered;

(3) the following additional information:

- (a) a history of any illness contracted that would have been preventable by vaccination,
- (b) any temporary contraindication for vaccination,
- (c) any permanent contraindication for vaccination,
- (d) any precautions taken at the time of vaccination,
- (e) clinical notes concerning the vaccination,
- (f) the reason for the vaccination,

(g) in the case of a prescription, the name and the unique provider number, assigned by the Régie de l'assurance maladie du Québec under the Act respecting the sharing of certain health information, of the person who wrote the prescription or initiated a therapeutic measure under a prescription, or, if the person has no such number, the person's title and the number of the person's licence to practise,

(h) a note that the person refuses to receive a vaccine or a vaccination series, if applicable,

(i) a note that the person has requested that his or her information not be released for vaccination reminder, recall or promotion purposes, as applicable,

(j) any unusual post-immunization clinical manifestations,

(k) the vaccination profile of the person vaccinated, including the dose of the same vaccine to be administered at a later date, the expected date of administration, the date of clinical eligibility and the administration status of the vaccine,

(l) the source of the information and a note that the vaccination history has been validated by a health professional, if applicable, and

(m) a note that the information on the vaccination registry and how it works has been sent to the vaccinated person or the holder of parental authority or the tutor, curator or mandatary of the person, if applicable; and

(4) any other information prescribed by regulation of the Minister.

2001, c. 60, s. 64; 2012, c. 23, s. 156.

65. The personal information contained in the vaccination registry may be released

(1) to a vaccinator, for verification of the vaccination history of a person before administering a vaccine;

(2) to the national public health director, if the director has been informed that a particular vaccine lot provides inadequate protection and the director considers that the persons who have received the vaccine must be traced;

(3) to a public health director, when the information is necessary for an epidemiological investigation;

(4) to an institution operating a local community service centre, for the purpose of conducting vaccination reminder, recall or promotion activities in its territory; and

(5) to a public health director to whom an institution has entrusted activities mentioned in subparagraph 4 pursuant to an agreement.

However, a person may at any time demand of the operations manager of the vaccination registry that his or her information contained in the registry not be used for the purposes of subparagraphs 4 and 5 of the first paragraph.

2001, c. 60, s. 65; 2012, c. 23, s. 156.

66. Any other release of personal information contained in the vaccination registry is subject to sections 17 to 28 of the Act respecting health services and social services (chapter S-4.2), with the necessary modifications.

2001, c. 60, s. 66; 2012, c. 23, s. 156.

67. *(Replaced).*

2001, c. 60, s. 67; 2012, c. 23, s. 156.

68. *(Replaced).*

2001, c. 60, s. 68; 2005, c. 32, s. 308; 2012, c. 23, s. 156.

DIVISION II

REPORTING OF UNUSUAL CLINICAL MANIFESTATIONS

69. Any health professional with the authority to make a medical diagnosis or to assess a person's health condition who observes an unusual clinical manifestation, temporally associated with vaccination, in a person having received a vaccine or a contact of that person and who suspects a link between the vaccine and the unusual clinical manifestation must report the situation to the appropriate public health director as soon as possible.

The health professional must provide the name and health insurance number of the person in whom the unusual clinical manifestation was observed and the name and health insurance number of the person who was vaccinated, if not the same. The health professional must also provide the public health director with a brief description of the event observed and any other information prescribed by regulation of the Minister.

2001, c. 60, s. 69; 2012, c. 23, s. 157.

DIVISION III

COMPENSATION FOR VICTIMS OF VACCINATION

70. In this division, unless the context indicates otherwise,

(1) “victim” means the vaccinated person, a person having contracted the disease from a vaccinated person, the foetus of either of such persons or, if a death occurs, the person who is entitled to a death benefit;

(2) “bodily injury” means any serious permanent physical or mental injury, or death.

2001, c. 60, s. 70.

71. The Minister shall compensate, regardless of responsibility, any victim of bodily injury caused by a voluntary vaccination against a disease or infection identified in the regulation made by the Government under section 137 or a vaccination imposed pursuant to section 123.

In either case, the vaccination must have taken place in Québec.

2001, c. 60, s. 71.

72. The rules prescribed in the Automobile Insurance Act (chapter A-25) and the regulations thereunder apply to the computation of the compensation provided for in section 71, with the necessary modifications.

2001, c. 60, s. 72.

73. Entitlement to compensation under this division is prescribed three years after the date of vaccination and, in the case of a death benefit, three years after the date of death.

However, where an injury becomes apparent gradually, the time limit runs only from the day the injury first becomes apparent.

2001, c. 60, s. 73.

74. The victim may institute civil proceedings against any person who is liable for the bodily injury.

2001, c. 60, s. 74.

75. The Minister is subrogated by operation of law to the rights and actions of the victim against the person liable for the bodily injury up to the amount of compensation paid by the Minister or of the capital representing the pension to be paid by the Minister.

2001, c. 60, s. 75.

76. Any claimant who believes he or she has been wronged by a decision of the Minister pursuant to section 71 or 72 may, within 60 days of the date of notification of the decision, contest the decision before the Administrative Tribunal of Québec.

2001, c. 60, s. 76.

77. A proceeding before the Administrative Tribunal of Québec does not suspend the payment of compensation paid as a pension.

2001, c. 60, s. 77.

78. The sums necessary for the purposes of this division shall be taken out of the Consolidated Revenue Fund.

2001, c. 60, s. 78.

CHAPTER VIII

REPORTABLE INTOXICATIONS, INFECTIONS AND DISEASES

79. The Minister shall, by regulation, draw up a list of intoxications, infections and diseases that must be reported to the appropriate public health director and, in certain cases provided for in the regulation, to the Minister or to both the public health director and the national public health director.

2001, c. 60, s. 79.

80. The list may include only intoxications, infections or diseases that are medically recognized as capable of constituting a threat to the health of a population and as requiring vigilance on the part of public health authorities or an epidemiological investigation.

2001, c. 60, s. 80.

81. The report must indicate the name and address of the person affected and contain any other personal or non-personal information prescribed by regulation of the Minister. The report must be transmitted in the manner, in the form and within the time prescribed in the regulation.

2001, c. 60, s. 81.

82. The following persons are required to make the report in the cases provided for in the regulation of the Minister:

(1) any physician who diagnoses an intoxication, infection or disease included in the list or who observes the presence of clinical manifestations characteristic of any of those intoxications, infections or diseases in a living or deceased person;

(2) any chief executive officer of a private or public medical biology laboratory or laboratory medicine department, where a laboratory analysis conducted in the laboratory or department under his or her authority shows the presence of any reportable intoxications, infections or diseases.

2001, c. 60, s. 82; 2017, c. 21, s. 91.

CHAPTER IX

COMPULSORY TREATMENT AND PROPHYLACTIC MEASURES FOR CERTAIN CONTAGIOUS DISEASES OR INFECTIONS

DIVISION I

CONTAGIOUS DISEASES OR INFECTIONS AND COMPULSORY TREATMENT

83. The Minister may, by regulation, draw up a list of the contagious diseases or infections for which any person affected is obligated to submit to the medical treatments required to prevent contagion.

The list may include only contagious diseases or infections that are medically recognized as capable of constituting a serious threat to the health of a population and for which an effective treatment that would put an end to the contagion is available.

2001, c. 60, s. 83.

84. Any physician who observes that a person is likely suffering from a disease or infection to which this division applies must take, without delay, the required measures to ensure that the person receives the care

required by his or her condition, or direct the person to a health and social services institution able to provide such treatments.

2001, c. 60, s. 84.

85. In the case of certain diseases or infections identified in the regulation, any health or social services institution having the necessary resources must admit as an emergency patient any person suffering or likely to be suffering from one of those diseases or infections. If the institution does not have the necessary resources, it must direct the person to an institution able to provide the required services.

2001, c. 60, s. 85.

86. Any physician who becomes aware that a person who is likely suffering from a disease or infection to which this division applies is refusing or neglecting to submit to an examination must notify the appropriate public health director as soon as possible.

Such a notice must also be given by any physician who observes that a person is refusing or neglecting to submit to the required medical treatment or has discontinued a treatment that must be completed to prevent contagion or a recurrence of contagion.

2001, c. 60, s. 86.

87. Any public health director who receives a notice under section 86 must make an inquiry and, if the person refuses to be examined or to submit to the appropriate treatment, the public health director may apply to the Court for an order enjoining the person to submit to such examination or treatment.

2001, c. 60, s. 87.

88. A judge of the Court of Québec or of the municipal courts of the cities of Montréal, Laval or Québec having jurisdiction in the locality where the person is to be found may, if the judge believes on reasonable grounds that the protection of the health of the population so warrants, order the person to submit to an examination and receive the required medical treatment.

In addition, the judge may, if the judge believes on serious grounds that the person will refuse to submit to the examination or to receive the treatment, order that the person be taken to an institution maintained by a health or social services institution for examination and treatment. The provisions of section 108 apply to that situation, with the necessary modifications.

2001, c. 60, s. 88.

DIVISION II

COMPULSORY PROPHYLACTIC MEASURES

89. The Minister may, for certain contagious diseases or infections medically recognized as capable of constituting a serious threat to the health of a population, make a regulation setting out prophylactic measures to be complied with by a person suffering or likely to be suffering from such a disease or infection, as well as by any person having been in contact with that person.

Isolation, for a maximum period of 30 days, may form part of the prophylactic measures prescribed in the regulation of the Minister.

The regulation shall prescribe the circumstances and conditions in which specific prophylactic measures are to be complied with to prevent contagion. It may also require certain health or social services institutions to admit as an emergency patient any person suffering or likely to be suffering from one of the contagious

diseases or infections to which this section applies, as well as any person who has been in contact with that person.

2001, c. 60, s. 89.

90. Any health professional who observes that a person is omitting, neglecting or refusing to comply with the prophylactic measures prescribed in the regulation made under section 89 must notify the appropriate public health director as soon as possible.

The director must make an inquiry and, if the person refuses to comply with the necessary prophylactic measures, the director may apply to the Court for an order enjoining the person to do so.

The provisions of section 88 apply to that situation, with the necessary modifications.

The director may also, in the case of an emergency, use the powers conferred by section 103, and sections 108 and 109 apply to such a situation.

2001, c. 60, s. 90.

91. Despite any decision of the Court ordering the isolation of a person, isolation must cease as soon as the attending physician, after consulting the appropriate public health director, issues a certificate to the effect that the risk of contagion no longer exists.

2001, c. 60, s. 91.

CHAPTER X

REPORTING TO PUBLIC HEALTH AUTHORITIES

92. Government departments and bodies and local municipalities must report to the appropriate public health director or to the national public health director any threats to the health of the population that come to their knowledge or any situations which cause them to believe on reasonable grounds that the health of the population is threatened.

2001, c. 60, s. 92.

93. Any physician who suspects the presence of a threat to the health of the population must notify the appropriate public health director.

Health and social services institutions must report to the appropriate public health director any situation where they believe on reasonable grounds that there exists a threat to the health of the persons who are present in their facilities.

2001, c. 60, s. 93.

94. The directors of institutions or establishments constituting work environments or living environments, such as a business establishment, an educational institution, a childcare centre and other childcare facilities, a correctional facility and transition housing may report to the appropriate public health director any situation which they have cause to believe constitutes a threat to the health of the persons who are present in those places. A health professional practising in such an institution or establishment may also report such a situation to the public health director.

2001, c. 60, s. 94; 2002, c. 24, s. 209.

95. Reporting a situation under this chapter does not authorize the person making the report to disclose personal or confidential information unless, after evaluating the situation, the public health authority concerned requires such information in the exercise of the powers provided for in Chapter XI.

The provisions of this chapter shall not be construed as authorizing a government department, a body, a local municipality, a health and social services institution, the director of an institution or establishment or a health professional, other than a physician, to report a threat to the health of the population arising from a sexually transmitted biological agent.

2001, c. 60, s. 95; 2009, c. 45, s. 17.

CHAPTER XI

POWERS OF PUBLIC HEALTH AUTHORITIES AND THE GOVERNMENT IN THE EVENT OF A THREAT TO THE HEALTH OF THE POPULATION

DIVISION I

EPIDEMIOLOGICAL INVESTIGATIONS BY PUBLIC HEALTH DIRECTORS

96. A public health director may conduct an epidemiological investigation in any situation where the public health director believes on reasonable grounds that the health of the population is or could be threatened and, in particular,

(1) where the director receives a report of an unusual clinical manifestation following a vaccination under section 69;

(2) where the director receives a report of an intoxication, infection or disease to which Chapter VIII applies;

(3) where the director receives a notice under Chapter IX to the effect that a person is refusing, omitting or neglecting to be examined or treated or to comply with compulsory prophylactic measures;

(4) where the director receives a report under Chapter X.

2001, c. 60, s. 96.

97. Where during an epidemiological investigation, a public health director is of the opinion that he or she is unable to intervene effectively or within the time required to complete the investigation or to protect the health of the population, the director may implement the resource mobilization plan of the territory's health or social services institutions that was included in the regional public health action plan, and, in that case, the institutions are required to comply with the director's instructions.

2001, c. 60, s. 97.

98. A public health director who becomes aware during an epidemiological investigation that a government department, a local municipality or a body has, and may exercise, under another Act, a municipal by-law or an agreement, the inspection, inquiry or investigation powers necessary to ascertain the presence of a biological, chemical or physical agent that constitutes a threat to the health of the population must notify the government department, local municipality or body concerned of the situation and request it to proceed.

In those circumstances, the public health director's epidemiological investigation shall be continued, but only the government department, local municipality or body concerned may exercise its inquiry, investigation or inspection powers, in particular, with respect to the premises, animals or substances in respect of which it has jurisdiction. The results obtained must be communicated as soon as possible to the public health director and the latter may require the immediate communication of any information necessary to enable the public health director's investigation to be continued.

A public health director who becomes aware that a government department, a local municipality or a body refuses to exercise its own powers, or delays in doing so, must notify the national public health director.

2001, c. 60, s. 98.

99. A public health director who becomes aware during an epidemiological investigation that a threat to the health of the population appears to have its origin in a facility maintained by a health or social services institution or in a deficient practice within such an institution must notify the director of professional services or, if there is no such director, the executive director.

If there is a council of physicians, dentists and pharmacists or a council of nurses within the institution, the director of professional services or, if there is no such director, the executive director must immediately inform the councils of the situation reported by the public health director.

The public health director must also inform the national public health director of the situation, and the Minister may, if the Minister considers it necessary, request the public health director to also continue the epidemiological investigation underway in the institution.

The institution must as soon as possible take all measures required to inspect its facilities and review its practices and, if necessary, correct the situation. The measures taken must be communicated without delay to the public health director and to the Minister.

2001, c. 60, s. 99.

100. Subject to section 98, a public health director may, where required within the scope of an epidemiological investigation,

(1) require that every substance, plant, animal or other thing in a person's possession be presented for examination;

(2) require that a thing in a person's possession be dismantled or that any container under lock and key be opened;

(3) carry out or cause to be carried out any excavation necessary in any premises;

(4) have access to any premises and inspect them at any reasonable time;

(5) take or require a person to take samples of air or of any substance, plant, animal or other thing;

(6) require that samples in a person's possession be transmitted for analysis to the Institut national de santé publique du Québec or to another laboratory;

(7) require any director of a private or public medical biology laboratory or laboratory medicine department to transmit any sample or culture the public health director considers necessary for the purposes of an investigation to the Institut national de santé publique du Québec or to another laboratory;

(8) order any person, any government department or any body to immediately communicate to the public health director or give the public health director immediate access to any document or any information in their possession, even if the information is personal information or the document or information is confidential;

(9) require a person to submit to a medical examination or to furnish a blood sample or a sample of any other bodily substance, if the public health director believes on reasonable grounds that the person is infected with a communicable biological agent.

2001, c. 60, s. 100; 2017, c. 21, s. 92.

101. The powers granted to a public health director by paragraph 4 of section 100 may not be exercised to enter a private residence without the consent of the occupant, unless the director has obtained a court order authorizing such entry.

A judge of the Court of Québec or of the municipal courts of the cities of Montréal, Laval or Québec having jurisdiction in the locality in which the residence is situated may grant the order if the judge is of the opinion that the protection of the health of the population warrants it.

2001, c. 60, s. 101.

102. Except if the person concerned gives consent, the powers provided for in paragraph 9 of section 100 shall not be exercised by a public health director unless he or she has obtained a court order to that effect.

The provisions of section 88 apply to such a situation, with the necessary modifications.

2001, c. 60, s. 102.

103. A public health director may, at any time during an epidemiological investigation, as a precautionary measure, order a person to remain in isolation for a maximum period of 72 hours or to comply with certain specific directives so as to prevent contagion or contamination.

An isolation order may be issued, however, by the public health director only if the director believes on reasonable grounds that the person has been in contact with a communicable biological agent that is medically recognized as capable of seriously endangering the health of the population. The provisions of sections 108 and 109 apply to an isolation order issued under this section.

2001, c. 60, s. 103.

104. Every owner or possessor of a thing or occupant of premises must, at the request of a public health director, provide all reasonable assistance and furnish all information necessary to enable the director to conduct an epidemiological investigation.

2001, c. 60, s. 104.

105. Subject to the provisions of section 135, any public health director who becomes aware that a person is neglecting or refusing to cooperate in the investigation, objects to the director exercising a power granted to the director by section 100 or refuses to comply with directives given under section 103 may apply to a judge of the Court of Québec or of the municipal courts of the cities of Montréal, Laval or Québec having jurisdiction in the locality where the person is to be found, for the issuing of an order.

The judge shall issue any order considered appropriate in the circumstances.

2001, c. 60, s. 105.

106. Where, during an investigation, a public health director is of the opinion that there exists a real threat to the health of the population, the director may

(1) order the closing of premises or give access thereto only to certain persons or subject to certain conditions, and cause a notice to be posted to that effect;

(2) order the evacuation of a building;

(3) order the disinfection, decontamination or cleaning of premises or of certain things and give clear instructions to that effect;

(4) order the destruction of an animal, plant or other thing in the manner the director indicates, or order that certain animals or plants be treated;

(5) order the cessation of an activity or the taking of special security measures if the activity presents a threat for the health of the population;

(6) order a person to refrain from being present for the time indicated by the public health director in an educational institution, work environment or other place of assembly if the person has not been immunized against a contagious disease an outbreak of which has been detected in that place;

(7) order the isolation of a person, for a period not exceeding 72 hours indicated by the public health director, if the person refuses to receive the treatment necessary to prevent contagion or if isolation is the only means to prevent the communication of a biological agent medically recognized as capable of seriously endangering the health of the population;

(8) order a person to comply with specific directives to prevent contagion or contamination;

(9) order any other measure the public health director considers necessary to prevent a threat to the health of the population from worsening or to decrease the effects of or eliminate such a threat.

Notwithstanding the provisions of the first paragraph, the public health director may also use the powers conferred by subparagraphs 1 and 2 of that paragraph as a precautionary measure, if the public health director believes on reasonable grounds that there exists a threat to the health of the persons present in those premises or that building.

2001, c. 60, s. 106.

107. Notwithstanding the provisions of section 106, a public health director may not use a power provided for in that section to prevent a threat to the health of the population from worsening or to decrease the effects of or eliminate such a threat if a government department, a local municipality or a body has the same power and is able to exercise it.

The provisions of section 98 apply in those circumstances, with the necessary modifications.

2001, c. 60, s. 107.

108. An order issued by the public health director under subparagraph 7 of the first paragraph of section 106 is sufficient to require any person, including a peace officer, to do everything reasonably possible to locate and apprehend the person whose name appears in the order and take him or her to the place indicated therein or to a health or social services institution chosen by the public health director.

A person or peace officer acting under this section may not, however, enter a private residence without the consent of the occupant or without obtaining a court order authorizing such entry.

Any person who is apprehended must be informed immediately of the reasons for the isolation order, the place where he or she is being taken and of his or her right to communicate with an advocate.

The health or social services institution that receives the person pursuant to an order of the public health director or the court must admit the person as an emergency patient.

2001, c. 60, s. 108.

109. A person may not be maintained in isolation pursuant to an order of the public health director for more than 72 hours without the person's consent or without a court order.

A public health director may apply to a judge of the Court of Québec or of the municipal courts of the cities of Montréal, Laval or Québec having jurisdiction in the locality where the person in respect of whom the isolation order has been made is to be found, for an order enjoining that person to comply with the public health director's order and to remain in isolation for a maximum period of 30 days.

The judge may grant the order if, in the judge's opinion, terminating the isolation would create a serious threat to the health of the population and, in the circumstances, isolation is the only effective means to protect the health of the population. The judge may also grant an order requiring the person to receive the treatment

capable of eliminating any risk of contagion where such treatment is available, or make any order considered appropriate.

Notwithstanding a court order, a person's isolation must cease as soon as the attending physician, after consulting the appropriate public health director, issues a certificate to the effect that the risks of contagion no longer exist.

2001, c. 60, s. 109.

110. Except as regards the provisions of subparagraph 7 of the first paragraph of section 106, where a person refuses to comply with an order of the public health director issued under section 106, the public health director may apply to a judge of the Court of Québec or of the municipal courts of the cities of Montréal, Laval or Québec having jurisdiction in the locality where that person is to be found, for an order enjoining the person to comply with the public health director's order.

The judge may grant the order if, in the judge's opinion, there exists a threat to the health of the population and the order of the public health director is appropriate. The judge may also make any amendment to the order that appears reasonable in the circumstances.

2001, c. 60, s. 110.

111. Every application to a judge under this division or under section 87 or 90 shall be made by the public health director or any other person the public health director has specifically authorized, presented in accordance with the provisions of the first paragraph of article 763 of the Code of Civil Procedure (chapter C-25).

Such an application shall be served on the person concerned, but the judge may exempt the applicant from serving an application if the judge considers that the resulting delay could needlessly endanger the health of the population.

Every application shall be decided by preference, and every order issued shall be enforceable despite an appeal. However, a judge of the Court of Appeal may suspend the enforcement of an order if the judge considers it necessary in the interests of justice.

Every order issued shall be notified personally to the person concerned and may be enforced by a peace officer.

An order may, if necessary, be issued against a parent or tutor or other person having legal custody of the person concerned.

2001, c. 60, s. 111; I.N. 2016-01-01 (NCCP).

112. Where the person subject to an order of the public health director is a minor, the order must also be addressed to one of the minor's parents or, if applicable, to the minor's tutor, or if there is no parent or tutor, to any person having legal custody of the minor, and the parent, tutor or guardian must ensure that the order is complied with.

2001, c. 60, s. 112.

113. A public health director may personally exercise the powers provided for in this division or may specifically authorize certain persons to exercise certain powers on behalf of the public health director.

2001, c. 60, s. 113.

114. A public health director may on request be accompanied by a peace officer for any part of an investigation.

2001, c. 60, s. 114.

115. A public health director must, on request, provide identification and show a certificate of capacity issued by the Minister.

Every person specifically authorized by a public health director to act for the purposes of an investigation must also, on request, provide identification and show a certificate of capacity issued by the public health director.

2001, c. 60, s. 115.

DIVISION II

POWERS OF THE MINISTER

116. The Minister may choose to coordinate the actions of several public health directors or to exercise, with the necessary modifications, certain or all of the powers granted to the public health director by Chapter IX or Division I of this chapter

(1) where the national public health director informs the Minister that he or she has received a report concerning an intoxication, infection or disease to which Chapter VIII applies;

(2) where the Minister is informed of a situation that is likely to constitute a real or apprehended threat for the population of two or more regions;

(3) where the Minister is informed of a situation that is likely to constitute a real or apprehended threat for the population and it is necessary to inform health authorities outside Québec.

In those circumstances, the Minister shall act with the assistance of the national public health director, and the orders and instructions given by the national public health director must be carried out in the same manner as those given by the Minister.

2001, c. 60, s. 116.

117. The Minister may, at the request of a public health director or the national public health director, mobilize the resources of any health or social services institution in Québec which the Minister considers necessary to respond to a public health emergency.

In such a case, the health or social services institutions concerned are required to comply with the Minister's directives.

2001, c. 60, s. 117.

DIVISION III

PUBLIC HEALTH EMERGENCY

118. The Government may declare a public health emergency in all or part of the territory of Québec where a serious threat to the health of the population, whether real or imminent, requires the immediate application of certain measures provided for in section 123 to protect the health of the population.

2001, c. 60, s. 118.

119. A public health emergency declared by the Government is effective for a maximum period of 10 days at the expiry of which it may be renewed, as many times as necessary, for a maximum period of 10 days or, with the consent of the National Assembly, for a maximum period of 30 days.

If the Government is unable to meet immediately, the Minister may declare a public health emergency for a maximum period of 48 hours.

2001, c. 60, s. 119.

120. Upon a declaration of a public health emergency, the nature of the threat, the area concerned and the effective period of the public health emergency must be specified. The Minister may be authorized to exercise one or more of the powers specified in section 123.

2001, c. 60, s. 120.

121. The public health emergency is effective as soon as it is declared or renewed. The text declaring or renewing the public health emergency shall be published in the *Gazette officielle du Québec* and the Minister must cause it to be published and disseminated by the most efficient means available to ensure that the populations concerned are rapidly informed.

2001, c. 60, s. 121.

122. The National Assembly may, in accordance with its rules of procedure, vote to disallow the declaration of a public health emergency or any renewal thereof.

The disallowance takes effect on the day the motion is passed.

Notice of the disallowance shall be promptly published and disseminated by the Secretary General of the National Assembly by the most efficient means available to ensure that the populations concerned are rapidly informed. It shall also be published by the Secretary General in the *Gazette officielle du Québec*.

2001, c. 60, s. 122.

123. Notwithstanding any provision to the contrary, while the public health emergency is in effect, the Government or the Minister, if he or she has been so empowered, may, without delay and without further formality, to protect the health of the population,

(1) order compulsory vaccination of the entire population or any part of it against smallpox or any other contagious disease seriously threatening the health of the population and, if necessary, prepare a list of persons or groups who require priority vaccination;

(2) order the closing of educational institutions or of any other place of assembly;

(3) order any person, government department or body to communicate or give to the Government or the Minister immediate access to any document or information held, even personal or confidential information or a confidential document;

(4) prohibit entry into all or part of the area concerned or allow access to an area only to certain persons and subject to certain conditions, or order, for the time necessary where there is no other means of protection, the evacuation of persons from all or any part of the area or their confinement and, if the persons affected have no other resources, provide for their lodging, feeding, clothing and security needs;

(5) order the construction of any work, the installation of sanitary facilities or the provision of health and social services;

(6) require the assistance of any government department or body capable of assisting the personnel deployed;

- (7) incur such expenses and enter into such contracts as are considered necessary;
- (8) order any other measure necessary to protect the health of the population.

The Government, the Minister or another person may not be prosecuted by reason of an act performed in good faith in or in relation to the exercise of those powers.

2001, c. 60, s. 123.

124. The declaration of a public health emergency does not prevent the public health authorities from exercising the powers granted to them under other provisions of this Act.

While a public health emergency is in effect, the Minister shall act with the assistance of the national public health director, and the orders and instructions given by the national public health director must be carried out in the same manner as those given by the Minister.

2001, c. 60, s. 124.

125. Where compulsory vaccination is ordered under section 123, the Minister shall make the necessary vaccines available and ensure that the required health services are offered.

The Minister shall bear the costs related to the dispensing of the health services that are required for the vaccines to be administered and, where applicable, the costs for acquiring those vaccines.

2001, c. 60, s. 125.

126. If a person fails to submit to a vaccination ordered under section 123, a judge of the Court of Québec or of the municipal courts of the cities of Montréal, Laval or Québec having jurisdiction in the locality where the person is to be found may order the person to submit to the vaccination.

In addition, the judge may, if satisfied on reasonable grounds that the person will not submit to the vaccination and if of the opinion that the protection of public health warrants it, order that the person be taken to a specific place to be vaccinated.

2001, c. 60, s. 126.

127. An order under section 126 is obtained on an application by the public health authority or a person authorized by such authority to file such an application.

Section 111 applies, for the purposes of this section, with the necessary modifications.

2001, c. 60, s. 127; I.N. 2016-01-01 (NCCP).

128. The Government may terminate the public health emergency as soon as it considers that it is no longer necessary.

A notice must be published and disseminated by the most efficient means available to ensure that the population concerned is rapidly informed.

Moreover, the decision must be published in the *Gazette officielle du Québec*.

2001, c. 60, s. 128.

129. The Minister shall table an event report in the National Assembly within three months after the end of the public health emergency or, if the Assembly is not in session, within 15 days of resumption.

The report shall specify the nature and, if determined, the cause of the threat to the health of the population which gave rise to the declaration of a public health emergency, the duration of the declared emergency as well as the measures implemented and the powers exercised under section 123.

2001, c. 60, s. 129.

130. The sums required by the Government or the Minister in exercising the powers conferred on them by this division shall be taken out of the Consolidated Revenue Fund.

2001, c. 60, s. 130.

DIVISION IV

GOVERNMENT PLAN OF ACTION TO PROTECT THE PUBLIC FROM VECTOR-BORNE DISEASES, INCLUDING THE WEST NILE VIRUS

2009, c. 45, s. 18.

130.1. If the health of the public is threatened by vectors capable of transmitting a disease such as that caused by the West Nile virus, the Government may establish and implement a plan of action to control the vectors, on a joint proposal of the Minister of Health and Social Services, the Minister of Sustainable Development, Environment and Parks and the Minister of Agriculture, Fisheries and Food, after consultation with the Minister of Municipal Affairs, Regions and Land Occupancy.

2009, c. 45, s. 18.

130.2. The measures provided for in the government plan of action may call for the use of chemical pesticides only if the other measures available are considered to be insufficient.

Measures that call for the use of pesticides are exempt from the application of any general or special legislative or regulatory provision, including a municipal by-law, that prevents or delays their implementation. However, subdivision 4 of Division II of Chapter IV of Title I of the Environment Quality Act (chapter Q-2), which deals with the environmental impact assessment and review of certain projects, continues to apply to the measures provided for in the government plan of action, as does the Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1).

Furthermore, when the measures provided for in the government plan of action call for a pesticide treatment from the air or in an aquatic environment with a surface outlet flowing towards a drainage basin, the Minister of Health and Social Services must notify the Minister of Natural Resources and Wildlife, the Minister of Sustainable Development, Environment and Parks and the Minister of Agriculture, Fisheries and Food one week before application is to begin.

2009, c. 45, s. 18; 2017, c. 4, s. 253.

130.3. Using the means considered to be the most efficient, the Minister of Health and Social Services must give the municipalities and the public concerned prior notification of the planned application of pesticides and information on the measures affording the best protection against the harmful effects of the pesticides.

2009, c. 45, s. 18.

130.4. No person may hinder the implementation of the measures provided for in the government plan of action. The owner, lessee or occupant of a parcel of land is required to give free access to the land at all times so that the measures, in particular the use of pesticides, may be implemented.

2009, c. 45, s. 18.

130.5. The government plan of action must be updated annually, if necessary, and made public.

As soon as the plan of action is made public, the competent committee of the National Assembly must allow any interested person, group or organization to submit a brief or written comments on the plan, and may hold hearings.

2009, c. 45, s. 18.

130.6. A report on the measures implemented to protect the public from the threat posed by disease-bearing vectors must be filed, within three months after the measures have been taken, with the Minister of Health and Social Services, who must immediately send a copy of the report to the other ministers concerned. The Minister must make the report public within 30 days after it is received.

2009, c. 45, s. 18.

CHAPTER XII

PROTECTION OF INFORMATION

131. The regional council and the agencies shall ensure that all personal and confidential information obtained by public health directors in the exercise of their functions under Chapters VIII, IX and XI is kept by the public health department in such manner as to preserve its confidentiality and that the persons having access to the information in the exercise of their functions undertake under oath not to disclose or communicate the information without being duly authorized to do so.

Such confidentiality undertaking shall be periodically renewed.

The regional council and the agencies must do likewise in respect of the reports received under section 69.

2001, c. 60, s. 131; 2002, c. 38, s. 15; 2005, c. 32, s. 308.

132. A public health director and the persons exercising their functions for the public health department may not communicate the information referred to in section 131 except pursuant to an order of the Court or of a coroner in the exercise of a coroner's functions, or with the consent of the persons to whom the information relates.

They may, however, communicate any information necessary in the following cases and circumstances and subject to the following conditions:

- (1) to the resources of a health or social services institution that have been mobilized by a public health director under section 97 or to a peace officer acting at the request of the director;
- (2) to the public health director of another region if a real or apprehended health threat is likely to affect the population of that director's region;
- (3) to the national public health director where the situation is such that it could entail the application of Division II or Division III of Chapter XI or require that certain information be communicated or disclosed with the authorization of the national public health director in accordance with section 133;
- (4) to a government department, a local municipality, a body, a health and social services institution or to the national public health director or the Minister, for the purposes of their intervention in any situation described in section 98, 99 or 107.

Subject to the first two paragraphs, access to such information in all other circumstances is subject to the provisions of sections 17 to 28 of the Act respecting health services and social services (chapter S-4.2), with the necessary modifications.

2001, c. 60, s. 132; 2002, c. 38, s. 16.

133. Notwithstanding section 132, the national public health director may authorize the communication or disclosure, subject to the conditions specified by the national public health director, of personal or confidential information received by the national public health director from a public health director if the national public health director believes on reasonable grounds that the health of the population is threatened and that the circumstances require such communication or disclosure to protect the health of the population.

The national public health director may also communicate such information to any health authority outside Québec if the communication is necessary to protect the health of that authority's population or forms part of the stipulations of an agreement with that health authority.

2001, c. 60, s. 133.

134. The provisions of sections 131, 132 and 133 apply, with the necessary modifications, to personal and confidential information obtained by the Minister or the national public health director in the exercise of their functions under this chapter or Chapters VIII and XI.

2001, c. 60, s. 134.

135. For the purposes of the communication or transmission of information or documents and for the exercise of the rights of access provided for in section 98, paragraph 8 of section 100 or subparagraph 3 of the first paragraph of section 123, the public health authorities have the powers of a commissioner appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to impose imprisonment.

2001, c. 60, s. 135.

CHAPTER XIII

REGULATIONS

136. In addition to the regulatory powers already provided for by other provisions of this Act, the Minister may make regulations to

(1) specify the content of the certificates of birth, stillbirth and death which must be transmitted to the Minister under sections 44 to 46 and 48 and the rules relating to their transmission, preservation and use;

(2) specify the content of the reports or opinions that must be transmitted to the Minister where a system for the collection of data and information is established by the Minister under section 47, determine what persons must provide the data and information and fix the rules relating to their transmission, preservation and use;

(3) establish the consent forms that must be used where a registry is established under section 49;

(4) fix the terms and conditions for the updating of data and information collected under Chapter V;

(5) determine the non-personal information to be transmitted to the Minister by public health directors in respect of the reports, notices or opinions received by the directors under Chapter VII, VIII, IX or XI, the time limits within which and the form in which it must be transmitted;

(6) determine to which public health director a medical biology laboratory or laboratory medicine department director providing services to more than one region must address reports, and establish the cases or circumstances in which any report, notice or opinion received by a public health director must be

transmitted to the director of another region, and the responsibilities of each person in those cases or circumstances;

(7) establish standards concerning the disinfection or decontamination of persons, premises or things having been in contact with certain biological, chemical or physical agents, to avoid contagion or contamination;

(8) establish forms, and determine the means of communication to be used or security standards to be complied with whenever information is transmitted under this Act;

(9) establish any other measure the Minister considers necessary for the administration of this Act.

2001, c. 60, s. 136; 2006, c. 22, s. 177; 2017, c. 21, s. 93.

137. The Government shall, by regulation,

(1) determine the conditions that must be met by a person claiming compensation under Division III of Chapter VII and establish the list of vaccines for which compensation may be paid;

(2) establish a list of criteria the Minister must comply with in drawing up, by regulation, a list of intoxications, infections or diseases under section 79, 83 or 89;

(3) *(paragraph repealed)*.

2001, c. 60, s. 137; 2009, c. 45, s. 19.

CHAPTER XIV

PENAL PROVISIONS

138. The following persons are guilty of an offence and are liable to a fine of \$600 to \$1,200:

(1) any health professional who fails to make a report required under section 69;

(2) any physician or chief executive officer of a public or private medical biology laboratory or laboratory medicine department who fails to make a report required under section 82;

(3) any physician who fails to give a notice required under section 86;

(4) any health professional who fails to give a notice required under section 90.

2001, c. 60, s. 138; 2012, c. 23, s. 158; 2017, c. 21, s. 94.

139. Any person who, within the scope of application of Chapter XI, impedes or hinders the Minister, the national public health director, a public health director or a person authorized to act on their behalf, refuses to obey an order they are entitled to give, refuses to give access to or communicate the information or documents they are entitled to require, or conceals or destroys documents or other things relevant to the exercise of their functions is guilty of an offence and is liable to a fine of \$1,000 to \$6,000.

2001, c. 60, s. 139.

140. Any person who reports or provides false, incomplete or misleading information or a document that is incomplete or contains false or misleading information in order to deceive the Minister, the national public health director, a public health director or a person authorized to act on their behalf is guilty of an offence and is liable to a fine of \$1,000 to \$6,000.

Penal proceedings for an offence under the first paragraph are prescribed one year after the prosecutor is apprised of the commission of the offence. However, proceedings may not be instituted more than five years after the commission of the offence.

2001, c. 60, s. 140.

141. Any person who assists or who incites, advises, encourages, allows, authorizes or orders another person to commit an offence under this Act is guilty of an offence.

A person convicted of an offence under this section is liable to the same penalty as that provided for the offence the person assisted or incited another person to commit.

2001, c. 60, s. 141.

142. In the case of a second or subsequent offence, the minimum and maximum fines prescribed in this Act are doubled.

2001, c. 60, s. 142.

CHAPTER XV

AMENDING, TRANSITIONAL AND FINAL PROVISIONS

DIVISION I

AMENDING PROVISIONS

143. *(Amendment integrated into c. A-23.001, s. 31).*

2001, c. 60, s. 143.

144. *(Amendment integrated into c. A-29, s. 67).*

2001, c. 60, s. 144.

145. *(Amendment integrated into c. C-19, s. 413).*

2001, c. 60, s. 145.

146. *(Amendment integrated into c. I-13.1.1, s. 4).*

2001, c. 60, s. 146.

147. *(Amendment integrated into c. J-3, schedule I).*

2001, c. 60, s. 147.

148. *(Amendment integrated into c. M-19.2, s. 5.1).*

2001, c. 60, s. 148.

149. *(Amendment integrated into c. L-0.2, title of the Act).*

2001, c. 60, s. 149.

150. *(Amendment integrated into c. L-0.2, s. 1).*

2001, c. 60, s. 150.

151. *(Amendment integrated into c. L-0.2, s. 2).*

2001, c. 60, s. 151.

152. *(Omitted).*

2001, c. 60, s. 152.

153. *(Amendment integrated into c. L-0.2, heading of Division VIII).*

2001, c. 60, s. 153.

154. *(Omitted).*

2001, c. 60, s. 154.

155. *(Amendment integrated into c. L-0.2, s. 51).*

2001, c. 60, s. 155.

156. *(Amendment integrated into c. L-0.2, s. 62).*

2001, c. 60, s. 156.

157. *(Amendment integrated into c. L-0.2, s. 66).*

2001, c. 60, s. 157.

158. *(Amendment integrated into c. L-0.2, s. 69).*

2001, c. 60, s. 158.

159. *(Omitted).*

2001, c. 60, s. 159.

160. *(Amendment integrated into c. P-42, s. 11.12).*

2001, c. 60, s. 160.

161. *(Amendment integrated into c. S-4.2, s. 19).*

2001, c. 60, s. 161.

162. *(Amendment integrated into c. S-4.2, s. 80).*

2001, c. 60, s. 162.

163. *(Amendment integrated into c. S-4.2, s. 371).*

2001, c. 60, s. 163.

164. *(Amendment integrated into c. S-4.2, s. 431).*

2001, c. 60, s. 164.

165. *(Omitted).*

2001, c. 60, s. 165.

166. From 20 December 2001, any reference to the Public Health Protection Act (chapter P-35) in any provision of an Act which has not been expressly amended by the provisions of this division shall be read as a reference to the Act respecting medical laboratories, organ, tissue, gamete and embryo conservation and the disposal of human bodies (chapter L-0.2), except in the case of section 17 of chapter 57 of the statutes of 1992.

2001, c. 60, s. 166; 2002, c. 69, s. 161.

167. In the French text of any Act or regulation, “directeur de la santé publique” is replaced by “directeur de santé publique”, and “direction de la santé publique” is replaced by “direction de santé publique”.

2001, c. 60, s. 167.

DIVISION II

TRANSITIONAL PROVISIONS

168. The systems of ongoing surveillance of the health status of the population already established by the Minister, public health departments or the Institut national de santé publique du Québec on 19 April 2002 shall be maintained as they now exist, even where they do not comply with one or several provisions of the new Act, but any modification that may be made to those systems must be made in conformity with the provisions of this Act.

2001, c. 60, s. 168.

169. The current form and procedures relating to the systems for gathering and analyzing data established under subparagraphs *d* and *e* of the first paragraph of section 2 of the Public Health Protection Act (chapter P-35) are maintained until they are modified, replaced or eliminated by a regulation of the Minister made under the provisions of this Act, except as regards data concerning marriages, divorces and annulments of marriage in respect of which transmission to the Minister shall cease upon the coming into force of sections 44 and 151.

2001, c. 60, s. 169.

170. Until the Minister makes a regulation under section 57 of this Act, the optimum concentration of fluoride in fluoridated drinking water is fixed at 1.2 milligrams per litre of water.

2001, c. 60, s. 170.

171. All the provisions of the Regulation respecting the application of the Public Health Protection Act (R.R.Q., 1981, chapter P-35, r.1) that concern matters to which this Act applies remain in force until replaced or repealed by a regulation made under this Act, but with the following exceptions:

(1) sections 16 and 17 of the regulation and the Return of Marriage form provided in Schedule 2 to the regulation are repealed;

(2) sexually transmitted diseases which, according to the existing regulation, must be declared on one of the forms reproduced in Schedules 12 and 13 of the regulation shall continue to be so declared until those forms are specifically repealed or replaced by a new regulation made by the Minister;

(3) venereal diseases, even if they must continue to be reported, are no longer subject to compulsory treatment.

2001, c. 60, s. 171.

172. Until the provisions of paragraphs 3 and 4 of section 371 of the Act respecting health services and social services (chapter S-4.2), enacted by section 163, come into force, each regional board shall manage the public health program determined by the Minister and, for that purpose, establish priorities, organize services

and allocate resources. The regional board may also, within the scope of its regional service organization plans and in conformity with the orientations of the Minister, entrust activities relating to the public health program to the institutions it determines.

2001, c. 60, s. 172.

173. The motions introduced under sections 13 and following of the Public Health Protection Act (chapter P-35) up to the date of coming into force of the corresponding provisions of this Act shall be continued pursuant to the latter provisions.

The same applies to proceedings pending before the Administrative Tribunal of Québec under section 16.7 of the Public Health Protection Act.

2001, c. 60, s. 173.

174. The information listed in section 64 on any vaccination received by a person before 15 April 2013 is released to the operations manager of the vaccination registry for registration, under the conditions and in the manner prescribed by the Minister, if available and if

(1) held by an institution, a public health director, the Institut national de santé publique du Québec or the Minister; or

(2) brought to the attention of a health professional and validated by the latter or by another health professional.

2001, c. 60, s. 174; 2012, c. 23, s. 159.

175. In any regulation not specifically amended by this Act or in any directive or other document, a reference to the Public Health Protection Act (chapter P-35) shall be construed as a reference to the provisions of this Act if the context relates to a matter to which this Act applies, with the necessary modifications.

2001, c. 60, s. 175.

DIVISION III

FINAL PROVISIONS

176. The Minister of Health and Social Services is responsible for the administration of this Act.

2001, c. 60, s. 176.

177. *(Omitted).*

2001, c. 60, s. 177.

REPEAL SCHEDULES

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 60 of the statutes of 2001, in force on 1 April 2002, is repealed, except sections 165 and 177, effective from the coming into force of chapter S-2.2 of the Revised Statutes.

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 1 to 60, 69 to 95, 97, 136 to 138, 143 to 148, 150 to 164 and 167 to 176 of chapter 60 of the statutes of 2001, in force on 1 April 2003, are repealed effective from the coming into force of the updating to 1 April 2003 of chapter S-2.2 of the Revised Statutes.