

1991, chapter 61

AN ACT TO AMEND THE ANIMAL HEALTH PROTECTION ACT

Bill 184

Introduced by Mr Yvon Picotte, Minister of Agriculture, Fisheries and Food

Introduced 13 November 1991

Passage in principle 21 November 1991

Passage 11 December 1991

Assented to 12 December 1991

Coming into force: 12 December 1991

Act amended:

Animal Health Protection Act (R.S.Q., chapter P-42)



CHAPTER 61

An Act to amend the Animal Health Protection Act

[Assented to 12 December 1991]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. P-42,
Div. I,
heading,
am.

1. The Animal Health Protection Act (R.S.Q., chapter P-42) is amended by replacing the heading of Division I by the following heading:

“ANIMAL HEALTH”.

c. P-42,
s. 2, am.

2. Section 2 of the said Act is amended

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

“animal”

“(1) “animal” means any domestic animal or animal kept in captivity and its fertilized eggs and ova, except an animal kept in a zoological garden;”;

(2) by replacing the words “one animal to another” in the second line of paragraph 2 by the words “an animal to another animal or to a human”.

c. P-42,
s. 3, am.

3. Section 3 of the said Act is amended by striking out paragraphs 1.1, 2, 4 to 6 and 8 to 11.

c. P-42,
s. 3.1,
replaced

4. Section 3.1 of the said Act is replaced by the following sections:

Report

“3.1 The owner or custodian of an animal shall report to a veterinary surgeon any fact indicating the existence of a contagious or parasitic disease in the animal.

Report

The veterinary surgeon shall, without delay, report to a veterinary surgeon designated by the Minister for the purpose of the

carrying out of this division all cases of a contagious or parasitic disease.

Power of
designated
veterinarian

“3.2 Where a designated veterinary surgeon observes or suspects the existence of a contagious or parasitic disease, he may prescribe, by order, any treatment or sanitary measure he considers appropriate, including the segregation, marking and immunization of the animal.

Order

The order shall be delivered personally to the owner or custodian of the animal and shall specify, in particular, the obligations of the owner or custodian and the manner in which these obligations must be fulfilled.

Failure to
comply

“3.3 Upon failure by the owner or custodian of an animal to comply with the order of a designated veterinary surgeon, the latter may personally carry out the order at the expense of the owner or custodian. The costs shall bear interest at the rate determined under section 28 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31).

Propagation
of disease

“3.4 A designated veterinary surgeon who believes, on reasonable grounds, that there is a high risk of propagation of the disease may order that the owner or custodian slaughter the infected animal and dispose of the carcass according to the instructions he specifies. The designated veterinary surgeon shall give notice to this effect by means of minutes delivered personally to the owner or custodian.

Slaughter
and disposal
of animals

The slaughter and disposal of the animal shall be carried out under the supervision of a designated veterinary surgeon, an inspector authorized by the Minister under this Act or a veterinary surgeon conducting a sanitary inspection in a slaughterhouse.

Failure to
comply

Upon failure by the owner or custodian of an animal to comply with a slaughter and disposal order under the first paragraph, the animal shall be confiscated by the designated veterinary surgeon, slaughtered and its carcass disposed of at the expense of the owner or custodian. The costs shall bear interest at the rate determined under section 28 of the Act respecting the Ministère du Revenu.”

c. P-42,
s. 4,
repealed

5. Section 4 of the said Act is repealed.

c. P-42,
s. 6,
replaced

6. Section 6 of the said Act is replaced by the following section:

Financial
aid program

“6. The Minister may develop a financial aid program for the benefit of any owner who has complied with an order issued by a designated veterinary surgeon.

Claim for
damage

However, the carrying out of any measure prescribed by a designated veterinary surgeon or by the Minister shall not give rise to any claim in respect of any damage which may result therefrom, except in cases of bad faith."

c. P-42,
s. 8,
replaced
Prohibition

7. Section 8 of the said Act is replaced by the following section :

"8. It is forbidden for the owner or custodian of an animal affected with a contagious or parasitic disease to keep the animal for sale purposes, offer it for sale or deposit, or sell, exchange, donate, transport the animal or cause it to be transported.

Certificate

Such prohibition ceases when a designated veterinary surgeon is of the opinion that the risk of propagation of the disease has reached an acceptably low level. In such a case, he shall deliver a written certificate to the owner or custodian of the animal."

c. P-42,
s. 10, am.

8. Section 10 of the said Act is amended by striking out the third paragraph.

c. P-42,
ss. 11.1 and
11.2, added

9. The said Act is amended by inserting, after section 11, the following sections :

Health risk

"11.1 Where, within a sector determined by the Minister, the presence of a chemical, physical or biological agent may constitute a health risk for animals or for persons who come in contact with them or consume them or their products, the Minister may, in an emergency or in the public interest, order the owners or custodians of animals to segregate, treat, mark or immunize the animals or to slaughter them and dispose of their carcasses within the time and according to the conditions he specifies.

Health risk

The Minister may also order measures to be taken to reduce the health risk for the animals or for persons who come in contact with them or consume them or their products. He may also prohibit keeping the animals for sale purposes, offering them for sale or deposit, or selling, exchanging, donating or transporting them.

Order

The order shall contain a statement of the Minister's reasons and refer to any minutes, analysis, study or other technical report that he has taken into consideration.

Certified
copy

A certified copy of the order shall be served upon each owner or custodian of animals. The order takes effect on the date of its service.

Failure to
comply

"11.2 Upon failure by an owner or custodian of animals to comply with an order of the Minister, a designated veterinary surgeon

may personally carry out the order or cause it to be carried out at the expense of the owner or custodian.

Slaughter and disposal order Where the order contains a slaughter and disposal order with which the owner or custodian does not comply, the designated veterinary surgeon may confiscate the animals so that they may be slaughtered and their carcasses disposed of at the expense of the owner or custodian.

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

c. P-42, s. 28, am. **10.** Section 28 of the said Act is amended by striking out subparagraph 11 of the first paragraph.

c. P-42, s. 45, am. **11.** Section 45 of the said Act is amended by striking out subparagraph *m* of the first paragraph.

c. P-42, s. 55.1, am. **12.** Section 55.1 of the said Act is amended by inserting, before the definition of the words "medicinal premix", the following definition:

"premix" "“premix” means a combination which may include minerals, vitamins, amino acids, trace elements or other substances and which, mixed with various foodstuffs, is used in the preparation of food for animals;”.

c. P-42, s. 55.2, replaced **13.** Section 55.2 of the said Act is replaced by the following section:

Permit required **“55.2** Every person who

(1) keeps for sale purposes, offers for sale, sells or supplies a medicinal premix or a medicinal food,

(2) prepares medicinal food for his own animals or animals in his custody,

(3) prepares medicinal food or a medicinal premix for his own animals or animals in his custody, or

(4) keeps for sale purposes, offers for sale, sells, supplies or prepares a medicinal premix or a medicinal food,

must hold a permit issued for such purpose by the Minister.

Restriction The holder of a permit issued for one of the activities referred to in subparagraph 1 or 4 may sell, offer for sale or supply a medicinal premix only to another holder of a permit issued under this section.

Applicability This section does not apply to a person authorized to prepare, sell or supply medication under the Pharmacy Act (R.S.Q., chapter P-10) or the Veterinary Surgeons Act (R.S.Q., chapter M-8)."

c. P-42,
s. 55.3,
replaced **14.** Section 55.3 of the said Act is replaced by the following section:

Medicinal food for animals **"55.3** Any person may prepare a medicinal food for his own animals or animals in his custody without holding a permit if he prepares no more than one kilogram or one litre of the medicinal food or if the medicinal food is prepared for animals which are not and whose products are not intended for human consumption, unless the animals are bred for their fur."

c. P-42,
s. 55.5, am. **15.** Section 55.5 of the said Act is amended by replacing the words "referred to in" in the first line by the words "issued for the carrying on of an activity referred to in the first paragraph of".

c. P-42,
s. 55.5.1,
added **16.** The said Act is amended by inserting, after section 55.5, the following section:

Medicinal residues **"55.5.1** Food intended for the feeding of animals and premises that are prepared, offered for sale, kept for sale purposes, sold or supplied by the holder of a permit issued for the carrying on of an activity referred to in the first paragraph of section 55.2 must be free of medicinal residues."

c. P-42,
s. 55.7, am. **17.** Section 55.7 of the said Act is amended

(1) by replacing the word "person" in the first line by the words "owner or custodian of an animal";

(2) by replacing the words " , to his knowledge, has been administered such a product" in the fifth and sixth lines by the words "is the carrier of a medication or the metabolite of a medication".

c. P-42,
s. 55.8, am. **18.** Section 55.8 of the said Act is amended

(1) by adding the words "or to be used in the places where they are kept" at the end of the first paragraph;

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

Content

“Every program shall indicate the veterinary diagnosis or the reasons for the development of the program; the diagnosis must be confirmed by the veterinary surgeon in attendance upon application of the program. Every program shall also specify the nature of the medications, the category of animals concerned, the persons authorized to sell or administer the medications and whether or not the prescription of a veterinary surgeon is required.”

c. P-42,
s. 55.9, am.

19. Section 55.9 of the said Act is amended

(1) by inserting, after subparagraph 2 of the first paragraph, the following subparagraph:

“(2.1) determine classes of permits among the permits that the Minister may issue under the first paragraph of section 55.2 and the rights, conditions and restrictions relating to each class;”;

(2) by replacing the words “and registers to be kept” in the first line of subparagraph 3 of the first paragraph by the words “, registers and other documents to be maintained and kept”;

(3) by inserting, after subparagraph 4 of the first paragraph, the following subparagraph:

“(4.1) prescribe standards respecting the composition, quality and medication or substance content of medicinal premixes or medicinal food. With regard to medication content, the standards may vary according to the type of medication used and the medication content prescribed in the veterinary prescription or, in the absence of a prescription, in another document designated in the regulation; with regard to substance content, the standards may vary according to the weight of the medicinal premix or medicinal food;”;

(4) by striking out subparagraph 9 of the first paragraph.

c. P-42,
s. 55.10,
am.

20. Section 55.10 of the said Act is amended by replacing what precedes paragraph 1 by the following:

Inspection

“55.10 Every veterinary surgeon designated by the Minister for the purpose of the carrying out of Division I or person authorized by the Minister to act as an inspector or analyst under this Act, who believes, on reasonable grounds, that there is an animal, a product or equipment to which this Act applies in a vehicle or in premises where an animal is kept or sold or in premises where the activities referred to in section 12, 24 or 55.2 are carried on may, in the performance of his duties,”.

c. P-42,
s. 55.11,
am.

21. Section 55.11 of the said Act is amended

(1) by replacing the word “an” in the third line of the first paragraph by the words “a veterinary surgeon,”;

(2) by replacing the word “An” in the first line of the second paragraph by the words “A veterinary surgeon,”.

c. P-42,
s. 55.12,
am.

22. Section 55.12 of the said Act is amended by replacing the word “an” in the first line by the words “a veterinary surgeon,”.

c. P-42,
s. 55.13,
replaced

23. Section 55.13 of the said Act is replaced by the following section:

Immunity

“55.13 In no case may the Minister, a veterinary surgeon, an inspector or an analyst be prosecuted for acts done in good faith in the performance of his duties.”

c. P-42,
s. 55.14,
replaced

24. Section 55.14 of the said Act, amended by section 718 of chapter 4 of the statutes of 1990, is replaced by the following section:

Seizure

“55.14 A veterinary surgeon, an inspector or an analyst may, in the performance of his duties, seize any animal, product or equipment to which this Act applies if he believes, on reasonable grounds, that an offence against this Act or the regulations has been committed in relation to or by means of such animal, product or equipment or where the owner or custodian of an animal has failed to comply with an order.”

c. P-42,
s. 55.15,
replaced

25. Section 55.15 of the said Act is replaced by the following section:

Terms and
conditions

“55.15 The Government may, by regulation, prescribe the terms and conditions of inspection, sample and specimen taking and analysis, seizure and confiscation and establish a model for any certificate, report or minutes drawn up by a veterinary surgeon, an inspector or an analyst.”

c. P-42,
ss. 55.16
and 55.17,
repealed

26. Sections 55.16 and 55.17 of the said Act are repealed.

27. Section 55.18 of the said Act is amended

c. P-42,
s. 55.18,
am.

(1) by inserting the word “, custodian” after the word “owner” in the first line of the first paragraph;

(2) by inserting the words “veterinary surgeon, analyst or” after the word “The” in the second line of the first paragraph.

c. P-42,
s. 55.19,
replaced

28. Section 55.19 of the said Act is replaced by the following section:

Prohibition

“55.19 No person may use or remove what has been seized or allow it to be used or removed without the authorization of the veterinary surgeon, inspector or analyst.”

c. P-42,
s. 55.20,
am.

29. Section 55.20 of the said Act is amended

(1) by inserting the word “, custodian” after the word “owner” in the second line of the first paragraph;

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

“(2) if the veterinary surgeon, inspector or analyst is satisfied, after verification within that time, that no offence against this Act, the regulations or an order has been committed or that the owner, custodian or possessor of what has been seized has since complied with the provisions of this Act, the regulations or an order.”

c. P-42,
s. 55.21,
am.

30. Section 55.21 of the said Act is amended by inserting the word “, custodian” after the word “owner” in the first line of the first paragraph.

c. P-42,
s. 55.22,
am.

31. Section 55.22 of the said Act is amended by inserting the word “, custodian” after the word “owner” in the first line.

c. P-42,
s. 55.43,
am.

32. Section 55.43 of the said Act, amended by section 720 of chapter 4 of the statutes of 1990 and by section 110 of chapter 33 of the statutes of 1991, is again amended by replacing the first three lines of the first paragraph by the following:

Offences
and
penalties

“55.43 Every person who contravenes section 3.1, 8, 9, 10, 55.2, 55.4, 55.5, 55.5.1, 55.6, 55.7, 55.11, 55.12, 55.18, 55.19 or any regulation made under paragraph 3 of section 3 or subparagraph 11 of the first paragraph of section 55.9 or any provision of an”.

c. P-42,
s. 55.50,
am.

33. Section 55.50 of the said Act, amended by section 722 of chapter 4 of the statutes of 1990, is again amended by replacing the word “an” in the fourth line by the words “a veterinary surgeon,”.

c. P-42,
s. 55.51,
added

34. The said Act is amended by adding, after section 55.50, the following section:

Presumption

“55.51 In the absence of any evidence to the contrary, a person who keeps a medicinal premix or a medicinal food in a quantity that

exceeds the needs of his animals or those in his custody, is presumed to intend such product for sale or supply.”

Coming into
force

35. This Act comes into force on 12 December 1991.