

1990, chapter 80

AN ACT TO AMEND THE AGRICULTURAL PRODUCTS, MARINE PRODUCTS AND FOOD ACT

Bill 104

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

Introduced 15 November 1990

Passage in principle 10 December 1990

Passage 19 December 1990

Assented to 20 December 1990

Coming into force: 20 December 1990, except for the provisions of section 5 which will come into force on any later date or dates to be fixed by the Government

Act amended:

Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29)



CHAPTER 80

An Act to amend the Agricultural Products, Marine Products and Food Act

[Assented to 20 December 1990]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. P-29,
s. 1, am. **1.** Section 1 of the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) is amended by replacing the words “vegetable or animal origin” in paragraph *a* by the words “animal or vegetable origin, including unharvested foodstuffs”.

c. P-29,
s. 3, am. **2.** Section 3 of the said Act is amended by replacing the words “transport, cause to be transported or accept for any destination in Québec, a product which is unwholesome, comes from an unwholesome source or does not comply with” in the third, fourth and fifth lines by the words “give for promotional purposes, transport, cause to be transported or accept for transportation any product intended for human consumption that is unfit for human consumption or that is deteriorated so that it is unfit for human consumption, or that does not meet the”.

c. P-29,
s. 3.1,
added **3.** The said Act is amended by inserting, after section 3, the following section:

Cleanliness **“3.1** Every person operating premises or a vehicle where products are prepared, conditioned, processed, packaged, stored, unloaded, given for promotional purposes, offered for sale or sold, or where products are stored to be sold, used to furnish services for remuneration or given for promotional purposes, and every operator of premises where animals are slaughtered, shall maintain the premises and equipment clean.

Preventive
measures The operator shall avoid any plant layout or design, any preparation, conditioning or processing procedure or any use of

equipment that is likely to affect the wholesomeness of the products or the cleanliness of the premises.”

c. P-29,
s. 7, am.

4. Section 7 of the said Act is amended by replacing the words “of an establishment contemplated in paragraph *a, b, e* or *f*” in the second and third lines by the words “or user of an establishment, vehicle or premises or by any other person carrying on an activity contemplated in subparagraphs *a, b, e, f, k, l, l.1* or *m* to *p*”.

c. P-29,
s. 9, am.

5. Section 9 of the said Act, amended by section 3 of chapter 53 of the statutes of 1983, is again amended

(1) by replacing subparagraph *b* of the first paragraph by the following subparagraph:

“(b) operate an establishment where meat or meat products intended for human consumption are prepared or stored for commercial distribution;”;

(2) by inserting, after subparagraph *j* of the first paragraph, the following subparagraphs:

“(k) operate an establishment where agricultural products of vegetable origin intended for human consumption are prepared or stored for commercial distribution;

“(l) operate an establishment where food intended for human consumption is prepared or stored for commercial distribution, where such food differs from the types of food described in subparagraph *b, e, f* or *k*, or in the case of several types of food, or where such food is a mixture of several types of food;

“(l.1) engage in the commercial distribution of food intended for human consumption, unless he is the holder of a permit required under subparagraph *a, b, e, f, k* or *l*;

“(m) operate premises or a vehicle where food intended for human consumption is prepared to be sold at retail or used to furnish services for remuneration;

“(n) operate premises or a vehicle where an activity forming part of a restaurateur’s business is carried on;

“(o) use premises where food intended for human consumption is prepared or stored to be given for promotional purposes;

“(p) salvage, for commercial purposes, deteriorated food and containers of food intended for human consumption.”;

(3) by striking out the last paragraph.

c. P-29,
s. 10, am.

6. Section 10 of the said Act is amended by replacing the words “condition he deems expedient and the permit must indicate the conditions so imposed” in the fourth and fifth lines of the third paragraph by the words “necessary condition or restriction he determines and indicate it on the permit”.

c. P-29,
s. 13,
replaced
Posting
of permit

7. Section 13 of the said Act is replaced by the following section:

“13. The permit holder shall post his permit in the establishment or vehicle or on the premises at a place where it can easily be seen by the public.”

c. P-29,
s. 15, am.

8. Section 15 of the said Act is amended

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

“(a) who has been convicted of an offence against this Act or the regulations;”;

(2) by inserting, after paragraph *b*, the following paragraph:

“(b.1) who fails to comply with a condition or restriction indicated on his permit;”.

c. P-29,
s. 33, am.

9. Section 33 of the said Act is amended

(1) by inserting the words “given for philanthropic or promotional purposes,” after the word “unloaded,” in the fourth line of that part which precedes paragraph 1;

(2) by inserting the words “or to be given for philanthropic or promotional purposes” after the word “remuneration” in the fifth line of that part which precedes paragraph 1;

(3) by inserting the words “or on premises where animals are slaughtered” after the word “used” in the sixth line of that part which precedes paragraph 1.

c. P-29,
s. 33.1, am.

10. Section 33.1 of the said Act is amended by adding, at the end, the following words: “or that the product is unfit for human consumption or is deteriorated so that it is unfit for human consumption”.

c. P-29,
s. 33.10,
am.

11. Section 33.10 of the said Act is amended by replacing the figure “15” in the third line of the first paragraph by the figure “30”.

c. P-29,
s. 33.11,
added

12. The said Act is amended by inserting, after section 33.10, the following section:

Recall
order

“33.11 Where the Minister considers it necessary and urgent for the protection of the public in circumstances where the innocuousness of a product appears to be uncertain, he may, by written notice served personally or on any person responsible for an establishment, on any person who engages in the preparation, production, conditioning, packaging, supplying or distribution of the product, order him to recall the product to his establishment and to treat it or dispose of it within the time limit and in accordance with the conditions determined by the Minister.

Effect

The order takes effect on the date it is served.”

c. P-29,
s. 40, am.

13. Section 40 of the said Act is amended

(1) by replacing the words “or keeping of a product for sale” in the second line of paragraph *a* by the words “, transportation or stamping of a product or the storing of a product with intent to sell it or to give it for promotional purposes;”;

(2) by replacing the words “and equipment of establishments or vehicles where the operations contemplated in paragraph *a* are carried out” in the second and third lines of paragraph *a.1* by the words “, equipment, location and maintenance of slaughter-houses or establishments, premises or vehicles where operations referred to in paragraph *a* or operations relating to meat unfit for human consumption are carried out”;

(3) by inserting, after paragraph *a.1*, the following paragraph:

“(a.2) determine the equipment and facilities to be used, the procedures to be followed and the standards to be maintained to ensure humane treatment and slaughter of animals in slaughter-houses;”;

(4) by inserting the words “the sale, storing, transportation, salvaging, distribution, colouring, packaging, labelling, use or disposal of meat unfit for human consumption,” after the word “regulate” in the first line of paragraph *c*;

(5) by inserting, after paragraph *c.2*, the following paragraphs:

“(c.3) prescribe sanitary inspection of animals in a slaughter-house, before and after they are slaughtered, and of carcasses or parts of such animals, allow any authorized person to prohibit or authorize, on conditions he determines, the slaughtering

of animals unfit or suspected, on reasonable grounds, of being unfit for human consumption, authorize the person to seize or confiscate the animals or the carcasses or parts of such animals which are unfit or suspected, on reasonable grounds, of being unfit for human consumption, and regulate the disposal or destination of the animals or of the carcasses or parts of such animals;

“(c.4) prohibit or regulate the carrying out of operations relating to the salvaging of deteriorated food and containers of food;

“(c.5) where the Minister considers it necessary and urgent for the protection of the public in any region he determines, allow an authorized person to enter, at any reasonable time, premises or a vehicle where livestock can be found whose meat or products are intended for human consumption, to inspect the animals and take free samples, to seize or confiscate the animals and products which are unfit or suspected, on reasonable grounds, of being unfit for human consumption, and to prescribe rules governing the seizure, destination or disposal of the animals or products;”;

(6) by replacing the words “preparation, preservation and handling of a product” in the second and third lines of paragraph *d* by the words “operation of establishments, premises or vehicles where slaughtering procedures or operations referred to in paragraph *a* are carried out, and prescribe any appropriate measure to ensure the disposal of waste, regulate waste containers and prevent or avoid the contamination of products”;

(7) by replacing the words “contemplated in subparagraph *a*, *b*, *e* or *f*” in the first and second lines of paragraph *e.2* by the words “, vehicle or premises or any other person carrying on an activity contemplated in subparagraph *a*, *b*, *e*, *f*, *k*, *l*, *m*, *n* or *p*”;

(8) by inserting, after paragraph *e.2*, the following paragraphs:

“(e.3) determine, for the purposes of this Act or the regulations, methods which must be used in analyzing the products;

“(e.4) impose standards of personal hygiene to be maintained by any person handling food on premises or in a vehicle referred to in section 33, require that person to undergo such examinations as are necessary to establish that he is not a carrier of germs of diseases that may be communicated by food and, on conditions it determines, prescribe that the person operating the premises or vehicle be the holder of a medical certificate attesting that he is not a carrier of germs of diseases that may be communicated by food;

“(e.5) prohibit a person carrying germs of diseases that may be communicated by food from handling food on premises or in a vehicle referred to in section 33;

“(e.6) require from a person referred to in paragraph e.4 appropriate training in matters of hygiene and cleanliness and that he pass such examinations as are necessary for that purpose;”;

(9) by inserting the words “and retain” after the word “keep” in the fourth line of paragraph *f*;

(10) by adding, at the end of paragraph *j*, the following words: “and the inscriptions which must appear on means of transportation used for transporting products or meat unfit for human consumption”;

(11) by inserting, after paragraph *k*, the following paragraph:

“(k.1) prescribe fees for analysis or classification and, where applicable, determine by which persons, for which product, in which cases and on what terms and conditions the fees are payable;”;

(12) by inserting the words “, “distribution”, “salvaging”, “deterioration”” after the word “preparation” in the third line of paragraph *l*;

(13) by adding, at the end, the following paragraph:

“(n) exempt any person, product, animal, establishment or activity it determines, or a class thereof, from the application of this Act or the regulations, or any provision thereof, on such conditions as it may determine.”

c. P-29,
s. 43, am.

14. Section 43 of the said Act, amended by section 670 of chapter 4 of the statutes of 1990, is again amended by inserting the figure “33.2,” after the word “sections” in the first line.

c. P-29,
s. 44, am.

15. Section 44 of the said Act, amended by section 671 of chapter 4 of the statutes of 1990, is again amended

(1) by replacing the words “section 5 or 9” in the first line of the first paragraph by the words “section 3 in respect of a product unfit for human consumption or deteriorated so that it is unfit for human consumption, any provision of section 5 or 9, an order made under section 33.10 or 33.11”;

(2) by inserting the words “on the stamping of a production lot number on packagings,” after the word “products,” in the third line of the first paragraph.

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c. P-29,
s. 44.1,
added

16. The said Act is amended by inserting, after section 44, the following section:

Offence
and
penalty

“44.1 Every operator who contravenes section 3.1 is liable to a fine of \$1 000 to \$3 000 in the case of an individual and of \$3 000 to \$9 000 in the case of a corporation.

Subsequent
offence
and
penalty

In the event of a subsequent offence, the operator is liable to a fine of \$2 000 to \$6 000 in the case of an individual and of \$6 000 to \$18 000 in the case of a corporation.”

c. P-29,
s. 46, am.

17. Section 46 of the said Act is amended

(1) by replacing the words “section 5 or 9” in the first and second lines by the words “section 3 in respect of a product unfit for human consumption or deteriorated so that it is unfit for human consumption, section 5 or 9, an order made under section 33.10 or 33.11”;

(2) by inserting the words “or restrictions” after the word “conditions” in the third line.

c. P-29,
s. 47, am.

18. Section 47 of the said Act, amended by section 673 of chapter 4 of the statutes of 1990, is again amended by replacing the words “the conditions” in the third line of the first paragraph by the words “, the conditions or restrictions”.

c. P-29,
s. 54, am.

19. Section 54 of the said Act is amended

(1) by replacing the words “it for sale or for the furnishing of” in the third and fourth lines by the words “to sell the product, give it for promotional purposes or use it to furnish”;

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

Presumption

“In the absence of any evidence to the contrary, agricultural products found in an agricultural operation in a quantity that exceeds the needs of the operator’s own consumption are presumed to be kept by the operator with intent to sell, give for promotional purposes or use to furnish services for remuneration.”

c. P-29,
s. 56.1, am.

20. Section 56.1 of the said Act, amended by section 679 of chapter 4 of the statutes of 1990, is again amended by replacing the words “product, makes” in the third line of paragraph *b* by the words “product or who has carried out any inspection in an establishment, vehicle or premises, make”.

Coming into
force

21. This Act comes into force on 20 December 1990, except for the provisions of section 5 which will come into force on any later date or dates to be fixed by the Government.