



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 120

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

Introduction

Introduced by
Mr Yvon Vallières
Minister for Agriculture, Fisheries and Food

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EXPLANATORY NOTES

This bill amends the Agricultural Products, Marine Products and Food Act in order to provide that, in exercising his power of discretion in the assessment of the public interest before issuing prescribed permits for industrial and commercial activities in the bio-food sector, the Minister of Agriculture, Fisheries and Food may take socio-economic factors into account, in addition to health and hygiene-related factors, in the case of a permit for an establishment where marine products or fresh water products, or food containing such products are prepared or stored.

The bill also allows the Minister to exercise his discretionary power by changing or imposing conditions or restrictions upon renewing a permit or by restricting the period of validity of a permit.

In addition, except with respect to cases that are pending, the bill validates the decisions of the Minister of Agriculture, Fisheries and Food and the Minister for Agriculture, Fisheries and Food based on an assessment of the public interest in terms of socio-economic factors and concerning permits for the preparation or storing of marine products, and it also allows this discretionary power to be exercised with respect to applications for the issue or renewal of permits pending before either of the above Ministers.

Finally, the bill reviews a number of penalty provisions.

Bill 120

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 10 of the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) is amended by adding, at the end, the following paragraph:

“For the application of the third paragraph, in addition to factors related to health and hygiene, the Minister may take into account, in the case of a permit prescribed by subparagraphs *e* and *f* of the first paragraph of section 9, factors of a socio-economic nature, including in particular the sources of supply, the rationalization, stabilization or viability of the industry, technological innovations, regional development, marketing conditions or public investment. This paragraph applies also to any permit prescribed by subparagraph *l* of the first paragraph of section 9 where such permit is required for the preparation or storing of food containing marine products or fresh water products.”

2. Section 11 of the said Act, amended by section 1 of chapter 21 of the statutes of 1993, is again amended

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

“When renewing a permit the Minister may take into account the public interest factors referred to in the fourth paragraph of section 10 and change any condition or restriction imposed at the time the permit was issued or impose any necessary condition or restriction that he determines. He shall indicate such change, condition or restriction on the permit.”;

(2) by inserting the words “taking into account the factors referred to in the fourth paragraph of section 10” after the word “interest” in the second line of the second paragraph.

3. Section 42 of the said Act is amended by replacing paragraphs *a* and *b* by the following: “to a fine of \$250 to \$750 and, for any subsequent contravention, to a fine of \$750 to \$2 250.”

4. Sections 43 to 44.1 and section 45 of the said Act, amended by section 452 of chapter 61 of the statutes of 1992, are replaced by the following sections:

“43. Every person who contravenes a provision of a regulation adopted under paragraph *a*, *a.1* or *d* of section 40, concerning the temperature of products, insects, rodents or their excrements, is liable to a fine of \$250 to \$1 500 and, for any subsequent contravention, to a fine of \$1 500 to \$4 500.

“44. Every person who contravenes section 4, any of subparagraphs *i*, *j*, *l.1* and *m* to *o* of the first paragraph of section 9 or a provision of a regulation adopted under paragraph *h* of section 40 relating to any false, inaccurate or misleading indication or any falsification concerning a product, is liable to a fine of \$500 to \$1 500 and, for any subsequent contravention, to a fine of \$1 500 to \$4 500.

“45. Every person who contravenes the conditions or restrictions indicated on his permit in accordance with section 10 or 11 or with any of sections 33.2, 36 and 37, is liable to a fine of \$1 000 to \$3 000 and, for any subsequent contravention, to a fine of \$3 000 to \$9 000.

“45.1 Every person who contravenes a provision of section 3 with regard to a product unfit for human consumption or deteriorated so that it is unfit for human consumption, either of sections 3.1 and 5, any of subparagraphs *b* to *h*, *k*, *l* and *p* of the first paragraph of section 9, the operating hours fixed in accordance with section 34, a provision of a regulation adopted under paragraph *k* of section 40 and concerning the requirement to record the time of permanent inspection or an order made under section 40.2, is liable to a fine of \$2 000 to \$6 000 and, for any subsequent contravention, to a fine of \$6 000 to \$18 000.

“45.2 Every person who contravenes subparagraph *a* of the first paragraph of section 9, an order made under either of sections 33.10 and 33.11 or a provision of a regulation adopted under section 6 or 7 or under paragraph *a.1*, *c*, *c.1*, *f*, *g* or *j* of section 40, respecting

the stamping or origin of products, the inscription of production lot numbers on packages, meat unfit for human consumption or fishery products unfit for human consumption, is liable to a fine of \$5 000 to \$15 000 and, for any subsequent contravention, to a fine of \$15 000 to \$45 000.”

5. Section 46 of the said Act is amended by replacing the words and figures “in sections 44 and 47” in the twelfth line by the words and figures “for in section 44, 45, 45.1 or 45.2”.

6. Sections 47 to 49 of the said Act are repealed.

7. In the case of permits prescribed by subparagraph *e* of the first paragraph of section 9 of the Agricultural Products, Marine Products and Food Act, permits issued and renewed by the Minister of Agriculture, Fisheries and Food or the Minister for Agriculture, Fisheries and Food before (*insert here the date of assent to this Act*) are validated to the extent that their issue or renewal results from an assessment of the public interest in terms of socio-economic factors made by either Minister under the third paragraph of section 10 of the said Act.

Decisions refusing to issue permits made by either Minister before (*insert here the date of assent to this Act*) concerning a permit referred to in the first paragraph and resulting from an assessment under that paragraph are also validated.

The second paragraph does not apply to a decision refusing to issue a permit that has been quashed by a court or which is pending before a court on (*insert here the date of assent to this Act*).

8. The Agricultural Products, Marine Products and Food Act as amended by this Act applies to all applications for issue or renewal of permits pending before the Minister of Agriculture, Fisheries and Food or the Minister for Agriculture, Fisheries and Food on (*insert here the date of assent to this Act*) and regarding which, as of that date, no decision has been made by the Minister of Agriculture, Fisheries and Food or the Minister for Agriculture, Fisheries and Food.

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