

NATIONAL ASSEMBLY

FIRST SESSION

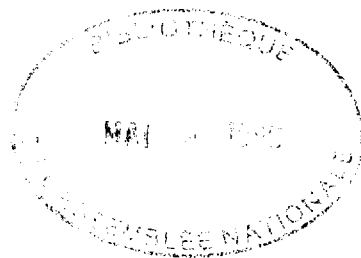
THIRTY-FOURTH LEGISLATURE

Bill 32

An Act to amend the Public Health Protection Act

Introduction

**Introduced by
Mr Marc-Yvan Côté
Minister of Health and Social Services**



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EXPLANATORY NOTES

This bill amends the definition of “laboratory” to include the notion of medical imaging.

Certain provisions concerning the obligation to hold a permit to operate a laboratory are rearranged.

Finally, the bill specifies that, for a certain period, tests or examinations by means of magnetic resonance equipment will not be authorized in a laboratory.

Bill 32

An Act to amend the Public Health Protection Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Public Health Protection Act (R.S.Q., chapter P-35), amended by section 1 of chapter 58 of the statutes of 1989, is again amended

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

“(b) “laboratory” means a place located outside an establishment and equipped for manufacturing or repairing orthoses or prostheses, or for conducting examinations or tests in medical biology or medical imaging for the prevention, diagnosis or treatment of human diseases;”;

(2) by striking out subparagraph *h* of the first paragraph.

2. Section 5 of the said Act is amended by replacing the words “in or outside an establishment or a department of medical biology” in the first and second lines of the third paragraph by the words “or the head of a department or service in charge of medical biology in an establishment”.

3. Section 31 of the said Act, amended by section 6 of chapter 47 of the statutes of 1988, is again amended by replacing the first paragraph by the following paragraphs:

“31. No person may operate an organ and tissue bank unless he is the holder of a permit issued for that purpose by the Minister.

No person may operate a laboratory where an activity governed by the regulations is carried on unless he is the holder of a laboratory permit issued by the Minister."

4. Section 34 of the said Act, amended by section 7 of chapter 47 of the statutes of 1988, is again amended by replacing the second paragraph by the following paragraph:

"A person who applies for a laboratory permit must, in addition, indicate in his application the place where the laboratory is to be located, the activities that will be carried on, the type of examinations or tests that will be conducted and, in the case of a medical imaging laboratory, the type of equipment and the number of units that will be used."

5. Section 35 of the said Act, amended by section 8 of chapter 47 of the statutes of 1988, is again amended by adding the following paragraph:

"A laboratory permit indicates the place where the laboratory is located and the activities the permit holder is authorized to carry on in the laboratory. It may, in addition, indicate the type of tests or examinations the permit holder may conduct, or exclude certain tests or examinations. In the case of a medical imaging laboratory, the permit may, in addition, indicate the type of equipment and the number of units the permit holder is authorized to use, or exclude the utilization of certain kinds of equipment."

6. Section 36 of the said Act, amended by section 9 of chapter 47 of the statutes of 1988, is again amended by replacing the first three paragraphs by the following paragraphs:

"36. The Minister or the regional council, as the case may be, shall issue a permit if the applicant furnishes the information required by this Act, fulfils the conditions and observes the procedure prescribed by regulation and pays the prescribed duties.

A permit may be amended at the request of its holder.

The Minister may, however, refuse to issue or to amend a laboratory permit if he considers that the needs of the region where the activities of a laboratory are to be carried on do not justify the issue or amendment of the permit. In making his decision, the Minister shall take into consideration the resources available in the establishments and laboratories of the region in respect of the activities for which the permit is applied for."

7. Section 37 of the said Act, amended by section 14 of chapter 47 of the statutes of 1988, is replaced by the following section:

“37. Every permit expires on 31 December each year. It is renewed on that date for one year if the permit holder fulfils the conditions prescribed by regulation.”

8. Section 40.1 of the said Act is amended by adding the following paragraph:

“The holder of a permit must notify the Minister of any change rendering the information furnished for the issue or renewal of his permit inaccurate or incomplete.”

9. Section 40.3.2 of the said Act is amended by replacing paragraph *b* by the following paragraph:

“(b) no longer fulfils the conditions required to obtain a permit or no longer complies with the conditions and prohibitions attached to his permit;”.

10. Section 41 of the said Act is amended by adding the words “or for an amendment to a permit” after the word “permit” in the first line.

11. Section 69 of the said Act is amended

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

“(a.1) determine the activities for which a laboratory permit is required;”;

(2) by replacing subparagraph *c* of the first paragraph by the following subparagraph:

“(c) determine, except in the case of an ambulance service, the conditions which must be fulfilled by any person applying for a permit and the fees he must pay;”.

12. No person may perform examinations in medical imaging by means of magnetic resonance equipment for the prevention, diagnosis or treatment of human diseases unless he has obtained a permit for that purpose in accordance with the regulation made under subparagraph *a.1* of the first paragraph of section 69 of the Public Health Protection Act, as replaced by paragraph 1 of section 11 of this Act.

The first paragraph does not apply in respect of examinations performed in an establishment within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-5).

This section has effect from the date of introduction of this Act and the date of coming into force of the regulation referred to in the first paragraph.

13. This Act will come into force on the date or dates to be fixed by the Government.