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# NATIONAL ASSEMBLY

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FIFTH SESSION

THIRTY-SECOND LEGISLATURE

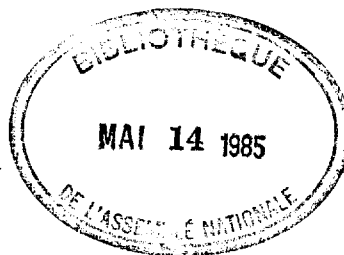
Bill 41

## **An Act to amend various legislation respecting social affairs**

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### **Introduction**

**Introduced by  
Mr Guy Chevrette  
Minister of Social Affairs**



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## EXPLANATORY NOTES

*This bill amends the Health Insurance Act to enable the government to fix the age of beneficiaries by regulation for the purposes of certain optometric services. It also amends the Act respecting the Commission des affaires sociales to bring its provisions into concordance with the amendments made to the Public Health Protection Act, which provide compensation for persons who suffer damage as the result of vaccination, according to the scales established under the Automobile Insurance Act and the regulations thereunder.*

*The bill repeals the Public Exhibitions Act since persons unable to give valid consent are already protected by the Public Health Protection Act.*

*This bill also changes the name of the Ministère des Affaires Sociales to make its name better reflect its true calling.*

*In addition, it amends the Youth Protection Act to specify that the requirement that the director of youth protection refer to the Youth Court also applies where the parents withdraw from an agreement to apply voluntary measures.*

*Further, the Act respecting health services and social services is amended to allow reception centres to be financed from public monies for services furnished to adolescents entrusted to it under the Young Offenders Act and to provide that the parents' financial contribution established under the Act respecting health services and social services also applies in the case of sheltered adolescents.*

*Finally, the bill makes technical amendments to certain of these Acts.*

# Bill 41

## An Act to amend various legislation respecting social affairs

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### HEALTH INSURANCE ACT

**1.** Section 3 of the Health Insurance Act (R.S.Q., chapter A-29) is amended by adding, at the end of paragraph *c* of the first paragraph, the following: “as well as the services required by orthoptics on behalf of every beneficiary whose age is fixed for such purposes by regulation”.

**2.** Section 69 of the said Act is amended by adding, at the end of paragraph *g*, the words: “and fix the age of beneficiaries of services required by orthoptics;”.

### ACT RESPECTING THE COMMISSION DES AFFAIRES SOCIALES

**3.** Section 21 of the Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34) is amended by inserting, after paragraph *j*, the following paragraph:

“(j.1) the appeals respecting indemnities for victims of vaccination brought under section 16.7 of the Public Health Protection Act (R.S.Q., chapter P-35);”.

**4.** Section 28 of the said Act is amended by inserting “*j, j.1,*” after “*h.1*” in the third line of the first paragraph.

### PUBLIC EXHIBITIONS ACT

**5.** The Public Exhibitions Act (R.S.Q., chapter E-21) is repealed.

ACT RESPECTING THE MINISTÈRE  
DES AFFAIRES SOCIALES

**6.** The title of the Act respecting the Ministère des Affaires sociales (R.S.Q., chapter M-23) is replaced by the following:

“ACT RESPECTING THE MINISTÈRE  
DE LA SANTÉ ET DES SERVICES SOCIAUX”.

**7.** Section 1 of the said Act is amended by replacing the words “social affairs” in the second line of the second paragraph, by the words “health and social services”.

**8.** Section 2 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**2.** The functions of the Minister shall be to prepare and propose to the Government policies respecting health and social services.”

**9.** Section 3 of the said Act is amended

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

“(d) promote study and scientific research in the field of health and social services;”;

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

“(f) promote the participation of individuals and groups in devising means to meet their needs in the field of health and social services;”;

(3) by replacing paragraph *i* by the following paragraph:

“(i) establish standards for services, equipment, finance and personnel in the use of government grants in the field of health and social services, and supervise the use of such grants;”;

(4) by replacing paragraph *j* by the following paragraph:

“(j) secure the setting up and maintenance of establishments in the field of health and social services, either by himself or by another;”.

YOUTH PROTECTION ACT

**10.** Section 33.1 of the Youth Protection Act (R.S.Q., chapter P-34.1) is amended by striking out the words “and take over responsibility for the situation of a child” in the second line.

**11.** Section 53.1 of the said Act is amended by replacing the first paragraph by the following paragraph:

**“53.1** The director shall refer the matter to the Court where the child, if he is 14 years of age or older, withdraws or his parents, withdraw from the agreement and where the security or development of the child remains endangered.”

**12.** Section 57.2 of the said Act is amended by adding, at the end of paragraph *b*, the words “or his parents;”.

#### PUBLIC HEALTH PROTECTION ACT

**13.** The Public Health Protection Act (R.S.Q., chapter P-35) is amended by inserting, after section 16, the following division:

#### “DIVISION III.1

##### “INDEMNITIES FOR VICTIMS OF VACCINATION

**“16.1** In this division, unless the context indicates otherwise,

(*a*) “victim” means a vaccinated person, a person who contracts a disease from a vaccinated person, the foetus of one of those persons or, in case of death, a person who is entitled to a death benefit;

(*b*) “personal damage” means any serious permanent damage, whether physical or mental, including death.

**“16.2** The Minister shall indemnify, without considering the liability of any person, every victim of personal damage resulting from a voluntary vaccination against a disease determined by regulation or from a compulsory vaccination determined under section 8.

**“16.3** The rules prescribed in the Automobile Insurance Act (R.S.Q., chapter A-25) and in the regulations thereunder, adapted as required, apply to the computation of the indemnity provided for in section 16.2.

**“16.4** The right to an indemnity, pursuant to this division, is prescribed by three years from the date of vaccination and, in the case of a death benefit, from the date of death.

**“16.5** The victim may institute civil proceedings against any person responsible for the personal damage.

**“16.6** The Minister is subrogated of right to the rights and actions of the victim against the person responsible for the personal damage up to the amount of the indemnity paid by him or of the capital representing the pension he is called upon to pay.

**“16.7** Every claimant who believes he is wronged by a decision of the Minister pursuant to sections 16.2 and 16.3 may bring an appeal from the decision before the Commission des affaires sociales which shall dispose of the appeal according to its rules of evidence, procedure and practice.

**“16.8** Appeal does not suspend the payment of an indemnity paid as a pension.

**“16.9** The amounts necessary to the application of this Act shall be taken out of the consolidated revenue fund.”

**14.** Section 34 of the said Act, amended by section 117 of chapter 47 of the statutes of 1984, is again amended by adding, at the end of the first paragraph, the words “or section 69, as the case may be.”

**15.** Section 59 of the said Act is amended by replacing the word “university” in the third line of the first paragraph by the words “physician in charge”.

**16.** Section 69 of the said Act is amended

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

“(g) establish, after consultation with the Bureau of the Ordre des médecins du Québec, what diseases must be declared within the meaning of section 4, what diseases entail compulsory immunization within the meaning of section 8, what diseases entail compulsory treatment within the meaning of section 10 and the diseases contemplated in section 16.2;”;

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

“(g.1) determine the conditions a person claiming an indemnity provided for in Division III.1 shall observe;”.

#### ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

**17.** Section 152 of the Act respecting health services and social services (R.S.Q., chapter S-5) is amended by replacing the first paragraph by the following paragraphs:

**“152.** No reception centre may receive moneys, out of the consolidated revenue fund or paid by a social service centre for services supplied to children or young persons who have not been entrusted to it through a social service centre or in accordance with the Youth Protection Act (R.S.Q., chapter P-34.1) or the Young Offenders Act (Statutes of Canada, 1982, chapter 110).

Where a young person is placed in accordance with the Young Offenders Act, the contribution for a minor recipient established pursuant to section 159 of this Act applies, and every person from whom the contribution is required is bound to pay it unless he is exempted from paying the contribution in accordance with the provisions of sections 160 and 162.”

**18.** Section 157 of the said Act is repealed.

#### TRANSITIONAL AND FINAL PROVISIONS

**19.** In any Act, in any statutory instrument, and in contracts and other documents, the expressions “Minister of Social Affairs”, “Deputy Minister of Social Affairs” and “Ministère des Affaires sociales” shall be replaced by the expressions “Minister of Health and Social Services”, “Deputy Minister of Health and Social Services” and “Ministère de la Santé et des Services sociaux”, respectively.

**20.** The Ministère de la Santé et des Services sociaux is authorized to use all documents or means of identification already prepared with the name of the Ministère des Affaires sociales until it replaces them by documents or means of identification prepared with its new name.

**21.** In cases where the cause of action of victims of vaccination originated before (*insert here the date of coming into force of this Act*), the prescription provided in section 16.4 of the Public Health Protection Act, enacted by section 15 of this Act, comes into effect from the later date.

**22.** This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

**23.** Section 15 has effect from 1 January 1970 and section 19 from 2 April 1984.

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