
NATIONAL ASSEMBLY

THIRTY-SECOND LEGISLATURE

FOURTH SESSION

Bill 49

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

First reading



Introduced by
Mr Jean Garon
Minister of Agriculture, Fisheries and Food

EXPLANATORY NOTES

The object of this bill is to amend the permit system under the Act respecting Agricultural Products, Marine Products and Food (R.S.Q., chapter P-29) by extending the scope of the system to meat and marine products. New permits are prescribed for the operation of establishments where fresh water products, bait, ice used in commercial fishing industries or fishery products unfit for human consumption are packed or stored.

The bill enables the Government to require certain processing undertakings operating under a permit to submit to a quality control inspection in accordance with the conditions and modalities established by the Minister of Agriculture, Fisheries and Food.

This bill provides mechanisms for controlling the commercial distribution network of aquacultural products, particularly the cultivated speckled trout which would be legally marketed for consumption, while excluding wild species of trout from the market.

The bill imposes, on a daily basis, higher additional fines for continued violation of the rules governing permits.

The bill also specifies the powers of persons authorized to inspect products, premises and equipment.

Finally, the bill proposes a process of total or partial exemption from the application of the Act and the regulations for certain categories of persons, products, establishments or activities which constitute exceptional cases to whom or which it is not pertinent to apply the general rules which govern the whole of the industrial or commercial activities.

Bill 49

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) is amended

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

“(a.1) “marine product”: any fish, shellfish or crustacean able to live in a marine environment and any echinoderm, including parts of such animals and the products or by-products derived therefrom;

“(a.2) “fresh water product”: any fish, shellfish or crustacean unable to live in a marine environment and any batrachian, including parts of such animals and the products or by-products derived therefrom;”;

(2) by replacing paragraph *c* by the following paragraphs:

“(b.1) “ice”: the ice used for the preparation and preservation of foodstuffs;

“(c) “product”: an agricultural product, a marine product, a fresh water product, a food or ice;”.

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

“**7.** The Government may prescribe the conditions respecting the origin of products stocked or used by the operator of an establishment contemplated in paragraph *a*, *b*, *e* or *f* of the first paragraph of section 9 or by a retailer or a restaurateur and prohibit, except in such cases

as it may determine, the stocking or use of any product not in conformity with such conditions or with the stamp regulations.”

3. Section 9 of the said Act is amended

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

“(e) operate a processing factory or a packing-house for the purposes of sale at wholesale, by the operator or the person retaining his services for remuneration, of marine products intended for human consumption;”;

(2) by adding, after subparagraph *e* of the first paragraph, the following subparagraphs:

“(f) operate a processing factory or a packing-house for the purposes of sale at wholesale, by the operator or the person retaining his services for remuneration, of fresh water products intended for human consumption;

“(g) operate a plant for the processing of fishery products unfit for human consumption;

“(h) unless already holding a permit to operate a plant contemplated in subparagraph *g*, salvage fishery products unfit for human consumption;

“(i) operate a warehouse for the stocking of bait used by a fisherman who supplies an establishment contemplated in subparagraph *e* or *f*;

“(j) operate a plant for the making or storing of ice used by the operator of an establishment contemplated in subparagraph *e* or *f* or by a fisherman who supplies such an establishment.”;

(3) by replacing the second paragraph by the following paragraphs:

“Subparagraph *a* of the first paragraph applies to a person operating a slaughter-house registered under the Meat Inspection Act (Revised Statutes of Canada, chapter M-7).

Subparagraph *b* of the first paragraph applies to a person operating a plant registered under the Meat Inspection Act.”;

(4) by replacing the word “fourth” in the second line of the fifth paragraph by the word “fifth”.

4. Section 33 of the said Act is amended

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

“(a) enter at any time premises where any product is prepared, packed, processed, packaged, stored, unloaded, kept for sale or for the furnishing of a service for remuneration, offered for sale or sold, and premises where any stamp contemplated in section 6 is manufactured, reproduced, kept or used;”;

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

“(b.1) take photographs of the products, premises and equipment;”;

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

“(e) seize or confiscate any product contemplated in section 3 or stocked by a person contravening section 9, the stamp regulations or the regulations on the origin of products, on meat unfit for human consumption or on fishery products unfit for human consumption, and the substances and objects that may serve for the operations mentioned in paragraph *a*, and dispose of the things confiscated as the Minister may prescribe;”.

5. Section 35 of the said Act is replaced by the following section:

“**35.** The person in charge of a place or of a vehicle where a product is found which an authorized person wishes to examine and any person found there is bound to assist the authorized person in his inquiry, facilitate his access to the product and place at his disposal every document he wishes to examine.”

6. Section 40 of the said Act is amended

(1) by inserting, after paragraph *c*, the following paragraphs:

“(c.1) prohibit or regulate the carrying out of operations relating to fishery products unfit for human consumption kept by a salvager or by the operator of a plant contemplated in subparagraph *g* of the first paragraph of section 9;

“(c.2) prohibit or regulate the carrying out of activities relating to any aquacultural product it designates and concerning the sale, preparation, processing, keeping, transportation or distribution of the product;”;

(2) by replacing paragraph *e.1* by the following paragraphs:

“(e.1) order the grading of the marine products or fresh water products it determines, prescribe the conditions and modalities of grading and allow the Minister to designate the person responsible for such grading;

“(e.2) require the operator of an establishment contemplated in subparagraph *a*, *b*, *e* or *f* of the first paragraph of section 9 to submit his establishment to a quality control inspection in accordance with the conditions and modalities of operation established by the Minister and prescribe that the person in charge of the inspection is required to be the holder of a certificate issued by the Minister attesting his qualifications to perform that function;”;

(3) by replacing paragraphs *h* and *i* by the following paragraphs:

“(h) prescribe any suitable measure calculated to ensure honesty in selling and to avoid or prevent imitations, counterfeits or adulteration;

“(i) prescribe the terms and conditions of inspection, sample taking, seizure and confiscation and establish a model for any certificate, report or minutes drawn up by an authorized person;”;

(4) by replacing paragraph *l* by the following paragraphs:

“(l) define, for the purposes of this Act and the regulations, the expressions “plant for dismembering animals”, “meat unfit for human consumption”, “establishment”, “preparation” and “fishery products unfit for human consumption”;

“(l.1) exempt any category of persons, products, establishments or activities it determines from all or part of the application of this Act or the regulations thereunder;”.

7. Section 40.1 of the said Act is amended by replacing paragraph *a* by the following paragraph:

“(a) prescribe that operators of establishments contemplated in subparagraph *e* or *f* of the first paragraph of section 9 and fishermen reimburse to the Government, in whole or in part, to such extent as it may prescribe, the expenditures made by the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation for the grading of marine products or fresh water products ordered by regulation;”.

8. Section 44 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**44.** Every person who contravenes section 5 or 9, the stamp regulations or the regulations on the origin of products, on meat unfit for human consumption, on fishery products unfit for human consumption or on the grading of marine products or fresh water products is liable upon summary proceedings, in addition to costs,

(a) for a first offence, to a fine of not less than \$1 000 nor more than \$5 000;

(b) for each subsequent offence within two years, to a fine of not less than \$3 000 nor more than \$10 000.”

9. Section 46 of the said Act is replaced by the following section:

“**46.** Where a corporation is guilty of an offence against section 5 or 9, the operating hours fixed in accordance with section 34, the conditions indicated in its permit or the stamp regulations or the regulations on the origin of products, on meat unfit for human consumption or on fishery products unfit for human consumption, every officer, director, employee or agent of that corporation who has prescribed or authorized the committing of the offence, or has consented thereto or acquiesced or participated therein, is deemed a party to the offence and is liable to the penalties provided for in sections 44 and 47, whether or not the corporation has been prosecuted or convicted.”

10. Section 49 of the said Act is replaced by the following sections:

“**49.** Every person who contravenes section 9 is liable, in addition to the penalties provided in section 44 or 45,

(a) for a first offence, to an additional fine of not less than \$1 000 nor more than \$2 000 for each day or part of a day during which the offence continues;

(b) for each subsequent offence within two years, to an additional fine of not less than \$2 000 nor more than \$4 000 for each day or part of a day during which the offence continues.

In the case of a corporation, the court may order, if the fine and costs are not paid by the corporation, that they be paid by such directors, officers, employees or agents of the corporations as it designates, and in such proportion as it indicates.

“**49.1** No action before any civil court shall be suspended on the ground that it concerns an act or an omission that is an offence within the meaning of this Act.”

11. 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).

12. This Act comes into force on the day of its sanction, except paragraphs 3 and 4 of section 3 which will come into force, wholly or in part, on any later date fixed by proclamation of the Government.