

THIRD SESSION

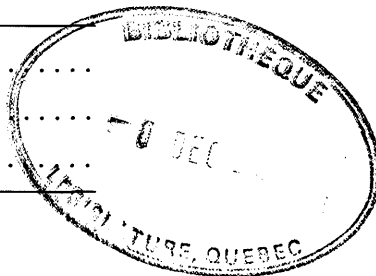
THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 102

**An Act to Amend various legislation
respecting food inspection**

First reading
Second reading
Third reading



M. JEAN GARON

Minister of Agriculture, Fisheries and Food

QUÉBEC OFFICIAL PUBLISHER

1982

EXPLANATORY NOTES

The main object of this bill is to redefine the various jurisdictions in the matter of regulation and inspection of food products, namely the responsibilities of the Minister of Agriculture, Fisheries and Food on the one hand, and those which devolve on the Communauté urbaine de Montréal, the cities of Trois-Rivières, Québec and Sherbrooke and the other municipalities on the other.

To that end, this bill, while preserving the jurisdiction of the Minister at all levels of the food industry in Québec, provides the following amendments:

(1) the Communauté urbaine de Montréal will have jurisdiction over food only in its own territory and its powers will be so amended as to be concerned only with salubrity and sanitation in the sector of consumption;

(2) the existing by-laws of the Community are maintained until not later than 31 December 1983; thereafter, any new by-laws passed by the Community will require the Minister's approval;

(3) the Minister and the Community may, to replace the existing agreement, enter into a new agreement concerning the Community's inspection programs, the administration and financing of the programs, and the enforcement by the Community of statutory or regulatory provisions that are the Minister's responsibility;

(4) jurisdiction is withdrawn from municipalities other than Trois-Rivières, Québec and Sherbrooke, in the field of regulation and inspection of food products, but their existing by-laws will be maintained until not later than 31 December 1983;

(5) the jurisdiction of the cities of Trois-Rivières, Québec and Sherbrooke under their existing food inspection programs will be so amended as to be concerned only with salubrity and sanitation in the sector of consumption;

(6) the existing by-laws of those three cities are maintained until not later than 31 December 1983; thereafter, any new by-laws passed by them will require the Minister's approval;

(7) the Minister will be empowered to enter into an agreement with the cities of Trois-Rivières and Sherbrooke, and into a new agreement with the city of Québec to replace the existing agreement, concerning these cities' inspection programs, the administration and financing of the programs, and the enforcement by the cities of statutory or regulatory provisions that are the Minister's responsibility;

(8) the Minister will be empowered to enter into an agreement concerning the enforcement of statutory or regulatory provisions under his responsibility and the modalities and financing of the concomitant inspection programs, with cities having a population of over 100 000 inhabitants designated by the Government which have no inspection programs.

Lastly, the bill provides

(1) for an increase in the general fines contemplated in the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) and the Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30);

(2) for the introduction into the Dairy Products and Dairy Products Substitutes Act of a mechanism to impose heavier and more specific fines for offences relating to rebates or other advantages resulting in an increase in the price of milk or dairy products over the price fixed by the Régie des marchés agricoles du Québec.

ACTS AMENDED BY THIS BILL

(1) the Municipal Code;

(2) the Cities and Towns Act (R.S.Q., chapter C-19);

(3) the Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1);

(4) the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);

(5) the Charter of the city of Trois-Rivières (1915, chapter 90);

(6) the Charter of the city of Québec (1929, chapter 90);

(7) the Charter of the city of Montréal (1959-1960, chapter 102);

(8) the Charter of the city of Sherbrooke (1974, chapter 101);

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

(10) the Dairy Products and Dairy Products Substitutes Act
(R.S.Q., chapter p-30).

Bill 102

An Act to amend various legislative provisions
respecting food inspection

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. Article 390 of the Municipal Code, amended by section 13 of chapter 103 of the statutes of 1930, section 3 of chapter 31 of the statutes of 1953-1954 and by section 26 of chapter (*insert here the chapter number of Bill 92*) of the statutes of 1982, is again amended by adding, at the end, the following paragraph:

“No local corporation may make by-laws on the matters contemplated in the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) or in the Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30). This paragraph applies notwithstanding any provision of a special Act granting powers to a local corporation on those matters.”

2. Article 404 of the said Code, amended by section 1 of chapter 106 of the statutes of 1921, by section 1 of chapter 90 of the statutes of 1929, by section 28 of chapter 36 of the statutes of 1979, by section 15 of chapter 2 of the statutes of 1982 and by section 26 of chapter (*insert here the chapter number of Bill 92*) of the statutes of 1982, is again amended by replacing paragraph 3 by the following paragraph:

“3. To regulate the construction of gas-works, tanneries, candle or soap factories, distilleries and other manufactories which may become public nuisances, or to prohibit the construction of such establishments or slaughter-houses.”

3. Article 416 of the said Code, amended by section 20 of chapter 2 of the statutes of 1982 and by section 26 of chapter (*insert here the chapter number of Bill 92*) of the statutes of 1982, is again amended:

(1) by replacing what precedes paragraph 1 by the following:

“416. Every local corporation may, subject to the second paragraph of article 390, make, amend or repeal by-laws”;

(2) by replacing paragraph 5 by the following paragraph:

“5. To prohibit or allow the sale, by residents or non-residents in the municipality, of any kind of fresh or unsalted fish, at such places as may be fixed upon; the whole without prejudice to anything contained in the laws relating to fishing;”.

4. The Cities and Towns Act (R.S.Q., chapter C-19) is amended by inserting, after section 29.1, the following section:

“29.2 The Minister of Agriculture, Fisheries and Food and any municipality designated by the Government whose population is not less than 100 000 inhabitants, may enter into an agreement respecting

(1) the administration, by the municipality, of provisions of Acts, regulations or orders respecting the inspection of food which are under the administration of the Minister of Agriculture, Fisheries and Food;

The municipality has all the powers required for the carrying out of the agreement.

(2) the food inspection programs of the municipality, and the modalities of administration and financing of such programs.

This section applies to all city and town municipalities, including those not contemplated in section 1, except the city of Québec and the cities and towns mentioned in Schedule A to the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2).”

5. Section 410 of the said Act is amended by adding, at the end, the following paragraph:

“In no case may the council make by-laws on the matters contemplated in the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) or in the Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30). This paragraph applies notwithstanding any provision of a special Act granting powers on those matters to any city or town other than the cities of Trois-Rivières and Sherbrooke.”

6. Section 413 of the said Act is amended

(1) by striking out paragraphs 4 to 7;

(2) by replacing paragraph 15 by the following paragraphs:

“(15) To prohibit the location of stock-yards, packing-houses, rendering establishments, tallow-chandleries, storing places for hides, bone or glue houses and generally all establishments in which animal matter is dealt with, gas-works, soap-factories, dye-houses, tanneries, sausage manufactories and other noxious establishments within the municipality;

“(15.1) To regulate the location, construction and management of stock-yards, tallow-chandleries, storing places for hides, glue houses and gas-works, soap factories, dye-houses, tanneries and other noxious establishments within the municipality;”;

(3) by replacing paragraph 18 by the following paragraph:

“(18) To compel the owner of any soap or tallow-chandlery, pigsty, or other unwholesome or noxious establishment or place, except an undertaking for the preparation, conditioning or processing of food to cleanse, abate or remove the same;”.

7. Section 457 of the said Act is amended

(1) by replacing paragraphs 3 and 4 by the following paragraphs:

“(3) To regulate the sale and exposing for sale on the markets, or on the public market-places, of any kind of articles except food, and to prohibit the sale of certain articles in particular;

“(4) To regulate the manner of placing vehicles in which food is exposed for sale in the markets, or on the public market-places; to impose a duty on such vehicles, and establish the mode in which such duty shall be collected;”;

(2) by replacing paragraph 8 by the following paragraph:

“(8) To determine and define the duties and powers of all persons employed in superintending public scales or markets throughout the municipality, and to confer upon such officers or employees the power of confiscating articles, and produce, except food, in case of fraud as to measure, weight or quality; and to determine the manner in which such confiscated articles shall be disposed of;”.

8. Section 459 of the said Act is amended

(1) by striking out paragraph 1;

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

“(2) To prohibit the establishment of private abattoirs in the municipality;”.

9. Section 460 of the said Act, amended by section 129 of chapter *(insert here the chapter number of Bill 92)* of the statutes of 1982, is again amended

(1) by striking out paragraph 2;

(2) by replacing paragraph 4 by the following paragraph:

“(4) To license and regulate auction sales, except the auctions of live animals referred to in the Animal Health Protection Act (R.S.Q., chapter P-42); to license and regulate runners, agents and solicitors for railway cars, vessels and houses of public entertainment;”;

(3) by replacing paragraph 9 by the following paragraph:

“(9) To authorize and regulate the granting of licences to owners of vehicles used in the municipality for the delivery of any goods, effects or merchandise except food, whether such owners reside in or outside the municipality, and to regulate the use of such vehicles in the municipality; in this paragraph, the word “ vehicles” includes motor vehicles;”;

(4) by striking out paragraph 17;

(5) by replacing paragraph 18 by the following paragraph:

“(18) To determine in what manner articles, except food, shall be sold and delivered, whether by quantity, measure or weight; and to compel all persons to observe in such matters the by-laws which the council may establish;”;

(6) by striking out paragraph 23.

10. Section 86 of the Act respecting the Communauté régionale de l’Outaouais (R.S.Q., chapter C-37.1) is amended by replacing paragraph *c* of the first paragraph by the following paragraph:

“(c) public health, except in matters contemplated in the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) and the Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30).”

11. Section 153 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2), amended by section 59 of chapter 18 of the statutes of 1982, is replaced by the following sections:

“**153.** In this subdivision

(1) “food” means anything which may be used to feed man or animals, including

(a) a foodstuff of vegetable or animal origin;

(b) fish, shellfish or crustaceans able to live in a marine environment, including parts of such animals and the products or by-products derived therefrom; and

(c) a beverage other than an alcoholic beverage within the meaning of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13);

(2) “inspector” means a person appointed by the executive committee and entrusted with the carrying out of a by-law or order made under section 153.1

“**153.1** The Community may, by by-law,

(1) prescribe sanitation rules applicable to the preparation, processing, preserving and handling of food as well as to the maintenance of the premises or equipment

(a) in a retail food, restaurant or hotel establishment, and

(b) in a vehicle used to deliver food to consumers;

(2) prohibit the preparing, keeping for sale or furnishing of a service for remuneration, offering for sale or storing, transporting or causing to be transported, in an establishment or vehicle contemplated in paragraph 1, food that does not comply with the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) or the Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30);

(3) oblige a person handling food in an establishment or a vehicle contemplated in paragraph 1 to take special hygienic measures, require that he not be a carrier of germs of a disease that may be transmitted by food and oblige him to undergo any examinations necessary to prove that he is not a germ carrier;

(4) prohibit a person carrying germs of a disease that may be transmitted by food from handling food in an establishment or vehicle contemplated in paragraph 1.

(5) require of a person contemplated in paragraph 3 a degree of competence in matters of hygiene and health and oblige him to undergo any examinations necessary to establish whether he has attained that degree;

(6) authorize an inspector, another officer designated by the executive committee for such purpose or a person contemplated in section 32 of the Agricultural Products, Marine Products or Food Act or in section 48 of the Dairy Products and Dairy Products Substitutes Act to cause an establishment or a vehicle contemplated in paragraph 1 to cease to operate or to seize or confiscate any food found in that establishment for as long as the inspector or officer considers the operation to be an immediate danger to the life or health of consumers;

(7) authorize the executive committee to make an order to complete a by-law made under this section, which is published and comes into force in the same manner as a by-law and is deemed to form part of the by-law to which it relates;

(8) prescribe that any infringement of a by-law or order passed under this section makes the offender liable, on summary proceedings, in addition to costs,

(a) for a first offence, to a fine of not less than \$100 nor more than \$1 000 in the case of an individual and of not less than \$200 nor more than \$2 000 in the case of a corporation;

(b) for any subsequent offence within two years, to a fine of \$3 000 in the case of an individual and of \$6 000 in the case of a corporation.

“153.2 A by-law or order passed under section 153.1 requires the approval of the Minister of Agriculture, Fisheries and Food.

“153.3 In the performance of his duties, an inspector, officer or person contemplated in paragraph 6 of section 153.1 may

(1) enter at any time an establishment or vehicle contemplated in paragraph 1 of section 153.1;

(2) inspect such establishment or such vehicle and its equipment;

(3) inspect food found in such establishment or such vehicle and take samples gratuitously.

The inspector, officer or person may require the production of books, registers and documents relating to matters contemplated in a by-law adopted under section 153.1; he may also require any other information in that regard that he considers necessary or expedient. A person must comply with such requests and facilitate the access and inspection contemplated in the first paragraph.

An inspector or officer contemplated in paragraph 6 of section 153.1 shall exercise the powers of inspection provided in the first

paragraph in accordance with the terms and conditions provided in the agreement entered into under section 153.6 where such agreement contains provisions respecting the methods of carrying out such powers.

“153.4 No person may hinder an inspector, officer or person contemplated in section 153.3 in the performance of his duties. In particular, no person may deceive him or attempt to deceive him by concealment or false declarations.

The inspector, officer or person, if required, shall exhibit a certificate attesting his authority, signed, as the case may be, by the head of the concerned department of the Community or by the Minister of Agriculture, Fisheries and Food.

“153.5 Neither the Community nor an inspector, officer or person contemplated in paragraph 6 of section 153.1 may be sued or prosecuted for any act performed in good faith under the said paragraph.

“153.6 The Minister of Agriculture, Fisheries and Food and the Community may enter into an agreement respecting

(1) the administration by the Community, of provisions of Acts, regulations or orders respecting the inspection of food which are under the administration of the Minister of Agriculture, Fisheries and Food;

(2) the inspection programs of the Community respecting food, and the modalities of administration and financing of such programs.

The Community has all the powers required for the carrying out of the agreement.”

12. The Charter of the city of Three Rivers (1915, chapter 90) is amended by repealing paragraph 5 of article 5639 of the Revised Statutes, 1909, replaced for the city of Trois-Rivières by section 41 of chapter 90 of the statutes of 1915.

13. The said charter is amended by inserting, after section 41, the following sections:

“41a. In sections 41*b* to 41*g*

(1) “food” means anything which may be used to feed man or animals, including

(a) a foodstuff of vegetable or animal origin;

(b) fish, shellfish or crustaceans able to live in a marine environment, including parts of such animals and the products or by-products derived therefrom, and

(c) a beverage other than an alcoholic beverage within the meaning of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13);

(2) “inspector” means a person appointed by the council and entrusted with the carrying out of a by-law or order made under section 41*b*.

“41*b*. The council may, by by-law

(1) prescribe sanitation rules applicable to the preparation, processing, preserving and handling of food as well as to the maintenance of the premises or equipment

(a) in a retail food, restaurant or hotel establishment, and

(b) in a vehicle used to deliver food to consumers;

(2) prohibit the preparing, keeping for sale or furnishing of a service for remuneration, offering for sale or storing, transporting or causing to be transported, in an establishment or vehicle contemplated in paragraph 1, food that does not comply with the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) and the Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30);

(3) oblige a person handling food in an establishment or a vehicle contemplated in paragraph 1 to take special hygienic measures, require that he not be a carrier of germs of a disease that may be transmitted by food and oblige him to undergo any examinations necessary to prove that he is not a germ carrier;

(4) prohibit a person carrying germs of a disease that may be transmitted by food from handling food in an establishment or vehicle contemplated in paragraph 1;

(5) require of a person contemplated in paragraph 3 a degree of competence in matters of hygiene and health and oblige him to undergo any examinations necessary to establish whether he has attained that degree;

(6) authorize an inspector or a person contemplated in section 32 of the Agricultural Products, Marine Products or Food Act or in section 48 of the Dairy Products and Dairy Products Substitutes Act to cause an establishment or a vehicle contemplated in paragraph 1 to cease to operate or to seize or confiscate any food found in that

establishment for as long as the inspector or officer considers the operation to be an immediate danger to the life or health of consumers.

“41c. A by-law passed under section 41*b*, requires the approval of the Minister of Agriculture, Fisheries and Food.

“41d. In the performance of his duties, an inspector or person contemplated in paragraph 6 of section 41*b* may

(1) enter at any time an establishment or vehicle contemplated in paragraph 1 of section 41*b*;

(2) inspect such establishment or such vehicle and its equipment;

(3) inspect food found in such establishment or such vehicle and take samples gratuitously.

The inspector or person may require the production of books, registers and documents relating to matters contemplated in a by-law adopted under section 41*b*; he may also require any other information in that regard that he considers necessary or expedient. A person must comply with such requests and facilitate the access and inspection contemplated in the first paragraph.

An inspector shall exercise the powers of inspection provided in the first paragraph in accordance with the terms and conditions provided in the agreement entered into under section 41*g* where such agreement contains provisions respecting the methods of carrying out such powers.

“41e. No person may hinder an inspector or person contemplated in section 41*d* in the performance of his duties. In particular, no person may deceive him or attempt to deceive him by concealment or false declarations.

The inspector or person, if required, shall exhibit a certificate attesting his authority, signed, as the case may be, by the head of the concerned department of the city or by the Minister of Agriculture, Fisheries and Food.

“41f. Neither the city nor an inspector or person contemplated in paragraph 6 of section 41*b* may be sued or prosecuted for any act performed in good faith under the said paragraph.

“41g. The Minister of Agriculture, Fisheries and Food and the city may enter into an agreement respecting

(1) the administration, by the city, of provisions of Acts, regulations or orders respecting the inspection of food which are under the administration of the Minister of Agriculture, Fisheries and Food;

(2) the inspection programs of the city respecting food, and the modalities of administration and financing of such programs.

The city has all the powers required for the carrying out of the agreement.”

14. The said charter is amended by repealing paragraph 3 of article 5677 of the Revised Statutes, 1909, replaced for the city of Trois-Rivières by section 50 of chapter 90 of the statutes of 1915.

15. The said charter is amended by repealing paragraph 2 of article 5680 of the Revised Statutes, 1909, replaced for the city of Trois-Rivières by section 51 of chapter 90 of the statutes of 1915.

16. Section 335 of the Charter of the city of Québec (1929, chapter 95) is amended

(1) by replacing subparagraph 13 of the third paragraph by the following subparagraph:

“(13) Markets;”.

(2) by replacing subparagraph 18 of the third paragraph by the following subparagraph:

“(18) The inspection of food, subject to sections 336*c* to 336*i*.”

17. Section 336 of the said charter, amended by section 8 of chapter 122 of the statutes of 1930-1931, by section 5 of chapter 104 of the statutes of 1931-1932, by section 19 of chapter 111 of the statutes of 1935, by section 67 of chapter 102 of the statutes of 1937, by section 12 of chapter 104 of the statutes of 1938, by section 22 of chapter 102 of the statutes of 1939, by section 27 of chapter 74 of the statutes of 1940, by section 12 of chapter 50 of the statutes of 1943, by section 8 of chapter 47 of the statutes of 1944, by section 20 of chapter 71 of the statutes of 1945, by section 17 of chapter 51 of the statutes of 1948, by section 8 of chapter 63 of the statutes of 1951-1952, by section 4 of chapter 36 of the statutes of 1952-1953, by section 1 of chapter 67 of the statutes of 1955-1956, by section 9 of chapter 50 of the statutes of 1957-1958, by section 6 of chapter 96 of the statutes of 1960-1961, by section 7 of chapter 66 of the statutes of 1963 (1st session), by section 5 of chapter 69 of the statutes of 1964, by section 38 of chapter 86 of the statutes of 1969, by sections 29, 30 and 31 of chapter 68 of the statutes of 1970, by section 146 of chapter 55 and section 29 of chapter 75 of the statutes of 1972, by section 8 of chapter 80 of the statutes of 1973, by section 12 of chapter 97 of the statutes of 1974, by section 15 of chapter 54 of the statutes of 1976, section 457 of chapter 72 of the statutes of 1979 and sections 23 and 51 of chapter 42 of the statutes of 1980, is again amended

(1) by striking out paragraphs 30 and 38 to 40;

(2) by replacing paragraph 51 by the following paragraphs:

“51. To prohibit the location, construction and management of stock-yards, packing-houses, rendering establishments, tallow-chandleries, storing-places for hides, bone or glue-houses, gas-works, soap factories, dye-houses, tanneries, sausage manufactories and other noxious establishments within the limits of the city;

“51a. To regulate the location, construction and management of stock-yards, tallow-chandleries, storing places for hides, glue houses and gas-works, soap factories, dye-houses , tanneries and other noxious establishments within the limits of the city;”;

(3) by replacing paragraph 54 by the following paragraph:

“54. To compel the owner of any soap and tallow-chandlery, pigsty, privy or other unwholesome or noxious house or place, except an undertaking for the preparation, conditioning or processing of food, to cleanse, abate or remove the same;”;

(4) by replacing paragraph 82 by the following paragraph:

“82. To regulate the manner of placing vehicles in which food is exposed for sale in or about the markets, and to impose a duty on such vehicles, and to establish the mode in which such duty shall be collected;”;

(5) by replacing paragraph 85 by the following paragraph:

“85. To prohibit the establishment of private abattoirs in the city;”;

(6) by striking out paragraphs 117, 143 to 145 and 152.

18. The said charter is amended by inserting the following sections after section 336*b*:

“**336*c*.** In sections 336*d* to 336*i*

(1) “food” means anything which may be used to feed man or animals, including

(a) a foodstuff of vegetable or animal origin,

(b) fish, shellfish or crustaceans able to live in a marine environment, including parts of such animals and the products or by-products derived therefrom, and

(c) a beverage other than an alcoholic beverage within the meaning of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13);

(2) “inspector” means a person appointed by the executive committee and entrusted with the carrying out of a by-law or order made under section 336*d*.

“**336*d***. The council may, by by-law,

(1) prescribe sanitation rules applicable to the preparation, processing, preserving and handling of food as well as to the maintenance of the premises or equipment

(a) in a retail food, restaurant or hotel establishment, and

(b) in a vehicle used to deliver food to consumers;

(2) prohibit the preparing, keeping for sale or furnishing of a service for remuneration, offering for sale or storing, transporting or causing to be transported, in an establishment or vehicle contemplated in paragraph 1, food that does not comply with the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) and the Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30);

(3) oblige a person handling food in an establishment or a vehicle contemplated in paragraph 1 to take special hygienic measures, require that he not be a carrier of germs of a disease that may be transmitted by food and oblige him to undergo any examinations necessary to prove that he is not a germ carrier;

(4) prohibit a person carrying germs of a disease that may be transmitted by food from handling food in an establishment or vehicle contemplated in paragraph 1;

(5) require of a person contemplated in paragraph 3 a degree of competence in matters of hygiene and health and oblige him to undergo any examinations necessary to establish whether he has attained that degree;

(6) authorize an inspector or person contemplated in section 32 of the Agricultural Products, Marine Products or Food Act or in section 48 of the Dairy Products and Dairy Products Substitutes Act to cause an establishment or a vehicle contemplated in paragraph 1 to cease to operate or to seize or confiscate any food found in that establishment for as long as the inspector or person considers the operation to be an immediate danger for the life or health of consumers.

“336e. A by-law passed under section 336*d* requires the approval of the Minister of Agriculture, Fisheries and Food.

“336f. In the performance of his duties, an inspector or person contemplated in paragraph 6 of section 336*d* may

(1) enter at any time an establishment or vehicle contemplated in paragraph 1 of section 336*d*;

(2) inspect such establishment or such vehicle and its equipment;

(3) inspect food found in such establishment or such vehicle and take samples gratuitously.

The inspector or person may require the production of books, registers and documents relating to matters contemplated in a by-law adopted under section 336*d*; he may also require any other information in that regard that he considers necessary or expedient. A person must comply with such requests and facilitate the access and inspection contemplated in the first paragraph.

An inspector shall exercise the powers of inspection provided in the first paragraph in accordance with the terms and conditions provided in the agreement entered into under section 336*i* where such agreement contains provisions respecting the methods of carrying out such powers.

“336g. No person may hinder an inspector or person contemplated in section 336*f* in the performance of his duties. In particular, no person may deceive him or attempt to deceive him by concealment or false declarations.

The inspector or person, if required, shall exhibit a certificate attesting his authority, signed, as the case may be, by the head of the concerned department of the city or by the Minister of Agriculture, Fisheries and Food.

“336h. Neither the city nor an inspector or person contemplated in paragraph 6 of section 336*d* may be sued or prosecuted for any act performed in good faith under the said paragraph.

“336i. The Minister of Agriculture, Fisheries and Food and the city may enter into an agreement respecting

(1) the administration by the city, of provisions of Acts, regulations or orders respecting the inspection of food which are under the administration of the Minister of Agriculture, Fisheries and Food;

(2) the inspection programs of the city respecting food, and the modalities of administration and financing of such programs.

The city has all the powers required for the carrying out of the agreement.”

19. Section 355 of the said charter, amended by section 46 of chapter 42 of the statutes of 1980, is replaced by the following section:

“355. Subject to the Agricultural Products, Marine Products and Food Act, no person may sell or expose or offer for sale any butcher’s meat, such as beef, veal, mutton, or fresh pork, outside of the stalls of the market halls of the city, or of any building appropriated for that purpose by the city or of any retail store or retail shop for which a licence has been given by the city, under penalty of a fine not exceeding \$500 for each offence.”

20. Sections 356 and 357 of the said charter are repealed.

21. Article 516 of the Charter of the city of Montréal (1959-1960, chapter 102) is amended by adding, at the end, the following article:

“The council does not have the power to make by-laws on the matters contemplated in the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) or in the Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30).”

22. Article 517 of the said charter is amended

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

“*m.* markets;”;

(2) by striking out paragraph *r*.

23. Article 520 of the said charter, amended by section 26 of chapter 97 of the statutes of 1960/1961, by section 8 of chapter 71 of the statutes of 1964, by section 21 of chapter 84 of the statutes of 1965 (1st session), by section 5 of chapter 90 of the statutes of 1968, by section 4 of chapter 91 of the statutes of 1969, by section 205 of chapter 19 and section 20 of chapter 96 of the statutes of 1971, by section 56 of chapter 77 of the statutes of 1973, by section 45 of chapter 77 of the statutes of 1977 and by section 17 of chapter (*insert here the chapter number of Bill 200*) of the statutes of 1982, is again amended:

(1) by striking out paragraphs 8 to 13, 15 and 16;

(2) by replacing paragraph 18 by the following paragraph:

“18. Order the conditions required to ensure the hygiene and sanitation of establishments where alcoholic drinks are made and bottled; none of the municipal by-laws passed under the powers conferred by this paragraph shall be applied to the establishments owned or operated by the Société des alcools du Québec;”.

24. Article 521 of the said charter, amended by section 148 of chapter 55 of the statutes of 1972, by section 46 of chapter 77 of the statutes of 1977, by sections 9 of chapter 40 and 8 of chapter 41 of the statutes of 1980 and section 18 of chapter (*insert here the chapter number of Bill 200*) of the statutes of 1982, is again amended

(1) by striking out paragraph 13;

(2) by replacing paragraph 15 by the following paragraph:

“15. Determine the manner of placing vehicles in which food is exposed for sale in or about the markets; impose a duty on such vehicles, and to establish the mode in which such duty shall be collected;”;

(3) by striking out paragraph 17.

25. Article 525 of the said charter, amended by section 25 of chapter 86 of the statutes of 1966-1967 and section 51 of chapter 77 of the statutes of 1977, is again amended

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

“1. Prohibit the location, construction and operation of stock-yards, packing-houses, sausage factories, rendering establishments, storing-places for hides, tanneries, tallow-chandleries, glue-houses, soap factories, dye-houses, gas-works and other noxious establishments within the city or within a distance of one mile from its limits;”;

(2) by replacing paragraphs 5 and 6 by the following paragraphs:

“5. Compel the owner of any soap factory, tallow-chandlery, pigsty, privy or other unwholesome or noxious establishment or place, except an undertaking for the preparation, conditioning or processing of food, to cleanse or remove the same;

“6. Regulate the location, construction and operation of stock-yards, storing-places for hides, tanneries, tallow-chandleries, glue-houses, soap factories, cleaning and dyeing establishments, gas-works and other noxious establishments within the city or within a distance of one mile from its limits.”

26. Article 528 of the said charter, amended by section 56 of chapter 59 of the statutes of 1962, section 9 of chapter 90 and section 1 of chapter 92 of the statutes of 1968, section 22 of chapter 96 of the statutes of 1971, section 53 of chapter 77 of the statutes of 1977 and section 12 of chapter 40 of the statutes of 1980 and section 23 of chapter (*insert here the chapter number of Bill 200*) of the statutes of 1982, is again amended by replacing subparagraph 7 by the following subparagraph:

“7. Prohibit the establishment of private abattoirs in the city;”.

27. Article 809 of the said Charter is repealed.

28. The Charter of the city of Sherbrooke (1974, chapter 101) is amended by inserting, after section 8, the following sections:

“**8a.** In sections 8*b* to 8*g*

(1) “food” means anything which may be used to feed man or animals, including

(*a*) a foodstuff of vegetable or animal origin;

(*b*) fish, shellfish or crustaceans able to live in a marine environment, including parts of such animals and the products or by-products derived therefrom, and

(*c*) a beverage other than an alcoholic beverage within the meaning of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13);

(2) “inspector” means a person appointed by the council and entrusted with the carrying out of a by-law or order made under section 8*b*.

“**8b.** The council may, by by-law,

(1) prescribe sanitation rules applicable to the preparation, processing, preserving and handling of food as well as to the maintenance of the premises or equipment

(*a*) in a retail food, restaurant or hotel establishment, and

(*b*) in a vehicle used to deliver food to consumers;

(2) prohibit the preparing, keeping for sale or furnishing of a service for remuneration, offering for sale or storing, transporting or causing to be transported, in an establishment or vehicle mentioned in paragraph 1, food that does not comply with the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) and the Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30);

(3) oblige a person handling food in an establishment or a vehicle contemplated in paragraph 1 to take special hygienic measures, require that he not be a carrier of germs of a disease that may be transmitted by food and oblige him to undergo any examinations necessary to prove that he is not a germ carrier;

(4) prohibit a person carrying germs of a disease that may be transmitted by food from handling food in an establishment or vehicle contemplated in paragraph 1;

(5) require of a person contemplated in paragraph 3 a degree of competence in matters of hygiene and health and oblige him to undergo any examinations necessary to establish whether he has attained that degree;

(6) authorize an inspector or a person contemplated in section 32 of the Agricultural Products, Marine Products or Food Act or in section 48 of the Dairy Products and Dairy Products Substitutes Act to cause an establishment or vehicle contemplated in paragraph 1 to cease to operate or to seize or confiscate any food found in that establishment for as long as the inspector or person considers the operation to be an immediate danger to the life or health of consumers.

“8c. A by-law passed under section 8*b* requires the approval of the Minister of Agriculture, Fisheries and Food.

“8d. In the performance of his duties, an inspector or person contemplated in paragraph 6 of section 8*b* may

(1) enter at any time an establishment or vehicle contemplated in paragraph 1 of section 8*b*;

(2) inspect such establishment or such vehicle and its equipment;

(3) inspect food found in such establishment or such vehicle and take samples gratuitously.

The inspector or person may require the production of books, registers and documents relating to matters contemplated in a by-law adopted under section 8*b*; he may also require any other information in that regard that he considers necessary or expedient. A person must comply with such requests and facilitate the access and inspection contemplated in the first paragraph.

An inspector shall exercise the powers of inspection provided in the first paragraph in accordance with the terms and conditions provided in the agreement entered into under section 8*g* where such agreement contains provisions respecting the methods of carrying out such powers.

“8e. No person shall hinder an inspector or person contemplated in section 8*d* in the performance of his duties. In particular, no person may deceive him or attempt to deceive him by concealments or false declarations.

The inspector or person, if required, shall exhibit a certificate attesting his authority, signed, as the case may be, by the head of the concerned department of the city or the Minister of Agriculture, Fisheries and Food.

“8f. Neither the city nor an inspector or person contemplated in paragraph 6 of section 8*b* may be sued or prosecuted for any act performed in good faith under the said paragraph.

“8g. The Minister of Agriculture, Fisheries and Food and the city may enter into an agreement respecting

(1) the administration by the city, of provisions of Acts, regulations or orders respecting the inspection of food which are under the administration of the Minister of Agriculture, Fisheries and Food;

The city has all the powers required for the carrying out of the agreement.

(2) the inspection programs of the city respecting food, and the modalities of administration and financing of such programs.”

29. For the purposes of sections 30 and 31

(1) “Act” means the Act respecting the Communauté urbaine de Montréal, the Charter of the city of Trois-Rivières, the Charter of the city of Québec or the Charter of the city of Sherbrooke as amended by this Act;

(2) “existing Act” means the Cities and Towns Act, the Act respecting the Communauté urbaine de Montréal, the Charter of the city of Trois-Rivières or the Charter of the city of Québec as they were before (*insert here the date of the coming into force of bill 102*).

30. The agreement between the Communauté urbaine de Montréal or the city of Québec and the Minister of Agriculture, Fisheries and Food respecting the inspection of food by the Community or the city in force on (*insert here the date of the coming into force of Bill 102*), is valid and continues to have effect until it terminates according to its provisions or according to the Act or until the earlier date on which it is replaced by an agreement entered into under the Act.

31. A by-law or an order respecting food inspection made under the existing Act by the Communauté urbaine de Montréal or its executive committee and by the cities of Trois-Rivières, Québec and Sherbrooke, continues to have effect as if it had received the approval of the Minister of Agriculture, Fisheries and Food and had been made under the Act to the extent that it is consistent with the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) and the Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30), until 31 December 1983 or until the earlier date on which it is replaced or repealed.

32. A by-law respecting food inspection made under the Municipal Code or by a municipality, other than the city of Sherbrooke, under the Cities and Towns Act before (*insert here the date of the coming into force of Bill 102*) continues to have effect to the extent to which it is consistent with the Agricultural Products, Marine Products and Food Act and the Dairy Products and Dairy Products Substitutes Act, until 31 December 1983.

33. A by-law which does not apply to food inspection and which is passed before (*insert here the date of the coming into force of Bill 102*) pursuant to a provision replaced by this Act, remains in force until its replacement or repeal.

34. Section 42 of the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) is amended by replacing paragraphs *a* and *b* by the following paragraphs:

“(a) for a first offence, to a fine of not less than \$100 nor more than \$1,000, in the case of an individual, and of not less than \$200 nor more than \$2 000 in the case of a corporation;

(b) for a second offence within two years, to a fine of \$3 000 in the case of an individual, and \$6 000 in the case of a corporation.”

35. Section 43 of the said Act is replaced by the following section:

“**43.** The offender guilty of an offence contemplated in sections 36 and 37 shall not be condemned to a fine of less than \$500.”

36. Section 50 of the Dairy Products and Dairy Products Substitutes Act (R.S.Q., chapter P-30) is replaced by the following sections:

“**50.** Except in the cases where another penalty is provided for, every person who contravenes this Act, the regulations or an order is liable upon summary proceedings, in addition to the costs,

(a) for a first offence, to a fine of not less than \$100 nor more than \$1 000 in the case of an individual and not less than \$200 nor more than \$2 000 in the case of a corporation;

(b) for each subsequent offence within two years, to a fine of \$3 000 in the case of an individual and of \$6 000 in the case of a corporation.

In the case of an infringement of subsection 2 of section 2 or of section 14 or 28 or in the case of a milk dealer who pays or agrees to pay a producer a price less than that fixed by the Board, the maximum fine shall be imposed.

“50.1 In no case may an offender guilty of an offence contemplated in section 49 be condemned to a fine of less than \$500.”

37. Section 51 of the said Act is amended by replacing the first paragraph by the following paragraph:

“51. Every person who infringes section 3, section 21 or section 23 is liable, in addition to the fines prescribed in section 50, to an additional fine of \$100 for each day or part of a day during which the infringement continues.”

38. The said Act is amended by inserting, after section 52, the following section:

“52.1 In the case of an infringement of section 14, the offender is, in addition to the fines prescribed in section 50, liable to an additional fine equal to the monetary value of the property, the bonus or advantage granted or equal to the monetary value of the right granted to obtain the property, bonus or advantage.”

39. 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).

40. This Act comes into force on the day of its sanction.