

10. The director of human resources, in the exercise of the director's powers, duties and functions, is authorized to sign, in addition to the contracts or other acts referred to in section 9, the declarations required when a debtor's income is seized in the hands of a third person under the Code of Civil Procedure (chapter C-25.01) or any other Act.

11. Directors other than those referred to in sections 7 and 8, are authorized, in the exercise of their respective powers, duties and functions, to sign

- (1) supply contracts;
- (2) services contracts, except
 - (a) services contracts for the transportation and handling of goods and
 - (b) financial services contracts, banking services contracts or legal services contracts.

12. Assistant directors are authorized, in the exercise of their respective powers, duties and functions, to sign

- (1) supply contracts;
- (2) services contracts, except
 - (a) services contracts for the transportation and handling of goods and
 - (b) financial services contracts, banking services contracts or legal services contracts.

The services contracts entered into must be with non-natural persons. Despite the foregoing, services contracts relating to the hiring of a labour relations negotiator or arbitrator, of an expert witness before the court or of a physician or a dentist in matters of medical assessment may be entered into with natural persons, among others.

13. A member of the personnel who holds a credit card on behalf of the Secretariat of the Conseil du trésor is authorized to sign the documents concerning the acquisition of eligible goods or services within the meaning of the agreement entered into with the credit card issuer up to the maximum amount authorized for each transaction.

DIVISION V SPECIAL CONDITIONS GOVERNING SIGNING

14. The signature of the chair of the Conseil du trésor may be affixed by any information technology-based process.

DIVISION VI FINAL

15. This Regulation replaces the Regulation respecting the signing of certain acts, documents or writings emanating from the secretariat of the Conseil du trésor (chapter A-6.01, r. 7).

16. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

106836

Gouvernement du Québec

O.C. 840-2024, 15 May 2024

Civil Code of Québec

Parental projects involving surrogacy in which the woman who agrees to give birth to the child is domiciled outside Québec

Regulation respecting parental projects involving surrogacy in which the woman who agrees to give birth to the child is domiciled outside Québec

WHEREAS, under the third paragraph of article 541.28 of the Civil Code, the Government may, by regulation, determine other conditions that must be met by the person alone or the spouses who formed a parental project;

WHEREAS, under the first paragraph of article 541.32 of the Civil Code, as enacted by section 20 of the Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project (2023, chapter 13), once the prior authorization has been obtained, the surrogacy agreement, accompanied by the information concerning the profile of the woman or the person who has agreed to give birth to the child and the documents determined by government regulation, must, before being signed, be submitted to the Minister of Health and Social Services for authorization, according to the terms prescribed by such a regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting parental projects involving surrogacy in which the woman who agrees to give birth to the child is domiciled outside Québec was published in Part 2 of the *Gazette officielle du Québec* of 14 February 2024 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation respecting parental projects involving surrogacy in which the woman who agrees to give birth to the child is domiciled outside Québec, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation respecting parental projects involving surrogacy in which the woman who agrees to give birth to the child is domiciled outside Québec

Civil Code of Québec
(Civil Code, art. 541.28, 3rd par., and art. 541.32, 1st par.; 2023, chapter 13, s. 20)

1. A person alone or spouses having formed a parental project involving surrogacy in which the woman or person who agrees to give birth to the child is domiciled outside Québec must, to obtain the prior authorization provided for in article 541.27 of the Civil Code, as enacted by section 20 of the Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project (2023, chapter 13), submit to the Minister of Health and Social Services the following information and documents:

(1) the name of the State chosen to carry out their parental project;

(2) an affidavit stating that

(a) the person alone has formed a parental project, or the spouses are married, in a civil union or in a de facto union and have formed a parental project;

(b) the parental project was formed before the pregnancy of the woman or person who agrees to give birth to the child;

(c) the woman or person who agrees to give birth to the child is not party to the parental project;

(d) the parental project comprises all children born of it and does not entail their being dissociated;

(e) the person alone has been domiciled in Québec for at least one year or the spouses have been domiciled in Québec for at least one year before authorization is requested;

(f) the person alone is a Canadian citizen or permanent resident, or at least one of the spouses is a Canadian citizen or permanent resident, if the woman or person who agrees to give birth to the child is domiciled outside Canada;

(g) the person alone has or the spouses have been informed of the rules relating to parental projects involving surrogacy in which the woman or the person who gave birth to the child is domiciled outside Québec, which rules are set out in the Civil Code, in this Regulation and in the rules of the State chosen, and acknowledges or acknowledge that the rules apply to her, him or them despite any stipulation to the contrary;

(h) the person alone undertakes or the spouses undertake to notify the Minister of any change concerning the person alone or the spouses or concerning the parental project that may have an impact on the implementation of the parental project or the Minister's decision.

In addition, the person alone or the spouses must not have been found guilty of a criminal offence against a minor or a person she, he or they believed to be a minor, or of a criminal offence in matters of child pornography.

2. To obtain authorization to proceed with a parental project involving surrogacy in which the woman or person who agrees to give birth to the child is domiciled outside Québec, the person alone or the spouses having formed the project must, in accordance with article 541.32 of the Civil Code, as enacted by section 20 of the Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project (2023, chapter 13), submit the surrogacy agreement to the Minister of Health and Social Services along with, in particular,

(1) an affidavit stating that the person alone undertakes or the spouses undertake

(a) to ensure that the surrogacy agreement is entered into before the pregnancy of the woman or person who agrees to give birth to the child;

(b) to ensure that there is no combining of the reproductive material of the woman or person who agrees to give birth to the child with that of the woman or person's sibling, ascendant or descendant, if the woman or person is a sister, ascendant or descendant of the person alone or of one of the spouses;

(c) if the person alone is a permanent resident, to provide her or his reproductive material, or if neither of the spouses is a Canadian citizen, to ensure that the reproductive material is provided by a spouse who is a permanent resident, as the case may be, if the woman or person who agrees to give birth to the child is domiciled outside Québec;

(d) to ensure that the woman or person who agrees to give birth to the child is 21 years of age or over and is domiciled in a State designated by the Government in accordance with 541.31 of the Civil Code, as enacted by section 20 of the Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project, and to comply with the conditions set by the laws of that State and, where applicable, submit the documents showing compliance with those conditions;

(e) to submit all changes made to the agreement to the Minister for authorization;

(f) to ensure that the child is born in a State designated by the Government in accordance with article 541.31 of the Civil Code;

(g) to ensure that, after the child's birth, the consent of the woman or person who gave birth to the child is given in express terms, in writing or by a judicial declaration in the course of proceedings relating to the filiation of the child;

(h) to notify the Minister of the birth of a child as the result of a parental project authorized by the Minister;

(2) if applicable and if possible, a letter, declaration or attestation from the establishment or centre for assisted procreation that will be responsible for the procreation containing the following information:

(a) the name of and contact information for the establishment or centre;

(b) the date on which the assisted procreation treatment is scheduled to begin;

(c) the number of treatment cycles provided for in the agreement;

(d) the source of the reproductive material;

(3) if not mentioned in the surrogacy agreement, an affidavit stating the nature of the expenses that the person alone has or the spouses have agreed to pay or reimburse to the woman or the person who agrees to give birth to the child and, if applicable, the amount of each expense and the amount of the compensation for loss of work income that the person alone has or the spouses have agreed to pay.

3. If drawn up in a language other than French, the documents transmitted to the Minister of Health and Social Services or filed with the Minister in accordance with article 541.32 of the Civil Code, as enacted by section 20 of the Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project (2023, chapter 13), including the surrogacy agreement prior to its signature or the copy of the signed agreement, must be accompanied by a translation authenticated in Québec.

4. This Regulation comes into force on 6 June 2024.

106838

Gouvernement du Québec

O.C. 841-2024, 15 May 2024

Civil Code of Québec

Terms for obtaining a copy of an original act of birth and of judgments concerning adoption for the purposes of article 583 of the Civil Code

Regulation respecting the terms for obtaining a copy of an original act of birth and of judgments concerning adoption for the purposes of article 583 of the Civil Code

WHEREAS, under the second paragraph of article 583 of the Civil Code, as replaced by section 93 of the Act respecting family law reform with regard to filiation and amending the Civil Code in relation to personality rights and civil status (2022, chapter 22), the adoptee has the right to obtain a copy of his or her original act of birth and of the judgments concerning the adoption, according to the terms determined by government regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the terms for obtaining a copy of an original act of birth and of judgments concerning adoption for the purposes of article 583 of the Civil Code was published in Part 2 of the *Gazette officielle du Québec* of 14 February 2024 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;