

chapter A-5.02

FUNERAL OPERATIONS ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TABLE OF CONTENTS

CHAPTER I
GENERAL PROVISIONS..... 1

CHAPTER II
FUNERAL SERVICES BUSINESS LICENCE AND EMBALMER’S LICENCE

DIVISION I
LICENCE ISSUE AND GENERAL LICENCE OBLIGATIONS

§ 1. — *General provisions*..... 5

§ 2. — *Provisions applicable to funeral services business licensees*..... 12

§ 3. — *Provision applicable to licensed embalmers*..... 22

DIVISION II
UNFAVOURABLE DECISIONS OF SANTÉ QUÉBEC..... 23

CHAPTER III
SPECIAL PROVISIONS APPLICABLE TO CERTAIN FUNERAL OPERATIONS

DIVISION I
EMBALMING..... 32

DIVISION II
PRESENTATION AND VIEWING OF BODIES..... 34

DIVISION III
PRESERVATION OF BODIES..... 37

DIVISION IV
OPERATION OF A CEMETERY, COLUMBARIUM OR MAUSOLEUM..... 43

DIVISION V
INTERMENT AND DISINTERMENT OF BODIES..... 55

DIVISION VI
CREMATION OF BODIES..... 62

DIVISION VII
TRANSPORTATION OF BODIES..... 64

DIVISION VIII
BODIES PRESENTING A PUBLIC HEALTH HAZARD..... 69

CHAPTER IV	
DISPOSAL OF HUMAN ASHES.....	70
CHAPTER V	
UNCLAIMED BODIES.....	72
CHAPTER VI	
INSPECTION AND INVESTIGATION.....	83
CHAPTER VII	
REGULATORY POWERS.....	88
CHAPTER VIII	
PENAL PROVISIONS.....	89
CHAPTER IX	
MISCELLANEOUS PROVISIONS.....	97
CHAPTER X	
AMENDING PROVISIONS.....	106
CIVIL CODE OF QUÉBEC.....	106
ACT RESPECTING PREARRANGED FUNERAL SERVICES AND SEPULTURES.....	109
NON-CATHOLIC CEMETERIES ACT.....	112
ACT RESPECTING ROMAN CATHOLIC CEMETERY COMPANIES.....	113
RELIGIOUS CORPORATIONS ACT.....	116
PUBLIC CURATOR ACT.....	117
BURIAL ACT.....	118
ACT RESPECTING ADMINISTRATIVE JUSTICE.....	119
ACT RESPECTING MEDICAL LABORATORIES, ORGAN AND TISSUE CONSERVATION AND THE DISPOSAL OF HUMAN BODIES.....	121
MINING ACT.....	132
ACT RESPECTING FORILLON PARK AND ITS SURROUNDINGS.....	134
ANIMAL HEALTH PROTECTION ACT.....	135
ACT RESPECTING THE DETERMINATION OF THE CAUSES AND CIRCUMSTANCES OF DEATH.....	136
PUBLIC HEALTH ACT.....	140
ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES.....	141
ACT TO AMEND THE MINING ACT.....	143
OTHER AMENDING PROVISIONS.....	144
CHAPTER XI	
FINAL PROVISIONS.....	149

CHAPTER I

GENERAL PROVISIONS

2016, c. 1, c. I.

1. This Act applies to the following funeral operations:

- (1) the provision of funeral services;
- (2) embalming;
- (3) the interment, disinterment and transportation of bodies;
- (4) the operation of funeral facilities; and
- (5) the disposal of human ashes.

It also applies to the disposal of unclaimed bodies.

2016, c. 1, s. 1.

2. For the purposes of this Act,

(1) “body” means, in addition to the body of a deceased person, the remains of such a body other than ashes, a still-born infant or a non-living product of conception when claimed by the mother or father or by either of the parents;

(2) “institution” means a health and social services institution within the meaning of the Act respecting the governance of the health and social services system (chapter G-1.021), the Act respecting health services and social services for the Inuit and Naskapi (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5);

(3) “relative” means the married, civil union or de facto spouse or the child, mother, father, or either of the parents, sister or brother of a deceased person;

(4) “cremation services” means services consisting in disposing of a body by fire or any other physical or chemical process;

(5) “funeral services” means embalming services, viewing services with the body or human ashes present or cremation services; and

(6) “embalming” means the preparation, disinfection or embalming of a body.

The washing of a body in the context of a funeral rite or practice does not constitute embalming.

2016, c. 1, s. 2; 2022, c. 22, s. 211; 2023, c. 34, s. 879.

3. This Act does not apply to funeral operations carried out by

(1) the Chief Coroner, coroners in the exercise of their functions under the Coroners Act (chapter C-68.01) or transportation service providers or persons acting under the Chief Coroner’s or a coroner’s authority;

(2) members in good standing of a professional order governed by the Professional Code (chapter C-26) in the practice of their profession;

FUNERAL OPERATIONS

(3) educational institutions, persons who teach in a post-secondary funeral science program that is recognized for the purpose of obtaining an embalmer's licence, or their students when they are acting for the purposes of their studies and are supervised by those persons or by a licensed embalmer;

(4) persons who apply makeup to, style the hair of or dress a body when they are acting under the supervision of a licensed embalmer; or

(5) any other person or category of persons exempted by government regulation.

Nor does this Act apply to

(1) institutions, subject to the provisions regarding unclaimed bodies;

(2) ambulance service permit holders; or

(3) measures prescribed, in the interests of justice, by judicial authorities or the persons that execute such measures.

2016, c. 1, s. 3; 2020, c. 20, s. 44.

4. In all circumstances, a body or human ashes must be handled and disposed of in a manner that respects the dignity of the deceased person.

2016, c. 1, s. 4.

CHAPTER II

FUNERAL SERVICES BUSINESS LICENCE AND EMBALMER'S LICENCE

2016, c. 1, c. II.

DIVISION I

LICENCE ISSUE AND GENERAL LICENCE OBLIGATIONS

2016, c. 1, Div. I.

§ 1. — *General provisions*

2016, c. 1, Sd. 1.

5. No one may offer or purport to offer funeral services unless they hold a funeral services business licence.

2016, c. 1, s. 5.

6. A person who practises embalming must hold an embalmer's licence.

Only a natural person may hold an embalmer's licence.

2016, c. 1, s. 6.

7. Applications for a licence or its renewal must be submitted to Santé Québec in the form determined by government regulation, together with the documents and information prescribed and the fees set by regulation.

Santé Québec issues a licence or renews it if the applicant has the qualifications and meets the conditions prescribed by this Act and the regulations.

2016, c. 1, s. 7; 2023, c. 34, s. 882.

8. Santé Québec may issue, modify or renew a licence subject to any condition, restriction or prohibition it determines. Any condition, restriction or prohibition determined by Santé Québec must be specified in the licence.

2016, c. 1, s. 8; 2023, c. 34, s. 882.

9. A funeral services business licence is issued or renewed for a three-year term.

An embalmer's licence is issued or renewed for a one-year term.

A renewal application must be received not later than three months before the licence expires.

2016, c. 1, s. 9.

10. Licensees must inform Santé Québec without delay of any change that may affect the validity of their licence.

In addition, a licensee who intends to cease operations must ensure a professional transition of the human ashes and the prearranged funeral services under the licensee's responsibility. The licensee must also inform Santé Québec in writing, and Santé Québec revokes the licence on the date specified in the notice of cessation of activities.

2016, c. 1, s. 10; 2023, c. 34, s. 882.

11. Licensees must preserve the documents specified by government regulation, allow them to be examined and provide them to Santé Québec on request.

2016, c. 1, s. 11; 2023, c. 34, s. 882.

§ 2. — *Provisions applicable to funeral services business licensees*

2016, c. 1, Sd. 2.

12. A funeral services business licence specifies the funeral services the licensee is authorized to provide and the funeral facilities the licensee is authorized to operate.

For the purposes of this subdivision, "funeral facility" means a room permanently set up for the viewing of bodies or human ashes, an embalming room or a crematorium.

2016, c. 1, s. 12.

13. Funeral services business licensees must carry out their operations in accordance with their licence.

2016, c. 1, s. 13.

14. A funeral services business licence may not be transferred without written authorization from Santé Québec.

2016, c. 1, s. 14; 2023, c. 34, s. 882.

15. Santé Québec issues an extract of the funeral services business licence for each funeral facility where the licensee is authorized to provide funeral services.

FUNERAL OPERATIONS

The licence extract must be conspicuously displayed in public view in each facility where the licensee provides funeral services so that it is clearly legible.

2016, c. 1, s. 15; 2023, c. 34, s. 882.

16. Funeral services business licensees must keep an up-to-date funeral operations register.

The form and content of, and the terms governing access to and preservation of, the register are prescribed by government regulation.

2016, c. 1, s. 16.

17. A funeral services business licensee may advertise the business to the public as offering funeral services not specified in the licence, provided the services are offered through another funeral services business licensee. The licensees must enter into and maintain in force the contracts necessary for the provision of those services.

The licensee must inform Santé Québec, in the manner determined by Santé Québec, as soon as a contract has been entered into with such a provider.

2016, c. 1, s. 17; 2023, c. 34, s. 882.

18. Funeral services business licensees must have a room that is private and set up for meeting with and providing information to clients in strict confidentiality.

2016, c. 1, s. 18.

19. A funeral services business licensee must appoint a funeral services director unless the licensee is a natural person who occupies that position. In both cases, Santé Québec must be informed of the fact.

The funeral services director is responsible for the administration and operation of the funeral services business and must see to the day-to-day management of operations and resources. The funeral services director also represents the licensee in dealings with Santé Québec.

2016, c. 1, s. 19; 2023, c. 34, s. 882.

20. A funeral services business licensee is accountable for the decisions made by the funeral services director in all matters governed by this Act.

2016, c. 1, s. 20.

21. The funeral services director of a funeral services business must have the qualifications and meet the conditions prescribed by government regulation.

2016, c. 1, s. 21.

§ 3. — *Provision applicable to licensed embalmers*

2016, c. 1, Sd. 3.

22. The funeral operations register kept by the funeral services business licensee must include a portion on embalming which must be completed and signed by the licensed embalmer who performs each embalming.

2016, c. 1, s. 22.

DIVISION II

UNFAVOURABLE DECISIONS OF SANTÉ QUÉBEC

2016, c. 1, Div. II; 2023, c. 34, s. 882.

23. Santé Québec may suspend, revoke or refuse to renew the licence of any licensee who

(1) has failed to comply with this Act or the regulations;

(2) has been found guilty, in any place, of an indictable or other offence relating to the operations for which the licence was issued, or, in the case of a licensee who is a legal person or partnership, if a director or officer, or a partner or shareholder having a major interest in the business, has been found guilty of such an offence, unless a pardon has been obtained;

(3) is unable, in Santé Québec's opinion, to provide adequate services; or

(4) no longer has the qualifications or meets the conditions prescribed by regulation for a licence or does not comply with a condition, restriction or prohibition specified in the licence.

Santé Québec may also suspend, revoke or refuse to renew a licence if it considers that public health or safety is endangered by the licensee's operations.

For the purposes of this section, a partner holding 20% or more of the interest in a partnership, a general partner of a limited partnership or a shareholder who, directly or indirectly, can exercise 20% or more of the voting rights attached to a legal person's issued shares, is considered to have a major interest in the business.

2016, c. 1, s. 23; 2023, c. 34, s. 882.

24. In addition to what is provided for in section 23, Santé Québec may suspend, revoke or refuse to renew a funeral services business licence, after consultation with the president of the Office de la protection du consommateur or on the president's recommendation, if the licensee was found guilty of an offence under the Consumer Protection Act (chapter P-40.1) or an offence under the Act respecting arrangements for funeral services and sepultures (chapter A-23.001).

Santé Québec may also suspend, revoke or refuse to renew the funeral services business licence of a licensee who is insolvent.

2016, c. 1, s. 24; 2018, c. 14, s. 25; 2023, c. 34, s. 882.

25. Instead of suspending, revoking or refusing to renew a licence, Santé Québec may order the licensee to take the necessary corrective measures within a specified time.

If the licensee does not comply with Santé Québec's order within the specified time, it may then suspend, revoke or refuse to renew the licensee's licence.

2016, c. 1, s. 25; 2023, c. 34, s. 882.

26. To protect public health or safety, Santé Québec may order a funeral services business licensee to cease to provide funeral services or operate a funeral facility. Santé Québec then modifies the licence accordingly.

2016, c. 1, s. 26; 2023, c. 34, s. 882.

27. Before suspending, revoking or refusing to issue or renew a licence or issuing an order under section 26, Santé Québec must notify the licensee in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and grant the licensee at least 10 days to submit observations. Santé Québec's decision must include reasons and be notified in writing to the applicant or licensee.

FUNERAL OPERATIONS

However, Santé Québec may make a decision without being bound by that prior obligation if urgent action is required or to prevent irreparable injury. In such a case, the person affected by the decision may, within the time specified in the decision, submit observations to Santé Québec for a review of the decision.

2016, c. 1, s. 27; 2023, c. 34, s. 882.

28. A licensee whose licence has been suspended may obtain its reinstatement if the necessary corrective measures are taken within the time specified by Santé Québec.

If the licensee fails to take the necessary corrective measures within the time specified, Santé Québec must then revoke or refuse to renew the licence.

2016, c. 1, s. 28; 2023, c. 34, s. 882.

29. A licensee whose licence has been revoked or has not been renewed must surrender it and the licence extracts to Santé Québec within 15 days after notification of Santé Québec's decision.

Santé Québec may also require that a licensee whose licence has been suspended surrender it and the licence extracts.

2016, c. 1, s. 29; 2023, c. 34, s. 882.

30. An applicant who has been denied a licence or a licensee whose licence has been suspended, revoked or modified or has not been renewed may contest Santé Québec's decision before the Administrative Tribunal of Québec within 60 days after notification of Santé Québec's decision.

2016, c. 1, s. 30; 2023, c. 34, s. 882.

31. Santé Québec may take any means necessary to inform the public and any other licensees under this Act of the suspension or revocation of or the refusal to renew a licence.

2016, c. 1, s. 31; 2023, c. 34, s. 882.

CHAPTER III

SPECIAL PROVISIONS APPLICABLE TO CERTAIN FUNERAL OPERATIONS

2016, c. 1, c. III.

DIVISION I

EMBALMING

2016, c. 1, Div. I.

32. Embalming must be performed in an embalming room operated by a funeral services business.

2016, c. 1, s. 32.

33. To protect public health, the Government may, by regulation, prescribe hygiene and protection standards for embalming and determine the conditions, including the time limits, in which embalming must be performed.

The Government may, by regulation, also prescribe layout, equipment and hygiene standards for embalming rooms.

2016, c. 1, s. 33.

DIVISION II

PRESENTATION AND VIEWING OF BODIES

2016, c. 1, Div. II.

34. The presentation or viewing of a body must be held by a funeral services business

(1) in a room permanently set up for the viewing of bodies or human ashes and appearing on the business's licence;

(2) in a room temporarily set up for the viewing of bodies or human ashes provided the business's licence authorizes the operation of a room permanently set up for such purposes; or

(3) in a room operated by the business, before the body's embalming or cremation and solely for identification purposes.

The washing of a body in the context of a funeral rite or practice in the presence of relatives or close relations of the deceased person must not be considered a presentation or viewing of the body.

2016, c. 1, s. 34.

35. When a body is presented or a viewing is held, the body must be laid out in a casket, whether open or closed. However, in the moments immediately preceding its cremation, a body may be presented on a stretcher or table.

2016, c. 1, s. 35.

36. To protect public health, the Government may, by regulation, prescribe hygiene and protection standards for the presentation or viewing of bodies and determine the conditions, including the time limits, in which such presentation or viewing must take place.

The Government may also prescribe, by regulation, layout, equipment and hygiene standards for rooms set up for the presentation or viewing of bodies or human ashes as well as manufacturing and hygiene standards for rental caskets, and determine the conditions for the use of rental caskets.

2016, c. 1, s. 36.

DIVISION III

PRESERVATION OF BODIES

2016, c. 1, Div. III.

37. Rooms or equipment used for the preservation of bodies may be operated only by a funeral services business or a cemetery operator.

2016, c. 1, s. 37.

38. To protect public health, the Government may, by regulation, prescribe hygiene and protection standards for the preservation of bodies.

The Government may also prescribe layout and hygiene standards for rooms or equipment used for the preservation of bodies and determine the conditions for the use of such rooms or equipment.

2016, c. 1, s. 38.

39. Cemetery operators must, every five years, declare to Santé Québec the rooms and equipment they operate for the preservation of bodies.

When renewing their licence, funeral services businesses must declare to Santé Québec the rooms and equipment they operate for the preservation of bodies.

2016, c. 1, s. 39; 2023, c. 34, s. 882.

40. A public vault may be built only in a cemetery and must be used exclusively for the temporary storage of bodies and human ashes.

2016, c. 1, s. 40.

41. No one may open a casket after it has been placed in a public vault except when this is necessary in order to proceed with the cremation of the body.

2016, c. 1, s. 41.

42. Exceptionally and to ensure compliance with the law and the protection of public health, Santé Québec may require that a body held by a funeral services business or cemetery operator be transferred to another funeral services business or cemetery operator.

The business or operator transferring the body must provide all the documents pertaining to the body to the business or operator identified by Santé Québec. The business or operator transferring the body may not claim the costs related to its preservation from anyone and must pay the costs related to its transportation.

2016, c. 1, s. 42; 2023, c. 34, s. 882.

DIVISION IV

OPERATION OF A CEMETERY, COLUMBARIUM OR MAUSOLEUM

2016, c. 1, Div. IV.

43. No one may establish or close a cemetery or change its size or use without prior authorization from Santé Québec.

2016, c. 1, s. 43; 2023, c. 34, s. 882.

44. A columbarium may be operated only by a funeral services business or a cemetery operator.

2016, c. 1, s. 44.

45. A mausoleum may be operated only by a cemetery operator.

A mausoleum may not be built elsewhere than in a cemetery.

2016, c. 1, s. 45.

46. The Government may, by regulation, prescribe layout and hygiene standards for cemeteries, columbariums and mausoleums and determine the conditions for their use.

2016, c. 1, s. 46.

47. Cemetery operators must, every five years, declare to Santé Québec the columbariums and mausoleums they operate. They must also inform Santé Québec of any change within three months.

When renewing their licence, funeral services businesses must declare to Santé Québec all the columbariums they operate. They must also inform Santé Québec of any change within three months.

2016, c. 1, s. 47; 2023, c. 34, s. 882.

48. Cemetery and columbarium operators must keep an up-to-date burial register.

The form and content of, and the terms governing access to and preservation of, the register are prescribed by government regulation.

2016, c. 1, s. 48.

49. If Santé Québec considers it necessary for the protection of public health or safety, Santé Québec may prohibit access to all or part of a cemetery, columbarium or mausoleum, or prohibit the operation of all or part of such funeral facilities, until the situation endangering public health or safety is over.

Santé Québec may also order that work be done to remedy the problematic situation and specify the time within which the cemetery operator or funeral services business must do the work.

2016, c. 1, s. 49; 2023, c. 34, s. 882.

50. In the cases provided for in section 49, or when a cemetery is being closed or its size or use changed, Santé Québec may require that the bodies be disinterred and reinterred under the conditions and in the places determined by it.

2016, c. 1, s. 50; 2023, c. 34, s. 882.

51. In the event of a cessation of operations or a bankruptcy, a columbarium operator, a funeral services business that holds human ashes or, if applicable, the syndic, must take reasonable measures to hand the ashes over to a relative. The operator, business or syndic may also hand the ashes over to any other person who shows an interest in the deceased person.

If such measures fail, the ashes must be placed in a cemetery or handed over to another columbarium operator at the expense of the columbarium operator who ceased operations.

The columbarium operator, funeral services business or syndic, as the case may be, must inform Santé Québec of the steps taken and the place where the ashes have been placed.

Santé Québec may inform the public of the cessation of activities or the bankruptcy of a columbarium operator and indicate to which operator the ashes were handed over.

2016, c. 1, s. 51; 2023, c. 34, s. 882.

52. A columbarium operator or funeral services business may keep abandoned human ashes in a safe place.

A columbarium operator who wishes to dispose of abandoned human ashes that have not been claimed one year after the expiry of a contract or a funeral services business that wishes to dispose of abandoned human ashes that have not been claimed one year after cremation must place them in a cemetery or hand them over to another columbarium operator.

Ashes are considered to have been abandoned after the columbarium operator or funeral services business has taken reasonable measures to hand the ashes over to a relative or to any other person who shows an interest in the deceased person.

2016, c. 1, s. 52.

53. Exceptionally and to ensure compliance with the law, Santé Québec may require that human ashes placed in a columbarium be handed over to another columbarium operator.

The operator handing over the ashes must provide all the documents pertaining to the body to the operator identified by Santé Québec. The operator handing over the ashes may not claim the costs related to their preservation from anyone and must pay the costs related to their transportation.

2016, c. 1, s. 53; 2023, c. 34, s. 882.

54. To enable Santé Québec to validate the information held by Santé Québec, Santé Québec may require the Minister of Municipal Affairs, Regions and Land Occupancy or a municipality to provide information on the presence of cemetery operators in a particular territory.

2016, c. 1, s. 54; 2023, c. 34, s. 882.

DIVISION V

INTERMENT AND DISINTERMENT OF BODIES

2016, c. 1, Div. V.

55. The interment of a body must be carried out in a lot or mausoleum situated in a cemetery or be carried out, after Santé Québec's authorization has been obtained, in another place.

2016, c. 1, s. 55; 2023, c. 34, s. 882.

56. A disinterment must be authorized by the Court.

A person wishing to disinter a body must file an application to that end with a judge of the Superior Court, together with an authorization from the national public health director. The application must be notified to the operator of the place where the body is interred.

The application must include reasons and specify the name of the person who will disinter the body, the means that will be taken to ensure that the body is respected and how the body will be disposed of.

2016, c. 1, s. 56.

57. The information allowing identification of the person whose body is to be disinterred as well as any available information on the cause of death or the intoxications, infections or diseases from which the person suffered must be submitted to the national public health director with the application for authorization.

The national public health director grants a disinterment authorization if, in the director's opinion, the disinterment does not present a public health hazard. The authorization may be subject to conditions.

2016, c. 1, s. 57.

58. A judge, when authorizing the disinterment of a body, must take into account the conditions prescribed by the national public health director.

2016, c. 1, s. 58.

59. A disinterment authorization must be notified to the Chief Coroner.

2016, c. 1, s. 59.

60. The disinterment of a body must be carried out in such a way as to protect public health.

2016, c. 1, s. 60.

61. The Government may, by regulation, prescribe standards and conditions for interment and disinterment.

2016, c. 1, s. 61.

DIVISION VI

CREMATION OF BODIES

2016, c. 1, Div. VI.

62. The cremation of a body must be carried out in a crematorium operated by a funeral services business.

2016, c. 1, s. 62.

63. To protect public health, the Government may, by regulation, prescribe hygiene and protection standards for cremations and determine the persons who are authorized to perform cremations.

The Government may also, by regulation, prescribe layout, equipment and hygiene standards for crematoriums.

2016, c. 1, s. 63.

DIVISION VII

TRANSPORTATION OF BODIES

2016, c. 1, Div. VII.

64. A body may be transported only by a funeral services business or another transportation services provider that is acting under a contract entered into with a funeral services business.

2016, c. 1, s. 64.

65. A body must be transported in accordance with the conditions and the equipment, hygiene and protection standards prescribed by government regulation.

Santé Québec may inform a funeral services business that has entered into a contract with a transportation services provider of any failure of the latter to comply with the law and the regulations.

2016, c. 1, s. 65; 2023, c. 34, s. 882.

66. A body may not be transported without the following:

- (1) a copy of the attestation of death, except in the case of a non-living product of conception;
- (2) a document specifying, if applicable, that the body presents a public health hazard; and
- (3) any other information prescribed by ministerial regulation.

The copy of the attestation of death must be given to the funeral services business or the transportation services provider acting for the business by a person authorized by law to draw up attestations of death and

FUNERAL OPERATIONS

the documents and information required under subparagraphs 2 and 3 of the first paragraph, by a person determined by ministerial regulation.

The funeral services business must keep the documents and information described in the first paragraph in accordance with the conditions prescribed by regulation.

2016, c. 1, s. 66.

67. The funeral services business that takes charge of the body must communicate the documents and information required under section 66 to the funeral services provider acting for the business.

2016, c. 1, s. 67.

68. If Santé Québec considers it necessary for the protection of public health or safety, Santé Québec may order a funeral services business to cease using a transportation services provider until the situation endangering public health or safety has ended.

2016, c. 1, s. 68; 2023, c. 34, s. 882.

DIVISION VIII

BODIES PRESENTING A PUBLIC HEALTH HAZARD

2016, c. 1, Div. VIII.

69. A regulation made under this chapter may prescribe rules that vary according to the diseases which may constitute a public health hazard when carried by a body.

2016, c. 1, s. 69.

CHAPTER IV

DISPOSAL OF HUMAN ASHES

2016, c. 1, c. IV.

70. A funeral services business must hand human ashes over to a single person in one or more containers, which must hold all the ashes.

The funeral services business must enter the information prescribed by government regulation in the funeral operations register.

2016, c. 1, s. 70.

71. No one may scatter human ashes in a place where they may constitute a nuisance or in a manner that fails to respect the dignity of the deceased person.

2016, c. 1, s. 71.

CHAPTER V

UNCLAIMED BODIES

2016, c. 1, c. V.

72. An institution is responsible for the custody and preservation of the bodies of persons whose death is attested in a facility maintained by the institution until the bodies are claimed or deemed unclaimed.

2016, c. 1, s. 72.

73. Santé Québec may designate one or more public institutions responsible for the custody and preservation of the bodies of persons whose death is attested outside a facility maintained by an institution until the bodies are claimed or deemed unclaimed.

2016, c. 1, s. 73; 2023, c. 34, s. 882.

74. The institution responsible for a body must ask a police force to conduct a search to find a relative of the deceased person.

When the search is concluded, the police force must as soon as possible inform the institution, in writing, of its outcome and inform a relative, if one has been found, of the person's death.

2016, c. 1, s. 74.

75. A body is deemed unclaimed if no relative can be found or if a relative

(1) declares in writing that he or she does not intend to claim it; or

(2) has not claimed the body within 72 hours after being officially informed of the death or after indicating that he or she intends to claim it.

2016, c. 1, s. 75.

76. An institution that has custody of an unclaimed body must inform Santé Québec as soon as possible and forward any document or information specified by Santé Québec. The same applies to a coroner who has custody of such a body that is not or is no longer required for the purposes of the Coroners Act (chapter C-68.01) and that the coroner decides to entrust to Santé Québec.

2016, c. 1, s. 76; 2020, c. 20, s. 44; 2023, c. 34, s. 882.

77. Santé Québec may authorize the transfer of an unclaimed body to a person, other than a relative, who shows an interest in the deceased person and makes a written request, with reasons, to that end.

The person to whom the body is transferred is then responsible for paying the costs of disposing of the body.

2016, c. 1, s. 77; 2023, c. 34, s. 882.

78. Santé Québec may offer an unclaimed body to an educational institution or transfer it to a funeral services business for disposal in accordance with this Act.

Santé Québec then advises the institution or the coroner concerned of the steps they must take with regard to the body.

2016, c. 1, s. 78; 2023, c. 34, s. 882.

78.1. An institution must, if it is responsible for a body donated to an educational institution, take the necessary measures to deliver the body to that institution.

2023, c. 34, s. 880.

79. An educational institution that receives an unclaimed body must pay the transportation, preservation and disposal costs.

An educational institution that disposes of an unclaimed body must enter how and where it disposed of the body in a register that it maintains for that purpose.

The form and content of, and the terms governing access to and preservation of, the register are prescribed by government regulation.

2016, c. 1, s. 79.

80. A body transferred by Santé Québec to a funeral services business must be interred or cremated as soon as possible.

The interment or cremation is carried out at the expense of the succession or, if the property left by the deceased person is insufficient to cover the interment or cremation expenses and they are not covered by a prearranged funeral services contract or sepulture contract, at the Government's expense.

2016, c. 1, s. 80; 2023, c. 34, s. 882.

81. A funeral services business may not refuse to take charge of an unclaimed body if Santé Québec requires it to do so and pays the fees determined by government regulation.

2016, c. 1, s. 81; 2023, c. 34, s. 882.

82. Santé Québec must keep an up-to-date register of unclaimed bodies.

The form and content of, and the terms governing access to and preservation of, the register are prescribed by government regulation.

2016, c. 1, s. 82; 2023, c. 34, s. 882.

CHAPTER VI

INSPECTION AND INVESTIGATION

2016, c. 1, c. VI.

83. Santé Québec may authorize any person to act as an inspector for the purpose of verifying compliance with this Act and the regulations.

2016, c. 1, s. 83; 2023, c. 34, s. 882.

84. An inspector may, in the exercise of the functions of office,

(1) at any reasonable time enter any premises where funeral operations are carried out and any premises where the inspector has reasonable grounds to believe that such operations are carried out;

(2) take photographs of the premises and equipment;

(3) require the persons present to provide any information about the operations carried out in those premises that is necessary for the discharge of the inspector's functions, and to produce any document or extract of a document containing such information for examination or the making of copies;

(4) inspect any vehicle used to transport bodies;

(5) conduct any test or analysis or take any measurements; and

(6) open a container or any equipment used as part of funeral operations, including a casket, or ask that it be opened for examination.

An inspector may be accompanied by an expert in a particular matter or request that the funeral services business or cemetery operator under inspection seek an expert opinion and provide the inspector with the resulting report, if such an opinion is considered necessary. The cost of the expert opinion is assumed by the funeral services business or cemetery operator.

2016, c. 1, s. 84.

85. Santé Québec may designate any person to investigate any matter relating to the application of this Act or the regulations.

2016, c. 1, s. 85; 2023, c. 34, s. 882.

86. On request, an inspector or investigator must identify himself or herself and produce a certificate of authority.

2016, c. 1, s. 86.

87. An inspector or investigator may not be sued for any act performed in good faith in the exercise of the functions of office.

2016, c. 1, s. 87.

CHAPTER VII

REGULATORY POWERS

2016, c. 1, c. VII.

88. In addition to the powers conferred on it by this Act, the Government may, by regulation,

(1) determine the additional fees that may be charged to a licensee;

(2) determine continuing education requirements for licensed embalmers or the staff of funeral services businesses or of transportation services providers acting for such businesses;

(3) determine any other measure or standard for funeral operations, including any funeral operations not governed by this Act, that it considers necessary to protect public health;

(4) determine the equipment, hygiene and protection standards applicable in the context of funeral rites and practices, in particular with regard to the washing of a body; and

(5) determine the regulatory provisions made under this Act whose violation constitutes an offence and prescribe, for each offence, the minimum and maximum fines to which an offender is liable, which may not exceed the amounts specified in section 92.

2016, c. 1, s. 88.

CHAPTER VIII

PENAL PROVISIONS

2016, c. 1, c. VIII.

89. The following persons are guilty of an offence and liable to a fine of \$250 to \$750 in the case of a natural person and \$750 to \$2,250 in other cases:

(1) a licensee or cemetery operator who fails to preserve a document whose preservation is required or to provide information, reports or other documents that must be provided under this Act or the regulations;

(2) a licensee or cemetery operator who fails to keep a register required under this Act; and

(3) a licensee who contravenes the second paragraph of section 15 or section 29.

2016, c. 1, s. 89.

90. The following persons are guilty of an offence and liable to a fine of \$500 to \$1,500 in the case of a natural person and \$1,500 to \$4,500 in other cases:

(1) a funeral services business licensee who contravenes section 14, 17 or 18, the first paragraph of section 19, the first paragraph of section 70 or section 81;

(2) a columbarium operator, syndic or funeral services business licensee, as the case may be, who contravenes section 51 or 52; and

(3) anyone who contravenes section 32, 40, 41, 45, 55, 60 or 62, the first paragraph of section 66 or section 71.

2016, c. 1, s. 90.

91. The following persons are guilty of an offence and liable to a fine of \$1,000 to \$5,000 in the case of a natural person and \$3,000 to \$15,000 in other cases:

(1) a funeral services business licensee who employs a person who practises embalming without the embalmer's licence required under section 6;

(2) a funeral services business licensee who contravenes section 13;

(3) anyone who contravenes the first paragraph of section 5 or 6, section 34, 35, 37, 43 or 44, the first paragraph of section 56 or section 64;

(4) anyone who hinders an inspector or investigator in the exercise of the functions of office;

(5) anyone who refuses to provide an inspector with information or documents the inspector is entitled to require or examine, or conceals or destroys a document or other object relevant to an inspection; and

(6) anyone who provides Santé Québec or an inspector in the exercise of the functions of office with information, reports or other documents that must be provided under this Act and that the person knows or should have known to be false or misleading.

2016, c. 1, s. 91; 2023, c. 34, s. 882.

92. The following persons are guilty of an offence and liable to a fine of \$2,500 to \$12,500 in the case of a natural person and \$7,500 to \$37,500 in other cases:

FUNERAL OPERATIONS

(1) anyone who refuses to comply with anything that Santé Québec requires to be done under the first paragraph of section 42, section 50 or the first paragraph of section 53;

(2) anyone who enters a cemetery, columbarium or mausoleum or any part of a cemetery, columbarium or mausoleum when Santé Québec has prohibited access under the first paragraph of section 49;

(3) a funeral services business licensee or cemetery operator who provides access to all or part of a cemetery, columbarium or mausoleum, or continues to operate it, when Santé Québec has prohibited such access or operation under the first paragraph of section 49;

(4) a funeral services business licensee or cemetery operator who neglects or refuses to do work ordered by Santé Québec under the second paragraph of section 49 within the time specified; and

(5) a funeral services business that continues to use a transportation services provider when Santé Québec has prohibited its doing so under section 68.

2016, c. 1, s. 92; 2023, c. 34, s. 882.

93. Anyone who aids, abets, counsels, allows, authorizes or orders another person to commit an offence under this Act or the regulations is guilty of that offence.

2016, c. 1, s. 93.

94. If an offence is committed by the funeral services director of a funeral services business or by a director of a legal person, partnership or association without legal personality, the minimum and maximum fines that may be imposed are double those prescribed for a natural person.

2016, c. 1, s. 94.

95. In any penal proceedings relating to an offence under this Act or the regulations, proof that the offence was committed by a director, agent or employee of any party is sufficient to establish that it was committed by that party, unless the party establishes that due diligence was exercised and all necessary precautions were taken to prevent the commission of the offence.

2016, c. 1, s. 95.

96. In the case of a subsequent offence, the minimum and maximum fines prescribed in this Act and the regulations are doubled.

2016, c. 1, s. 96.

CHAPTER IX

MISCELLANEOUS PROVISIONS

2016, c. 1, c. IX.

97. The Government may exempt from all or part of this Act and the regulations all or part of the territory of a municipality situated more than 200 km from a funeral facility specified in the licence of a funeral services business, or any other territory the Government determines.

The Government may also, by regulation, prescribe specific conditions and equipment, hygiene and protection standards for funeral operations in those territories.

2016, c. 1, s. 97.

98. Santé Québec may, by agreement, entrust all or part of the management of the licences provided for in this Act to a public body.

The public body may then exercise all the powers and responsibilities granted by Santé Québec in the agreement.

2016, c. 1, s. 98; 2023, c. 34, s. 882.

99. In order to distribute the examination of applications for the renewal of funeral services business licences over time, Santé Québec may, when issuing new licences, provide that they be valid for a term equal to or less than three years but greater than or equal to one year.

2016, c. 1, s. 99; 2023, c. 34, s. 881.

100. Cemetery operators have until 1 July 2019 to declare to the Minister the rooms and equipment they operate for the preservation of bodies.

2016, c. 1, s. 100.

101. A person or partnership who, on 22 October 2015, holds a funeral director's permit for the sole purpose of operating a columbarium and does not operate a cemetery may continue to operate the columbarium. Sections 46 and 48 to 53 then apply to such a person or partnership.

Such a person or partnership may dispose of the columbarium only in favour of a funeral services business or a cemetery operator.

2016, c. 1, s. 101.

102. A person or partnership who, on 22 October 2015, operates a mausoleum situated outside a cemetery may continue to operate the mausoleum and to develop it. Sections 46 and 48 to 50 then apply to such a person or partnership.

2016, c. 1, s. 102.

103. Cemetery operators have until 1 July 2019 to declare to the Minister the columbariums and mausoleums they operate.

2016, c. 1, s. 103.

104. Despite section 55, a body that, on 1 January 2019, is interred elsewhere than in a lot or mausoleum situated in a cemetery may remain interred there.

2016, c. 1, s. 104.

105. Santé Québec may require of licensees or cemetery operators that they provide, in the manner and within the time specified, the statistical data, reports and other information, including financial statements, necessary for the discharge of the functions vested in Santé Québec under this Act, provided it is not possible to link that information to a deceased person.

2016, c. 1, s. 105; 2023, c. 34, s. 882.

CHAPTER X

AMENDING PROVISIONS

2016, c. 1, c. X.

CIVIL CODE OF QUÉBEC

106. *(Amendment integrated into the Civil Code, a. 122).*

2016, c. 1, s. 106.

107. *(Amendment integrated into the Civil Code, a. 125).*

2016, c. 1, s. 107.

108. *(Omitted).*

2016, c. 1, s. 108.

ACT RESPECTING PREARRANGED FUNERAL SERVICES AND SEPULTURES

109. *(Amendment integrated into c. A-23.001, s. 3).*

2016, c. 1, s. 109.

110. *(Amendment integrated into c. A-23.001, s. 40).*

2016, c. 1, s. 110.

111. *(Amendment integrated into c. A-23.001, s. 73).*

2016, c. 1, s. 111.

NON-CATHOLIC CEMETERIES ACT

112. *(Omitted).*

2016, c. 1, s. 112.

ACT RESPECTING ROMAN CATHOLIC CEMETERY COMPANIES

113. *(Omitted).*

2016, c. 1, s. 113.

114. *(Amendment integrated into c. C-40.1, s. 38).*

2016, c. 1, s. 114.

115. *(Amendment integrated into c. C-40.1, s. 42).*

2016, c. 1, s. 115.

RELIGIOUS CORPORATIONS ACT

116. *(Amendment integrated into c. C-71, s. 8).*

2016, c. 1, s. 116.

FUNERAL OPERATIONS

PUBLIC CURATOR ACT

117. *(Amendment integrated into c. C-81, s. 42, French text).*

2016, c. 1, s. 117.

BURIAL ACT

118. *(Omitted).*

2016, c. 1, s. 118.

ACT RESPECTING ADMINISTRATIVE JUSTICE

119. *(Amendment integrated into c. J-3, s. 25).*

2016, c. 1, s. 119.

120. *(Amendment integrated into c. J-3, Sch. I).*

2016, c. 1, s. 120.

ACT RESPECTING MEDICAL LABORATORIES, ORGAN AND TISSUE CONSERVATION AND THE DISPOSAL OF HUMAN BODIES

121. *(Amendment integrated into c. L-0.2, title).*

2016, c. 1, s. 121.

122. *(Amendments integrated into c. L-0.2, s. 1).*

2016, c. 1, s. 122.

123. *(Amendment integrated into c. L-0.2, Heading of Division II).*

2016, c. 1, s. 123.

124. *(Omitted).*

2016, c. 1, s. 124.

125. *(Amendment integrated into c. L-0.2, s. 38).*

2016, c. 1, s. 125.

126. *(Omitted).*

2016, c. 1, s. 126.

127. *(Omitted).*

2016, c. 1, s. 127.

128. *(Omitted).*

2016, c. 1, s. 128.

129. *(Omitted).*

2016, c. 1, s. 129.

130. *(Amendments integrated into c. L-0.2, s. 69).*

2016, c. 1, s. 130.

131. *(Omitted).*

2016, c. 1, s. 131.

MINING ACT

132. *(Amendment integrated into c. M-13.1, s. 144).*

2016, c. 1, s. 132.

133. *(Amendment integrated into c. M-13.1, s. 235).*

2016, c. 1, s. 133.

ACT RESPECTING FORILLON PARK AND ITS SURROUNDINGS

134. *(Amendments integrated into c. P-8, s. 5).*

2016, c. 1, s. 134.

ANIMAL HEALTH PROTECTION ACT

135. *(Amendment integrated into c. P-42, s. 11.12).*

2016, c. 1, s. 135.

ACT RESPECTING THE DETERMINATION OF THE CAUSES AND CIRCUMSTANCES OF DEATH

136. *(Amendment integrated into c. R-0.2, s. 1).*

2016, c. 1, s. 136.

137. *(Amendment integrated into c. R-0.2, Heading of Division III of Chapter III, French text).*

2016, c. 1, s. 137.

138. *(Amendment integrated into c. R-0.2, s. 78).*

2016, c. 1, s. 138.

139. *(Amendment integrated into c. R-0.2, s. 80).*

2016, c. 1, s. 139.

PUBLIC HEALTH ACT

140. *(Amendment integrated into c. S-2.2, s. 46).*

2016, c. 1, s. 140.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

141. *(Amendment integrated into c. S-4.2, ss. 114.1 and 114.2).*

2016, c. 1, s. 141.

142. *(Amendment integrated into c. S-4.2, s. 349.1).*

2016, c. 1, s. 142.

ACT TO AMEND THE MINING ACT

143. *(Not in force).*

2016, c. 1, s. 143.

OTHER AMENDING PROVISIONS

144. In the following provisions, a reference to the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2) is replaced by a reference to the Funeral Operations Act (chapter A-5.02):

- (1) *(Amendment integrated into c. C-37.01, s. 232);*
- (2) *(Amendment integrated into c. C-37.02, s. 219);*
- (3) *(Amendment integrated into c. V-6.1, s. 408).*

2016, c. 1, s. 144.

145. In the following provisions, a reference to the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies is replaced by a reference to the Act respecting medical laboratories and organ and tissue conservation:

- (1) *(Amendments integrated into c. A-3.001, ss. 112, 113 and 189);*
- (2) *(Amendment integrated into c. A-5.01, s. 2);*
- (3) *(Amendment integrated into c. A-29, s. 1);*
- (4) *(Amendment integrated into c. P-9.0001, s. 4);*
- (5) *(Amendments integrated into c. P-9.1, ss. 42 and 86);*
- (6) *(Amendment integrated into c. P-12, s. 13);*
- (7) *(Amendment integrated into c. Q-2, s. 93);*
- (8) *(Amendment integrated into c. S-6.2, s. 172).*

2016, c. 1, s. 145.

146. Unless the context indicates otherwise, in any text, a reference to the Non-Catholic Cemeteries Act (chapter C-17) or the Burial Act (chapter I-11) is a reference to this Act.

2016, c. 1, s. 146.

147. *(Amendment integrated into c. A-13.1.1, r. 1, s. 110).*

2016, c. 1, s. 147.

148. *(Amendment integrated into c. Q-2, r. 12, s. 2).*

2016, c. 1, s. 148.

CHAPTER XI

FINAL PROVISIONS

2016, c. 1, c. XI.

149. The Minister of Health and Social Services is responsible for the administration of this Act.

2016, c. 1, s. 149.

150. *(Omitted).*

2016, c. 1, s. 150.

