

chapter C-15

PROFESSIONAL CHEMISTS ACT



The Minister Responsible for Government Administration and Chair of the Conseil du trésor is responsible for the administration of this Act. Order in Council 1638-2022 dated 20 October 2022, (2022) 154 G.O. 2 (French), 6513.

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REPEAL SCHEDULE

1. In this Act and the regulations made thereunder, unless the context requires otherwise:

(a) “member of the Order”, “chemist” or “professional chemist” means any person registered as a professional chemist under the provisions of this Act;

(b) “practice of professional chemistry” means the practice for gain of any branch of chemistry, pure or applied, including, without limiting the generality of the foregoing, organic, inorganic, physical, metallurgical, biological, clinical, analytical and industrial chemistry, but does not include the execution of chemical or physical tests based on known methods to determine the quality of a product or to control a manufacturing process;

(c) “Order” means the Ordre des chimistes du Québec constituted by this Act.

R. S. 1964, c. 265, s. 1; 1973, c. 63, s. 1; 1974, c. 65, s. 51; 1977, c. 5, s. 229; 1994, c. 40, s. 270.

2. All the chemists qualified to practise chemistry in Québec constitute a professional order called the “Ordre professionnel des chimistes du Québec” or the “Ordre des chimistes du Québec”.

R. S. 1964, c. 265, s. 2; 1973, c. 63, s. 2; 1977, c. 5, s. 229; 1994, c. 40, s. 271.

3. Subject to this Act, the Order and its members shall be governed by the Professional Code (chapter C-26).

R. S. 1964, c. 265, s. 3; 1973, c. 63, s. 3; 1994, c. 40, s. 272.

4. The head office of the Order shall be in the territory of Ville de Montréal or at any other place determined by regulation of the board of directors adopted pursuant to paragraph *f* of section 93 of the Professional Code (chapter C-26).

R. S. 1964, c. 265, s. 4; 1994, c. 40, s. 273; 1996, c. 2, s. 118; 2008, c. 11, s. 212.

5. The objects of the Order are:

(a) to exercise general supervision over the practice of professional chemistry;

(b) to define the qualifications required to become a professional chemist and his obligations and responsibilities toward the public;

(c) to maintain and improve the professional knowledge, ability, competency and welfare of its members, provide them with such information and services as may be deemed desirable and develop the study and teaching of chemistry in Québec.

R. S. 1964, c. 265, s. 5; 1973, c. 63, s. 4; 1994, c. 40, s. 274.

6. The Order shall have the power:

(a) to acquire by any title and hold movable and immovable property necessary to carry out its objects and to sell, lease, hypothecate, alienate or otherwise dispose of the same, provided that the value of the immovable property held at any time shall not exceed \$250,000;

(b) (*paragraph repealed*).

R. S. 1964, c. 265, s. 6; 1973, c. 63, s. 5, s. 17; 1994, c. 40, s. 275.

7. The Order must by regulation determine which of the acts contemplated in paragraph *b* of section 1 may under certain prescribed conditions be done by classes of persons other than chemists.

The board of directors shall, before adopting such a regulation, consult the Office des professions du Québec and the professional orders to which the persons contemplated by the regulation belong, or, if there are no such orders, the representative bodies of such classes of persons.

1973, c. 63, s. 6; 1974, c. 65, s. 109; 1994, c. 40, s. 276; 2008, c. 11, s. 212.

8. *(Repealed).*

1973, c. 63, s. 6; 1974, c. 65, s. 109; 1989, c. 24, s. 1; 1994, c. 40, s. 277.

9. *(Repealed).*

R. S. 1964, c. 265, s. 7; 1970, c. 57, s. 19; 1973, c. 63, s. 7; 1994, c. 40, s. 277.

10. (1) No person shall be entitled to become a member of the Order unless he

(a) has passed the prescribed examinations or is exempt from such examinations as herein provided,

(b) has satisfied the board of directors that he has had a minimum of five years' experience or training in professional chemistry under the direction of a professional chemist, or a minimum of two years in the case of the holder of a diploma recognized as valid for that purpose by the Government or deemed equivalent by the board of directors,

(c) has paid the prescribed fees.

(2) Any applicant for membership who is a holder of a university degree recognized by the board of directors as being in pure or applied science for which chemistry was a principal subject studied, or who is, or within one year prior to the filing of his application has been, a member in good standing of a professional association of chemists outside Québec having standards of qualification for membership equivalent, in the opinion of the board of directors, to those of the Order, shall be exempt from the prescribed examinations.

(3) The board of directors may, in accordance with the Professional Code (chapter C-26), grant temporary membership to any person on such conditions and for such period as may be deemed desirable.

(4) Any person qualified for membership, except as to the requirements of paragraph *b* of subsection 1 of this section, may be admitted by the board of directors for enrollment as a professional chemist in training and upon such enrollment shall have such rights and privileges and such obligations and responsibilities as may be determined by by-law, except that such person shall not be entitled to vote or to be elected to the board of directors or otherwise to hold office nor to assume the title of "professional chemist".

(5) Joint stock companies and associations of persons as such shall not be members of the Order.

R. S. 1964, c. 265, s. 8; 1973, c. 63, s. 8, s. 17; 1994, c. 40, s. 457; 2008, c. 11, s. 212.

11. The board of directors shall appoint annually a committee of examiners and may fill any vacancies that may occur therein during the term of office.

The committee shall consist of not less than five members of whom not less than three shall be appointed upon the recommendation or approval of universities in Québec as may be prescribed by by-law.

The duties of the committee shall be prescribed by by-law.

A candidate may elect to be examined in English or in French at his option.

R. S. 1964, c. 265, s. 9; 1973, c. 63, s. 9, s. 17; 2008, c. 11, s. 212.

12. *(Repealed).*

R. S. 1964, c. 265, s. 10; 1973, c. 63, s. 10; 1974, c. 65, s. 109; 1994, c. 40, s. 279; 2008, c. 11, s. 212; 2009, c. 35, s. 45.

13. *(Repealed).*

R. S. 1964, c. 265, s. 11; 1973, c. 63, s. 17; 2008, c. 11, s. 212; 2009, c. 35, s. 45.

14. *(Repealed).*

R. S. 1964, c. 265, s. 12; 1973, c. 63, s. 17; 2008, c. 11, s. 212; 2009, c. 35, s. 45.

15. *(Repealed).*

R. S. 1964, c. 265, s. 13; 1973, c. 63, s. 11; 2008, c. 11, s. 177, s. 212; 2009, c. 35, s. 45.

16. (1) No person shall practise professional chemistry or use the title of professional chemist or any abbreviation thereof, or be entitled to sue to enforce payment of any remuneration for services rendered as such, in Québec, unless he is a member of the Order. This provision shall not apply to persons practising any of the professions defined in the Medical Act (chapter M-9), the Pharmacy Act (chapter P-10) or the Engineers Act (chapter I-9).

(2) Persons employed in industrial establishments shall not be deemed engaged in the practice of professional chemistry when the job requirements of the work for which they are employed do not include the educational qualifications and experience of a professional chemist.

R. S. 1964, c. 265, s. 14; 1973, c. 63, s. 12; 1994, c. 40, s. 280.

16.1. Nothing in this Act shall prevent any person who belongs to a class of persons contemplated by a regulation adopted pursuant to the first paragraph of section 7 from performing acts contemplated in paragraph *b* of section 1, provided he performs them under the conditions prescribed in the regulation.

1994, c. 40, s. 281.

16.2. Nothing in this Act shall prevent a person from performing acts reserved for members of the Order, provided he performs them in accordance with the provisions of a regulation adopted pursuant to paragraph *h* of section 94 of the Professional Code (chapter C-26).

1994, c. 40, s. 281.

17. Nothing in this Act shall prevent any person from teaching or from conducting research in chemistry or any related subject in an educational institution or from practising the profession of agronomist or forest engineer.

Furthermore, nothing in this Act shall prevent an employee from performing for his employer, under the supervision of a chemist, an act contemplated by paragraph *b* of section 1.

R. S. 1964, c. 265, s. 15; 1973, c. 63, s. 13.

18. Any person who:

(*a*) not being a member of the Order, practises professional chemistry or assumes the title of professional chemist or any abbreviation of such title or so designates or advertises himself as to lead to the belief that he is a professional chemist or a member of the Order; or

(*b*) fraudulently procures or attempts to procure himself to be registered as a member of the Order,

commits an offence and shall be liable to a penalty provided in section 188 of the Professional Code (chapter C-26).

R. S. 1964, c. 265, s. 18; 1973, c. 63, s. 15; 1994, c. 40, s. 282.

19. *(Repealed).*

R. S. 1964, c. 265, s. 19; 1973, c. 63, s. 16; 1992, c. 61, s. 111.

20. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 265 of the Revised Statutes, 1964, in force on 31 December 1977, is repealed effective from the coming into force of chapter C-15 of the Revised Statutes.