



Quebec College of Physicians  
1250 René Lévesque Blvd. West  
Office 3500  
Montreal, Quebec  
H3B 0G2

October 28th, 2020

Subject: Provincial Bill 599  
Filed by MP Jennifer Maccarone  
September 22nd, 2020

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Madam/Sir,

We are an association that studies the various provincial and federal bills affecting human values. Recently, we have been looking at the various bills on conversion *therapies*.

The purpose of this missive is to inform you of our reflection on the provincial and federal bills that could impact or affect different members of your order and, more specifically, psychiatrists who will have provided psychiatric care that could be considered conversion therapies.

As you know, conversion therapies are practices that have historically been performed by psychiatrists, psychologists, and members of religious congregations. Although this ideology is no longer shared by psychiatrists today, there was a time when homosexuality was considered a disease up until 1987 as seen in DSM-III-R (Diagnostic and Statistical Manual of Mental Disorders).

On October 1st, the federal government, specifically Mr. Lametti, Minister of Justice, introduced a bill (Bill C-6) which will amend the criminal code to create the following offences, namely:

Article 320.102 states: "Anyone who knowingly **engages a person in conversion therapy against his will** is guilty:

- a) Whether a criminal offence punishable by five years' imprisonment;
- b) Whether an offence punishable by summary conviction.

Article 320.103 (1) states: "Anyone who knowingly **performs conversion therapy on a person under the age of eighteen** is guilty:

- a) Whether a criminal offence punishable by up to five years in prison;
- b) Whether an offence punishable by summary conviction.

Although psychiatrists no longer perform conversion therapies, we believe that these individuals, through the effect of Provincial Bill 599 introduced on September 22nd, could be sued for damages for treatment or therapy performed before the DSM removed homosexuality as a disease.

Bill 599 provides for the amendment of the Civil Code to ensure that the action for personal injury resulting from conversion therapy is **nonprescriptive**.

Currently section 2926. 1 reads as such:

*"The action for personal injury resulting from an act that may constitute a criminal offence is prescribed by 10 years from the day the victim becomes aware that the harm is attributable to that act. This action is, however, nonprescriptive if the harm results from a sexual assault, the abuse suffered during childhood, or the abuse of a spouse or former spouse. »*

Here's what Bill 599 provides:

*9. Section 2926.1 of the Civil Code of Quebec is amended by the insertion, in the first paragraph and after "results," of "conversion therapy."*

Thus, if the two bills, Bill C-66 and 599, come into effect, any professional who has **provided therapy contrary to the liking of a psychiatric patient or in the case of a psychiatric patient who is a minor** could be considered as having committed a criminal offence under the new terms of the Criminal Code and would **become nonprescriptive by the proposed changes to section 2926.1 C.c. Q, which would allow, in our view, a rain of damages claims against psychiatrists who allegedly performed psychiatric treatment against homosexual persons before 1987** as well as their employer, either a health centre or the Ministry of Health.

Finally, we inform you that there is also another bill tabled in the National Assembly, Bill 70, which proposes legislative changes with respect to conversion therapy tabled by The Minister of Justice Mr. Simon Jolin-Barette and which proposes a change to the Code of Profession but

which does not include a change to the civil code for statute of limitations, and therefore has no retroactive effect.

I trust that this information and reflections are useful to you and will continue to be available for any future reference. Yours respectfully,

A handwritten signature in black ink, appearing to read 'N. Michaud', with a large, stylized initial 'N'.

Me Nathalie Michaud,  
Director of UVVC's legal department