

## Navigating the changes: Québec's Bill 72 amending the Consumer Protection Act is adopted

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On November 7, 2024, the Québec National Assembly gave its assent to *An Act to protect consumers against abusive commercial practices and to offer better transparency with respect to prices and credit* (the Act). The Act, formerly known as Bill 72, adds requirements to the *Consumer Protection Act* (the QCPA) relating to the price of food products, tipping practices, credit contracts, long-term contracts of lease and fraud.

In our previous [Update](#), we reviewed the changes initially proposed by Bill 72. In this Update, we offer a comprehensive analysis of the amendments that have been made to the bill before its adoption as well as a summary of the coming into force of important modifications to the QCPA.

#### Overview of the amendments adopted

##### Price of food products intended for human consumption

The Act sets out a range of provisions designed to ensure consumers are well informed and protected against unfair pricing practices and imposes a series of obligations to merchants to this end. These obligations include clear indication of applicable taxes near both the price of the product and the price per unit of measurement. However, an amendment was adopted before the assent of Bill 72 to clarify that restaurant services are excluded from all of these new obligations relating to disclosure of the price of food products intended for human consumption.

##### Practices related to tips

The first version of Bill 72 provided a framework for certain practices related to tips. The bill required that predetermined tip amounts that correspond to a proportion of the price be established on the basis of a price that excludes taxes. The bill also provided that consumers be able to determine the amount of tip to be given. An amendment was adopted to further ensure that any tipping proposals are presented in a uniform manner, so as to avoid exerting any influence on the consumer in respect of one tipping proposal over another.

##### Online contracts

The QCPA requires that certain type of contracts be concluded in writing. This includes

- contracts concluded with itinerant merchants
- contracts of credit (except contracts for the loan of money payable on demand)
- contracts which include a conventional option to purchase leased goods
- contracts of lease with guaranteed residual value
- contracts of sale of used automobiles and motorcycles
- contracts relating to timeshare accommodation rights
- service contracts involving sequential performance

An amendment to Bill 72 now allows these contracts to be drawn up on a technological medium if expressly authorized by the consumer.

Furthermore, Bill 72 was amended with regards to signatures of online contracts. The signature of the parties must be affixed after all the conditions have completely been brought to the consumer's attention without the consumer having to access them through a hyperlink, an external clause or any other similar way. This constitutes a shift in previously accepted practice, in which providing contractual disclosures to consumers through a link was acceptable and sufficient to bind the consumer. Now, contractual terms will have to be displayed directly to consumers to be binding.

Finally, under certain conditions, where the QCPA requires the merchant to give a duplicate to the consumer, that duplicate can be given on a technological medium.

#### Cancellation of insurance

Bill 72, when first presented, provided that in the event a consumer cancels any insurance that was purchased on entering a credit contract, merchants had to amend the credit contract within 10 days to remove the insurance premiums. The Act now provides this same obligation when it is the merchant or the insurer who cancels the insurance.

Furthermore, Bill 72 provided that in the case of a contract for the loan of money or a contract involving credit, the merchant had to reduce either the payments or the term, at the consumer's option. In the initial version of Bill 72, if the consumer failed to provide an option, the merchant had to reduce the amount of the payments. However, the Act now provides that the merchant may decide in such circumstances to amend the payments or the term.

#### Motor vehicle dealers

The initial version of Bill 72 already prohibited motor vehicle dealers and recyclers from making the purchase of a road vehicle contingent upon the consumer entering into a credit contract or a long-term contract of lease. An amendment was subsequently adopted to specify that it is also prohibited to require that the consumer acquire any other goods or services, except insurance required for entering into a credit contract or a long-term contract of lease.

#### Long-term contracts of lease

Bill 72 stipulated that if a contract of lease included a conventional option to purchase, the contract had to specify if that option could be exercised during the term of the lease or if it could only be exercised at the end of the lease. The bill also required that, should the conventional option to purchase be included, the contract of lease disclose the amount — or the manner of calculating the amount — payable to exercise the option, including any fees for doing so.

Further to amendments, the Act prohibits the charging of any fees for exercising the option

to purchase and stipulates that the amount payable cannot exceed the residual value of the good.

## OPC permit

Under Bill 72, merchants entering into open credit contracts, high-cost credit contracts, loan of money contracts and high-cost, long-term lease contracts (such as a long-term vehicle lease) will be required to hold a permit from the *Office de la protection du consommateur* (the OPC). However, an amendment to Bill 72 was adopted before its assent and the Act now clarifies that banks, financial cooperatives and insurers will not be required to have an OPC permit to conclude open credit contracts.

## Extended powers for the government to make regulations

An amendment was adopted to provide a regulatory power to compel a retailer operating a service station to provide information on the price of gasoline and diesel fuel.

Bill 72 already required merchants to refund any sum debited from a consumer's account without the consumer's authorization or where the consumer is a victim of fraud. An amendment was adopted to provide the government with the regulatory powers to set the timeframe for repayment of such sums and provide for any other rules to facilitate implementation of merchants' new obligations.

## Coming into force of the modifications

Most of the provisions of the Act, and therefore of the modifications it makes to the QCPA, came into force on November 7, 2024, which is the date of the assent. However, important exceptions are provided for and delay the coming into force of some of the modifications made to the QCPA by the Act.

The following table offers a comprehensive summary of the provisions which have been excluded from coming into force on the date of the assent and which have been analyzed either in this Update or in our previous Update on Bill 72:

### **Coming into force of the modifications**

<b>Already in force as of November 7, 2024</b>	<ul style="list-style-type: none"><li>all provisions that have been analyzed in the present update or in our previous <u>Update</u>, and that are not listed in this table</li></ul>
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**In force on May 7, 2025 (6 months after the assent)**

- the new requirements with regard to the price of food products intended for human consumption
- the new framework for practices relating to tips
- the government's new regulatory powers with regard to both the price of food products intended for human consumption and the framework for practices relating to tips
- the increase of the maximum indemnity payable to consumers from \$10 to \$15 when there is a discrepancy between the advertised price and the price charged at checkout, specifically in cases where optical scanner technology is employed
- the new manner in which to compute a credit rate and the charges to be included in that rate (i.e., membership and renewal fees that are not charged on an annual basis)
- a lender's right to charge the consumer certain non-sufficient funds fees in addition to credit charges
- the additional restrictions regarding the ability of merchants to amend credit contracts and long-term leases unilaterally
- the new framework with regard to the cancellation of insurance purchased upon entering into a credit contract, a contract for the loan of money or a contract involving credit
- the requirement that all applications for open credit include a field for consumers to indicate their desired credit limit, the prohibition for merchants to grant a higher credit limit than what the consumer initially requested and the obligation to decline any application form that does not state a credit limit
- the new specific order in which consumer payments must be allocated to their outstanding credit balances for all open credit contracts
- the changes made to overlimit alerts provisions

**In force on August 7, 2025 (9 months after the assent)**

**In force on a date  
yet to be set by the  
government**

- the new framework limiting a consumer's liability in cases of fraud and a merchant's obligation to refund any sum debited from a consumer's demand deposit account without the consumer's authorization
- the government's new regulatory powers with regard to establishing a framework for merchants to reimburse the sums debited from a consumer's demand deposit account without the consumer's authorization
- the requirement that credit card application forms or the accompanying documents contain the minimum periodic payment or the method of calculating that payment for each period
- the conditions under which a merchant may transfer any outstanding amounts owed on a trade-in to a new instalment sale contract or a long-term contract of lease
- the new long-term leasing framework which requires lessors to extend consumer protections to lessees that are analogous to those required in credit transactions
- the restrictions regarding long-term lease advertisements
- the permit requirement for merchants entering into open credit contracts and high-cost, long-term contracts of lease and the consequences of not holding said permit in the context of high-cost credit contracts
- the government's new regulatory powers to prescribe the way in which merchants must indicate the price of goods they sell
- the government's new regulatory powers to determine the conditions for transferring to an instalment sale contract or long-term contract of lease the balance of a debt from a contract relating to goods given in exchange

If you would like to discuss how these changes may impact your business operations in Québec, please do not hesitate to contact us.