

*This is the administrative version of Order in Council No. 2-2021 made on January 8 2021. In the event of discrepancy, the version to be published in the Gazette officielle du Québec takes precedence.*

Ordering of measures to protect the health of the population amid the COVID-19 pandemic situation

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WHEREAS the World Health Organization declared COVID-19 to be a pandemic on 11 March 2020;

WHEREAS, under section 118 of the Public Health Act (chapter S-2.2), the Government may declare a public health emergency in all or part of the territory of Québec where a serious threat to the health of the population, whether real or imminent, requires the immediate application of certain measures provided for in section 123 of the Act to protect the health of the population;

WHEREAS the pandemic constitutes a serious and real threat to the health of the population that continues to require the immediate application of certain measures provided for in section 123 of the Act;

WHEREAS, while the public health emergency is in effect, despite any provision to the contrary, the Government or the Minister of Health and Social Services, if the Minister has been so empowered, may, without delay and without further formality, take any of the measures provided for in subparagraphs 1 to 8 of the first paragraph of section 123 of the Act to protect the health of the population;

WHEREAS, by Order in Council 177-2020 dated 13 March 2020, the Government declared a public health emergency and took certain measures to protect the health of the population;

WHEREAS the public health emergency was renewed until 29 March 2020 by Order in Council 222-2020 dated 20 March 2020, until 7 April 2020 by

Order in Council 388-2020 dated 29 March 2020, until 16 April 2020 by Order in Council 418-2020 dated 7 April 2020, until 24 April 2020 by Order in Council 460-2020 dated 15 April 2020, until 29 April 2020 by Order in Council 478-2020 dated 22 April 2020, until 6 May 2020 by Order in Council 483-2020 dated 29 April 2020, until 13 May 2020 by Order in Council 501-2020 dated 6 May 2020, until 20 May 2020 by Order in Council 509-2020 dated 13 May 2020, until 27 May 2020 by Order in Council 531-2020 dated 20 May 2020, until 3 June 2020 by Order in Council 544-2020 dated 27 May 2020, until 10 June 2020 by Order in Council 572-2020 dated 3 June 2020, until 17 June 2020 by Order in Council 593-2020 dated 10 June 2020, until 23 June 2020 by Order in Council 630-2020 dated 17 June 2020, until 30 June 2020 by Order in Council 667-2020 dated 23 June 2020, until 8 July 2020 by Order in Council 690-2020 dated 30 June 2020, until 15 July 2020 by Order in Council 717-2020 dated 8 July 2020, until 22 July 2020 by Order in Council 807-2020 dated 15 July 2020, until 29 July 2020 by Order in Council 811-2020 dated 22 July 2020, until 5 August 2020 by Order in Council 814-2020 dated 29 July 2020, until 12 August 2020 by Order in Council 815-2020 dated 5 August 2020, until 19 August 2020 by Order in Council 818-2020 dated 12 August 2020, until 26 August 2020 by Order in Council 845-2020 dated 19 August 2020, until 2 September 2020 by Order in Council 895-2020 dated 26 August 2020, until 9 September 2020 by Order in Council 917-2020 dated 2 September 2020, until 16 September 2020 by Order in Council 925-2020 dated 9 September 2020, until 23 September 2020 by Order in Council 948-2020 dated 16 September 2020, until 30 September 2020 by Order in Council 965-2020 dated 23 September 2020, until 7 October 2020 by Order in Council 1000-2020 dated 30 September 2020, until 14 October 2020 by Order in Council 1023-2020 dated 7 October 2020, until 21 October 2020 by Order in Council 1051-2020 dated 14 October 2020, until 28 October 2020 by Order in Council 1094-2020 dated 21 October 2020, until 4 November 2020 by Order in Council 1113-2020 dated 28 October 2020, until 11 November 2020 by Order in Council 1150-2020 dated 4 November 2020, until 18 November 2020 by Order in Council 1168-2020 dated 11 November 2020, until 25 November 2020 by Order in Council 1210-2020 dated 18 November 2020, until 2 December 2020 by Order in Council 1242-2020 dated 25 November 2020, until 9 December 2020 by Order in Council 1272-2020 dated 2 December 2020, until 18 December 2020 by Order in Council 1308-2020 dated 9 December 2020, until 25 December 2020 by Order in Council 1351-2020 dated 16 December 2020, until 1 January 2021 by Order in Council 1418-2020 dated 23 December 2020, until 8 January 2021 by Order in Council 1420-2020 dated 30 December 2020 and until 15 January 2021 by Order in Council 1-2021 dated 6 January 2021;

WHEREAS that latter Order in Council provides that the measures provided for by Orders in Council 177-2020 dated 13 March 2020, 222-2020 dated 20 March 2020, 460-2020 dated 15 April 2020, 505-2020 dated 6 May 2020, 566-2020 dated 27 May 2020, 615-2020 dated 10 June 2020, 651-2020 dated 17 June 2020, 689-2020 dated 25 June 2020, 810-2020 dated 15 July 2020, 813-2020 dated 22 July 2020,

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817-2020 dated 5 August 2020, 885-2020 dated 19 August 2020, 913-2020 dated 26 August 2020, 943-2020 dated 9 September 2020, 947-2020 dated 11 September 2020, 964-2020 dated 21 September 2020, 1020-2020 dated 30 September 2020, 1039-2020 dated 7 October 2020, 1145-2020 dated 28 October 2020, 1346-2020 dated 9 December 2020 and 1419-2020 dated 23 December 2020, and by Ministerial Orders 2020-004 dated 15 March 2020, 2020-007 dated 21 March 2020, 2020-008 dated 22 March 2020, 2020-013 dated 1 April 2020, 2020-014 dated 2 April 2020, 2020-015 dated 4 April 2020, 2020-016 dated 7 April 2020, 2020-017 dated 8 April 2020, 2020-019 and 2020-020 dated 10 April 2020, 2020-022 dated 15 April 2020, 2020-023 dated 17 April 2020, 2020-026 dated 20 April 2020, 2020-027 dated 22 April 2020, 2020-028 dated 25 April 2020, 2020-029 dated 26 April 2020, 2020-030 dated 29 April 2020, 2020-031 dated 3 May 2020, 2020-032 dated 5 May 2020, 2020-033 dated 7 May 2020, 2020-034 dated 9 May 2020, 2020-035 dated 10 May 2020, 2020-037 dated 14 May 2020, 2020-038 dated 15 May 2020, 2020-039 dated 22 May 2020, 2020-041 dated 30 May 2020, 2020-042 dated 4 June 2020, 2020-043 dated 6 June 2020, 2020-044 dated 12 June 2020, 2020-045 dated 17 June 2020, 2020-047 dated 19 June 2020, 2020-048 dated 26 June 2020, 2020-049 dated 4 July 2020, 2020-050 dated 7 July 2020, 2020-051 dated 10 July 2020, 2020-058 dated 17 August 2020, 2020-059 dated 26 August 2020, 2020-060 dated 28 August 2020, 2020-061 dated 1 September 2020, 2020-062 dated 4 September 2020, 2020-063 dated 11 September 2020, 2020-064 dated 17 September 2020, 2020-067 dated 19 September 2020, 2020-069 dated 22 September 2020, 2020-074 dated 2 October 2020, 2020-076 dated 5 October 2020, 2020-078 dated 10 October 2020, 2020-079 dated 15 October 2020, 2020-080 dated 21 October 2020, 2020-081 dated 22 October 2020, 2020-084 dated 27 October 2020, 2020-085 dated 28 October 2020, 2020-086 dated 1 November 2020, 2020-087 dated 4 November 2020, 2020-088 dated 9 November 2020, 2020-090 dated 11 November 2020, 2020-091 dated 13 November 2020, 2020-093 dated 17 November 2020, 2020-094 dated 22 November 2020, 2020-096 dated 25 November 2020, 2020-097 dated 1 December 2020, 2020-099 and 2020-100 dated 3 December 2020, 2020-101 dated 5 December 2020, 2020-102 dated 9 December 2020, 2020-103 dated 13 December 2020, 2020-104 dated 15 December 2020, 2020-105 dated 17 December 2020, 2020-106 dated 20 December 2020, 2020-107 dated 23 December 2020 and 2020-108 dated 30 December 2020, except to the extent that they were amended by those Orders in Council or Orders, continue to apply until 15 January 2021 or until the Government or the Minister of Health and Social Services modifies or terminates them;

WHEREAS Order in Council 1020-2020 dated 30 September 2020, amended by Ministerial Orders 2020-074 dated 2 October 2020, 2020-077 dated 8 October 2020, 2020-079 dated 15 October 2020, 2020-080 dated 21 October 2020, 2020-081 dated 22 October 2020, 2020-084 dated 27 October 2020, 2020-085 dated 28 October 2020, 2020-086 dated 1 November 2020, 2020-087 dated 4 November 2020, 2020-090 dated 11 November 2020, 2020-091 dated 13 November 2020, 2020-093

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dated 17 November 2020, 2020-104 dated 15 December 2020, 2020-105 dated 17 December 2020 and 2020-106 dated 20 December 2020, and by Order in Council 1039-2020 dated 7 October 2020, provides for, among other things, despite any provision to the contrary of an Order in Council or a Ministerial Order made under section 123 of the Public Health Act, certain special measures applicable in certain territories;

WHEREAS Order in Council 1346-2020 dated 9 December 2020, amended by Ministerial Order 2020-105 dated 17 December 2020, provides among other things for the organization and providing of educational services enabling learning to be continued at a distance to children in preschool education and students at the elementary level in general education for youth, and the organization and providing, by school service centres and school boards, of childcare services for preschool children and students at the elementary level having one parent who holds employment or practises a profession described in that Order in Council;

WHEREAS Ministerial Order 2020-105 dated 17 December 2020 provides, among other things, the measures for persons residing alone or forming a couple who may be visited by, or may visit, other persons;

WHEREAS Order in Council 1419-2020 dated 23 December 2020, amended by Ministerial Order 2020-108 dated 30 December 2020, provides for the suspension of all activities in retail establishments;

WHEREAS Ministerial Order 2020-107 dated 23 December 2020 provides certain exceptions for students returning to the family residence after residing outside the family residence to pursue their studies;

WHEREAS it is expedient to order certain measures to protect the health of the population;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT the operative part of Order in Council 1020-2020 dated 30 September 2020, amended by Ministerial Orders 2020-074 dated 2 October 2020, 2020-077 dated 8 October 2020, 2020-079 dated 15 October 2020, 2020-080 dated 21 October 2020, 2020-081 dated 22 October 2020, 2020-084 dated 27 October 2020, 2020-085

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dated 28 October 2020, 2020-086 dated 1 November 2020, 2020-087 dated 4 November 2020, 2020-090 dated 11 November 2020, 2020-091 dated 13 November 2020, 2020-093 dated 17 November 2020, 2020-104 dated 15 December 2020, 2020-105 dated 17 December 2020 and 2020-106 dated 20 December 2020, and by Order in Council 1039-2020 dated 7 October 2020, be further amended

(1) in the tenth paragraph,

(a) by striking out subparagraph *b* of subparagraph 4;

(b) in subparagraph 5,

i. by striking out "except personal care provided therein" in subparagraph *g*;

ii. by striking out subparagraph *h*:

iii. by adding the following subparagraphs at the end:

(*m*) places of worship, except for funeral services;

(*n*) retail sales businesses, other than the following:

i. grocery and other food stores;

ii. pharmacies, only for the sale of products essential to day-to-day life;

iii. hardware stores, only for the sale of products required for outdoor maintenance, repair or construction;

iv. service stations;

v. food and pet products supply businesses;

vi. work equipment businesses (safety and protection);

vii. florists;

viii. businesses dealing in products, parts and other material necessary for transportation and logistics services and for repair or maintenance of a vehicle, including vehicle repair and servicing centres, but excluding the sale of vehicles;

ix. convenience stores;

x. businesses dealing in products for agricultural operations;

xi. businesses dealing in articles for medical, orthopedic and eye care;

xii. businesses dealing in household and building cleaning products;

xiii. department stores and other sales outlets offering customers a wide variety of goods, including food, drugstore or hardware products;

xiv. the Société des alcools du Québec and the Société québécoise du cannabis;

(o) businesses dealing in personal and beauty care and in pet grooming;

(c) by inserting the following after subparagraph 5:

"(5.1) in a department store or sales outlet referred to in subparagraph xiii of subparagraph *n* of subparagraph 5:

(a) only products usually sold in any of the businesses referred to in any of subparagraphs i to viii of subparagraph *n* of subparagraph 5 may be accessible or sold to customers, which excludes, in particular, toys, clothing, books, electronic devices, decorative items, kitchen articles and home appliances;

(b) the conditions set out in subparagraphs ii and iii of subparagraph *n* of subparagraph 5 apply to drugstore and hardware products offered to customers;

(5.2) customers in a shopping centre may travel through the common areas of the shopping centre only to directly access a business referred to in any of subparagraphs i to xiv of subparagraph *n* of subparagraph 5 or other premises in which the activities have not been suspended;

(5.3) manufacturing, primary processing and construction industry enterprises must reduce their activities to pursue only those activities necessary to fulfil their commitments;"

(d) by adding the following subparagraphs at the end of subparagraph 17:

"(d) students in the first and second cycles of elementary education in general education for youth in any building or room used by an educational institution or for the purposes of sport-study, arts-study and sports discipline and other special educational projects of the same nature if the students are in a room in which the

educational and instructional services are provided, and subject to the exceptions set out in subparagraphs iv to vii of subparagraph a;

(e) students in the third cycle of elementary education in general education for youth, at all times, in any building or room used by an educational institution or for the purposes of sport-study, arts-study and sports discipline and other special educational projects of the same nature, subject to the exceptions set out in subparagraphs iv to vii of subparagraph a;"

(e) by inserting the following after subparagraph 17:

"(17.1) elementary and secondary students in general education for youth, general adult education students and vocation training students using school transportation must wear a face covering at all times, subject to the exceptions set out in subparagraphs iv to vi of subparagraph a of subparagraph 17;

(17.2) for secondary students in general education for youth, general adult education students and vocation training students to which subparagraphs 17 and 17.1 apply, the face covering must be a procedural mask;"

(f) by replacing subparagraphs a to b.2 of subparagraph 21 by the following:

"(a) be carried out without supervision, outdoors, by a person alone, by the occupants of the same private residence or its equivalent or by a person residing alone with another person and, in the latter case, a minimum distance of two metres is maintained at all times;"

(g) by adding the following subparagraphs at the end:

"(29) THAT between 8:00 p.m. and 5:00 a.m., no person may be outside the person's residence or its equivalent, or its grounds, unless the person establishes that he or she is outside

(a) to perform employment work or provide professional services required to continue the activities or services that are not suspended under an Order in Council or Ministerial Order made under 123 of the Public Health Act (chapter S-2.2), including transportation of goods necessary to pursue those activities or services;

(b) to obtain, in a pharmacy, pharmaceutical, hygiene or health products, or a professional service;

(c) to receive educational services of an institution providing general adult education and vocational training or the instructional services of a university, a

college established under the General and Vocational Colleges Act (chapter C-29), a private educational institution providing college instructional services or any other institution providing college-level or university instructional services;

(d) to obtain care or services required by the person's state of health;

(e) to give blood or other human biological materials to Héma-Québec;

(f) to provide assistance to a person in need, to provide a service or support for safety or security purposes, to see to the care of a child or vulnerable person, to visit a person at the end of life, or for an emergency;

(g) to comply with a court judgment or a summons to appear before a court, or to allow the exercise of custody or parental access rights;

(h) to take a bus providing interregional or interprovincial service, a train or a plane or, at the end of that trip, to continue on to destination;

(i) to obtain, in a service centre, a product or service required for the proper functioning of a vehicle, or food products other than alcoholic beverages, but only in connection with one of the exceptions provided for in subparagraphs *a* to *h*;

(j) for the needs of the person's dog, within a maximum one-kilometre radius from the person's residence or its equivalent; or

(k) to accompany a person requiring assistance in a situation authorized under subparagraphs *a* to *i*;

(30) restaurants, for takeout and drive-thru orders, retail sales businesses and premises in which sports or outdoor activities are permitted if their activities have not been suspended by an Order in Council or a Ministerial Order made under section 123 of the Public Safety Act may not admit the public between 7:30 p.m. and 5:00 a.m., except in the case of a pharmacy or service station;

(31) between 8:00 p.m. and 5:00 a.m. no pharmacy or service station may sell products or offer services other than those provided for in subparagraphs *b* and *i* of subparagraph 29;";

(2) by inserting the following after the tenth paragraph:

"THAT the suspension of the activities described in subparagraph *n* of subparagraph 5 of the tenth paragraph not prevent a retail sales business from selling, online or by any other form of remote business, products usually available in its



establishment, or curbside pick-up of remote purchases, the items purchased having to be given to the purchaser outside the establishment;

THAT the suspension of the activities described in subparagraph *n* of subparagraph 5 of the tenth paragraph also not prevent, in a retail sales business, the continuation of services to repair computer and electronic equipment or the repair and rental of sports and outdoor equipment or tool rentals;

THAT this Order in Council not operate to prevent basic necessity goods and services from being supplied in an emergency or as a consequence of a fire or other loss, nor the providing of care or health or social services;"

THAT the measures set out in the ninth paragraph of Order in Council 1020-2020 dated 30 September 2020 and its subsequent amendments also apply to the territories of the health regions of Nunavik and Terres-cries-de-la-Baie-James;

THAT the measures set out in the tenth paragraph of Order in Council 1020-2020 dated 30 September 2020 and its subsequent amendments also apply to the territories of the health regions of Bas-Saint-Laurent, Saguenay—Lac-Saint-Jean, Capitale-Nationale, Mauricie et Centre-du-Québec, l'Estrie, Montréal, Outaouais, Abitibi-Témiscamingue, Côte-Nord, Nord-du-Québec, Gaspésie—Îles-de-la-Madeleine, Chaudière-Appalaches, Laval, Lanaudière, des Laurentides and Montérégie;

THAT Order in Council 1346-2020 dated 9 December 2020, amended by Ministerial Order 2020-105 dated 17 December 2020, be further amended

(1) in the first paragraph of the operative part,

(a) by striking out subparagraph 1;

(b) by replacing subparagraph 3 by the following:

"(3) provide distance educational services to adult general education and vocational training students, unless the acquisition or assessment of knowledge provided for in the student's study program requires the student's presence in class;"

(2) by striking out the fourth, fifth and sixth paragraph of the operative part;

THAT the following be revoked:

(1) the third paragraph of the operative part of Ministerial Orders 2020-105 dated 17 December 2020 and 2020-107 dated 23 December 2020;

(2) Order in Council 1419-2020 dated 23 December 2020;

(3) Ministerial Order 2020-108 dated 30 December 2020;

THAT the Minister of Health and Social Services be empowered to order any modification or clarification of the measures provided for in this Order in Council;

THAT this Order in Council take effect on 9 January 2021 at 5:00 a.m.