

**Ministerial Order 2021-040 of the Minister of Health and Social Services  
dated 5 June 2021**

Public Health Act  
(chapter S-2.2)

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

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THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING section 118 of the Public Health Act (chapter S-2.2) which provides that 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;

CONSIDERING Order in Council 177-2020 dated 13 March 2020 declaring a public health emergency throughout Québec for a period of 10 days;

CONSIDERING that 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, until 15 January 2021 by Order in Council 1-2021 dated 6 January 2021, until 22 January 2021 by Order in Council 3-2021 dated 13 January 2021, until 29 January 2021 by Order in Council 31-2021 dated 20 January 2021, until 5 February 2021 by Order in Council 59-2021 dated 27 January 2021, until 12 February 2021 by Order in

Council 89-2021 dated 3 February 2021, until 19 February 2021 by Order in Council 103-2021 dated 10 February 2021, until 26 February 2021 by Order in Council 124-2021 dated 17 February 2021, until 5 March 2021 by Order in Council 141-2021 dated 24 February 2021, until 12 March 2021 by Order in Council 176-2021 dated 3 March 2021, until 19 March 2021 by Order in Council 204-2021 dated 10 March 2021, until 26 March 2021 by Order in Council 243-2021 dated 17 March 2021, until 2 April 2021 by Order in Council 291-2021 dated 24 March 2021, until 9 April 2021 by Order in Council 489-2021 dated 31 March 2021, until 16 April 2021 by Order in Council 525-2021 dated 7 April 2021, until 23 April 2021 by Order in Council 555-2021 dated 14 April 2021, until 30 April 2021 by Order in Council 570-2021 dated 21 April 2021, until 7 May 2021 by Order in Council 596-2021 dated 28 April 2021, until 14 May 2021 by Order in Council 623-2021 dated 5 May 2021, until 21 May 2021 by Order in Council 660-2021 dated 12 May 2021, until 28 May 2021 by Order in Council 679-2021 dated 19 May 2021, until 4 June 2021 by Order in Council 699-2021 dated 26 May 2021 and until 11 June 2021 by Order in Council 740-2021 dated 2 June 2021;

CONSIDERING that Order in Council 817-2020 dated 5 August 2020, amended by Order in Council 1020-2020 dated 30 September 2020, provides for, among other things, certain measures applicable to gatherings in outdoor public places;

CONSIDERING that Order in Council 735-2021 dated 26 May 2021, amended by Ministerial Order 2021-039 dated 28 May 2021, provides for, among other things, certain special measures to apply in certain territories;

CONSIDERING that those Orders in Council also empower the Minister of Health and Social Services to order any modification or clarification of the measures provided for in the Orders;

CONSIDERING that Ministerial Order 2021-017 dated 26 March 2021, amended by Ministerial Orders 2021-028 dated 17 April 2021, 2021-036 dated 15 May 2021 and 2021-039 dated 28 May 2021, provides for, among other things, certain measures to apply to certain service providers of a health and social services institution, an intermediary resource, a family-type resource or a private seniors' residence, and to personnel placement agencies;

CONSIDERING that Order in Council 740-2021 dated 2 June 2021 empowers the Minister of Health and Social Services to take any of the measures

provided for in subparagraphs 1 to 8 of the first paragraph of section 123 of the Public Health Act;

CONSIDERING that the current situation of the COVID-19 pandemic allows for the easing of certain measures set in place to protect the health of the population, while maintaining certain of the measures necessary to continue that protection;

ORDERS AS FOLLOWS:

THAT the operative part of Order in Council 735-2021 dated 26 May 2021, amended by Ministerial Order 2021-039 dated 28 May 2021, be further amended

(1) by inserting the following after the third paragraph:

"THAT, for the purposes of this Order in Council, "outdoor public place" mean any outdoor location other than the land of a private residence or its equivalent;"

(2) in the fourth paragraph,

(a) by replacing "two private residences" in subparagraph 1 by "three private residences";

(b) by adding ", except for a marriage ceremony in which case the limit and conditions set out in subparagraph 4.1 are applicable" at the end of subparagraph a of subparagraph 3;

(c) in subparagraph 4,

i. by striking out subparagraph a;

ii. by adding "or in subparagraph 16" at the end of subparagraph b;

iii. by striking out subparagraph c;

(d) by inserting the following after subparagraph 4:

"(4.1) for a funeral service or a marriage,

(a) a maximum of 50 persons may be in attendance;

(b) the organizer must keep a register of participants; and

(c) despite subparagraph *a*, a turnover of persons is permitted for a viewing, or in the presence of ashes, and when condolences are received, provided the number of persons present at the same time never exceeds the maximum permitted;"

(e) by replacing the portion before subparagraph *b* of subparagraph 5 by the following:

"(5) in a building housing a place of worship,

(a) a maximum of 250 persons for the entire building may be in attendance;"

(f) by replacing "two private residences" in subparagraph *b* of subparagraph 6 by "three private residences";

(g) by inserting the following after subparagraph 8:

"(8.1) a permit authorizing the sale or service of alcoholic beverages for consumption on the premises may be used only from 8 a.m. to 11:00 p.m., in the rooms and on the terraces indicated on the permit;

(8.2) it is prohibited to consume alcoholic beverages between midnight and 8:00 a.m. in the rooms and on the terraces covered by a permit authorizing the sale or service of alcoholic beverages for consumption on the premises;"

(h) in subparagraph 11,

i. by striking out "a maximum of 2,500 persons may be in attendance, if the following conditions are met:" in the portion before subparagraph *a*;

ii. by replacing subparagraphs *a* and *b* by the following:

"(a) a maximum of 250 or 2,500 persons may be in attendance but, in the latter case, only if the following conditions are met:

i. the premises are divided into distinct sections each holding a maximum of 250 persons and each section

(I) is delimited;

(II) has its own exterior entry and exit access points; and

(III) allows access to its own sanitary installations and food counters;

ii. the seats must have been pre-reserved;

iii. the event organizer

(I) monitors each exterior entry and exit access point and access to each section;

(II) sets times for entry and exit so as to avoid congestion;";

iii. by striking out subparagraph *f*;

(*i*) by inserting the following after subparagraph 11:

"(11.1) despite subparagraphs 10 and 11, a maximum of 25 persons may attend, without assigned seats, an event or amateur sports training session held indoors, and a maximum of 50 persons may attend, without assigned seats, such an event held outdoors;";

(*j*) by replacing subparagraph 12 by the following:

"(12) at a drive-in theatre or other place used for similar purposes,

(a) it is possible to attend a film screening or any other form of performance in a vehicle;

(b) a maximum of 2,500 persons may be in attendance; and

(c) the vehicles remain positioned so that a distance of 1.5 metres may be maintained between persons;"

(k) by adding the following after subparagraph 13:

"(14) for games of bowling, darts, billiard or other games of the same nature and in arcades and, for their indoor activities, thematic sites, amusement centres and parks, recreational centres and water parks,

(a) the operator of the place is required

i. to only admit patrons who are able to establish they are allowed to be present, in particular pursuant to the eighth paragraph;

ii. to only admit patrons having made a reservation; and

iii. to keep a register of every patron admitted into the establishment;

and

(b) to be admitted, a patron must disclose to the operator the information necessary for the purposes of the preceding subparagraph and furnish proof, as required;

(15) all recreational and sports activity is suspended unless

(a) it is carried out indoors in a place where the activities are not otherwise suspended, in either of the following situations:

i. with or without supervision, by a group of not more than 25 persons; or

ii. as part of an extracurricular activity or school outing

(I) by students in general education for youth in the same group; or

(II) by a group of not more than 25 students in general education for youth under the constant supervision of another person guiding or overseeing the

activity, provided that the students in different groups maintain, to the extent possible, a distance of two metres;

(b) it is carried out outdoors in a place where the activities are not otherwise suspended, in either of the following situations:

i. by a group of not more than 50 persons, to which another person may be added to guide or oversee the activity; or

ii. as part of an extracurricular activity or school outing

(I) by students in general education for youth in the same group; or

(II) by a group of not more than 50 students in general education for youth to which another person may be added to guide or oversee the activity, provided that the students in different groups maintain, to the extent possible, a distance of two metres;

(c) the activity is part of physical education and health, sport-study, art-study and sports concentration curriculums and other special school projects of the same nature provided as part of educational services in general education for youth or adult general education by a school service centre, a school board or a private educational institution, provided that the students in different groups maintain, to the extent possible, a distance of two metres;

(d) the activity is part of the recreational and sports teaching curriculum in college or university teaching programs;

(e) for professional or high-level sport, during training and while the sport is being played, the athletes and supervisory staff comply with the following conditions:

i. a protected environment is put in place, limiting contacts between the athletes and supervisory staff and the general public, in accordance with a sanitary protocol approved by the Minister of Health and Social Services, and the athletes and supervisory staff may not leave the protected environment and re-enter it without complying with the measures set out in the protocol;



ii. the sanitary protocol approved by the Minister of Health and Social Services is complied with at all times, before, during and after entering the protected environment;

(16) a maximum of 25 persons may be present in any indoor place, other than a private residence or its equivalent, when it is used for the holding of an event-based or social activity;

(17) it is prohibited to organize or participate in a gathering of more than 50 persons in an outdoor public place, including as part of an event of a social, commercial, religious, cultural, sports, recreational or entertainment nature, except in the following situations:

(a) the persons gathered are exercising their right to protest peacefully;

(b) in connection with services for preschool children or students at the elementary or secondary school level in general education for youth provided by a school service centre, a school board or a private educational institution;

(c) in connection with a film screening, performing arts presentation, including broadcasting, a production, audio-visual filming or recording of performances, as well as for an outdoor training activity or sports event taking place in compliance with subparagraph 11;

(d) at a drive-in theatre or other place used for similar purposes, in compliance with the conditions set out in subparagraph 12;

(e) for a gathering, a convention, a meeting or other event of the same nature, in which the participants attend while remaining seated, on the condition that a maximum of 250 persons are gathered and each person remains in his or her seat;

(f) for a religious ceremony, except a funeral service or marriage, if the conditions set out in subparagraph *b* of subparagraph 5 are complied with;"

(3) in the fifth paragraph,

(a) by replacing "subparagraph iii of subparagraph a of subparagraph 4 of the fourth paragraph" in subparagraph e of subparagraph 20 by "subparagraph e of subparagraph 15 of the fourth paragraph";

(b) by adding the following subparagraph at the end of subparagraph a of subparagraph 22:

"iii. the activity is a gathering, a convention, a meeting or other event of the same nature, in which the participants attend while remaining seated;"

(c) in subparagraph 24,

i. by replacing the portion before subparagraph a by the following:

"(24) it is prohibited to organize or participate in a gathering in an outdoor public place, including as part of an event of a social, commercial, religious, cultural, sports, recreational or entertainment nature, except in the following situations:

(0.a) the persons gathered are exercising their right to protest peacefully;"

ii. by adding the following subparagraphs at the end:

"(e) for a gathering, a convention, a meeting or other event of the same nature, in which the participants attend while remaining seated, on the condition that a maximum of 250 persons are gathered and each person remains in his or her seat;

(f) for a religious ceremony, except a funeral service or marriage, if the conditions set out in subparagraph b of subparagraph 5 are complied with;"

(4) in the sixth paragraph,

(a) by replacing "subparagraph iii of subparagraph a of subparagraph 4 of the fourth paragraph" in subparagraph e of subparagraph 21 by "subparagraph e of subparagraph 15 of the fourth paragraph";

(b) by replacing the portion before subparagraph a of subparagraph 25 by the following:

"(25) it is prohibited to organize or participate in a gathering in an outdoor public place, including as part of an event of a social, commercial, religious, cultural, sports, recreational or entertainment nature, except in the following situations:

(0.a) the persons gathered are exercising their right to protest peacefully;"

(5) by striking out the seventh paragraph;

(6) by replacing Schedules I to IV by the following:

**"Schedule I – Green zone territories**

Abitibi-Témiscamingue Health Region;

Côte-Nord Health Region;

Nord-du-Québec Health Region;

Gaspésie—Îles-de-la-Madeleine Health Region;

Nunavik Health Region;

Terres-cries-de-la-Baie-James Health Region.

**Schedule II – Yellow zone territories**

Bas-Saint-Laurent Health Region, but only for the regional county municipalities of La Matanie, La Matapédia, La Mitis and Rimouski-Neigette;

Saguenay—Lac-Saint-Jean Health Region;

Mauricie et Centre-du-Québec Health Region.

**Schedule III – Orange zone territories**

Bas-Saint-Laurent Health Region, but only for the regional county municipalities of Kamouraska, Les Basques, Rivière-du-Loup and Témiscouata;

Capitale-Nationale Health Region;

Estrie Health Region;

Montréal Health Region;

Outaouais Health Region;

Chaudière-Appalaches Health Region;

Laval Health Region;

Lanaudière Health Region;

Laurentides Health Region;

Montérégie Health Region.";

THAT the operative part of Ministerial Order 2021-017 dated 26 March 2021, amended by Ministerial Orders 2021-028 dated 17 April 2021, 2021-036 dated 15 May 2021 and 2021-039 dated 28 May 2021, be further amended by replacing the twenty-third and twenty-fourth paragraphs by the following:

"THAT the sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, sixteenth, seventeenth and eighteenth paragraphs not apply in respect of a service provider assigned before 17 April 2021 to a body in the health and social services sector situated in one of the health regions listed in the seventh paragraph;

THAT the sixth, seventh, eighth, ninth, tenth and eleventh paragraphs not apply

(1) to contracts entered into before 13 March 2020 between a personnel placement agency and the Centre d'acquisitions gouvernementales that has acquired the rights and obligations of the joint procurement groups recognized

by the Minister of Health and Social Services, even though the contracts have been amended or renewed since that date; or

(2) to contracts by mutual agreement of the Centre d'acquisitions gouvernementales entered into on behalf of the Minister of Health and Social Services or a health and social services institution providing for continuation of services under contracts referred to in paragraph 1, in compliance with the conditions set out in the third dash of the third paragraph of the operative part of Order in Council 177-2020 dated 13 March 2020, amended by Orders in Council 222-2020 dated 20 March 2020, 505-2020 dated 6 May 2020, 540-2020 dated 20 May 2020, 566-2020 dated 27 May 2020, 588-2020 dated 3 June 2020, 615-2020 dated 10 June 2020, 651-2020 dated 17 June 2020, 708-2020 dated 30 June 2020, 885-2020 dated 19 August 2020 and 135-2021 dated 17 February 2021, and on the condition that the contracts by mutual agreement

(a) be for a maximum duration not to exceed one year;

(b) be entered into with a personnel placement agency that, on the date the contract is entered into, holds an authorization to contract issued by the Autorité des marchés publics; and

(c) provide that the other terms and conditions, including rate schedules, be identical to those in the contracts referred to in paragraph 1;";

THAT Order in Council 817-2020 dated 5 August 2020, amended by Order in Council 1020-2020 dated 30 September 2020, be revoked;

THAT the measures set out in this Order take effect on 7 June 2021.

Québec, 5 June 2021

CHRISTIAN DUBÉ  
Minister of Health and Social Services