

**Ministerial Order 2021-096 of the Minister of Health and Social Services
dated 31 December 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 has consistently been renewed since that date by various Orders in Council, including by Order in Council 1628-2021 dated 29 December 2021;

CONSIDERING that Order in Council 885-2021 dated 23 June 2021, amended by Ministerial Orders 2021-049 dated 1 July 2021, 2021-050 dated 2 July 2021, 2021-053 dated 10 July 2021, 2021-055 dated 30 July 2021, 2021-057 dated 4 August 2021, 2021-058 dated 13 August 2021, 2021-059 dated 18 August 2021, 2021-060 dated 24 August 2021, 2021-061 dated 31 August 2021, 2021-062 dated 3 September 2021, 2021-063 dated 9 September 2021, 2021-065 dated 24 September 2021, 2021-066 dated 1 October 2021, 2021-067 dated 8 October 2021, 2021-068 dated 9 October 2021, 2021-069 dated 12 October 2021, 2021-073 dated 22 October 2021, 2021-074 dated 25 October 2021, 2021-077 dated 29 October 2021, 2021-078 dated 2 November 2021, 2021-079 dated 14 November 2021, 2021-083 dated 10 December 2021, 2021-086 dated 13 December 2021, 2021-087 dated 14 December 2021, 2021-089 dated 19 December 2021, 2021-090 dated 20 December 2021 and 2021-092 dated 22 December 2021, provides for, among other things, certain special measures to apply throughout Québec;

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

CONSIDERING that Order in Council 1628-2021 dated 29 December 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 it is advisable to order certain measures to protect the health of the population;

ORDERS AS FOLLOWS:

THAT the operative part of Order in Council 885-2021 dated 23 June 2021, amended by Ministerial Orders 2021-049 dated 1 July 2021, 2021-050 dated 2 July 2021, 2021-053 dated 10 July 2021, 2021-055 dated 30 July 2021, 2021-057 dated 4 August 2021, 2021-058 dated 13 August 2021, 2021-059 dated 18 August 2021, 2021-060 dated 24 August 2021, 2021-061 dated 31 August 2021, 2021-062 dated 3 September 2021, 2021-063 dated 9 September 2021, 2021-065 dated 24 September 2021, 2021-066 dated 1 October 2021,

2021-067 dated 8 October 2021, 2021-068 dated 9 October 2021, 2021-069 dated 12 October 2021, 2021-073 dated 22 October 2021, 2021-074 dated 25 October 2021, 2021-077 dated 29 October 2021, 2021-078 dated 2 November 2021, 2021-079 dated 14 November 2021, 2021-083 dated 10 December 2021, 2021-086 dated 13 December 2021, 2021-087 dated 14 December 2021, 2021-089 dated 19 December 2021, 2021-090 dated 20 December 2021 and 2021-092 dated 22 December 2021, be further amended

(1) in the eleventh paragraph,

(a) by replacing subparagraph 1 by the following:

"(1) in a private residence or its equivalent, only the occupants may be present;

(1.1) in an accommodation unit in a tourist accommodation establishment, only the occupants of the same private residence or its equivalent may be present;"

(b) by replacing subparagraphs 3 and 4 by the following:

"(3) despite subparagraphs 1 to 2,

(a) any person present to receive or offer a service or support, as the case may be, and who is not an occupant may be present in a private residence or its equivalent or in an accommodation unit of a tourist accommodation establishment, including the grounds of such a residence or unit;

(b) a person residing alone may have another person visit his or her private residence or its equivalent;

(c) when a person resides alone or with his or her dependent children only, they may form a stable group with the occupants of only one other private residence, and those persons may then be present in either private residence, or its equivalent;

(3.1) between 10:00 p.m. and 5:00 a.m., no person may be outside his or her 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 section 123 of the Public Health Act, 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 a licence to practise required for a profession or any other certification necessary to carry on a trade;

(e) to obtain care or services required by the person's state of health, including to receive a COVID-19 vaccination;

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

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

(h) 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;

(i) to take a bus providing interregional or interprovincial service, a train, a plane or a boat operating ferry service between Matane Baie-Comeau-Godbout, Harrington Harbour-Chevery, Rivière Saint-Augustin or Île d'Entrée-Cap-aux-Meules or the Société des traversiers du Québec network maritime

service to Îles-de-la-Madeleine or Île d'Anticosti and the Lower St-Lawrence, or at the end of the trip, to continue on to destination;

(j) to obtain, in a service station, 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 set out in subparagraphs a to i;

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

(3.2) restaurants, retail sales businesses, businesses dealing in personal or beauty care and places in which cultural, sports, outdoor or recreational activities are permitted if the 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 9:30 p.m. and 5:00 a.m., except in the case of a pharmacy or a service station;

(3.3) between 10:00 p.m. and 5:00 a.m., no pharmacy or service station may sell products or offer services other than those referred to in subparagraphs b and j of subparagraph 3.1;

(3.4) subparagraph 3.1 does not apply to homeless persons;

(4) a maximum of 25 persons may attend any funeral service;"

(c) by striking out subparagraph a of subparagraph 5:

(d) in subparagraph 6.1,

i. by adding "or food" at the end of subparagraph e;

ii. by replacing subparagraph f by the following:

"(f) restaurants and food courts, including those in shopping centres, food stores and rest areas, except for deliveries, take-out or drive-thru orders;"

iii. by adding the following subparagraph at the end:

"(k) places of worship, other than for a funeral service;"

(e) by replacing subparagraphs 7 to 10 by the following:

"(7) commercial retail businesses and businesses dealing in personal or beauty care are closed to the public on Sunday, except for

(a) pharmacies, convenience stores and service stations;

(b) restaurants for drive-thru and take-out orders and deliveries;

(c) grocery stores for online or telephone orders, pick-up and deliveries;

(d) pharmacies in areas outside a shopping centre for online or telephone orders and for delivery of medication and pharmaceutical, hygiene or health products;"

(f) by inserting the following after subparagraph 11:

"(12) in a sports centre chalet and in any indoor place or building adjacent to a snowmobile or quad relay, users are prohibited from consuming food or a beverage;"

(g) by striking out subparagraph 17;

(h) in subparagraph 21,

i. by replacing subparagraph a by the following:

"(a) it takes place in a place where the activities are not otherwise suspended, with or without supervision, alone, with another person or by the occupants of the same private residence or its equivalent, provided that the capacity of the changing room, if any, be set at 50% of its usual capacity;"

ii. by striking out subparagraph c;

iii. by striking out "for which training or practice requires a number of persons greater than the number referred to in subparagraph *a*" in subparagraph *f*;

iv. by striking out subparagraph *g*;

(*i*) by replacing subparagraphs *f* and *g* of subparagraph 22 by the following:

"(*f*) for the purposes of a funeral service;"

(*j*) by inserting the following after subparagraph 26:

"(26.1) it is prohibited to organize or participate in a gathering of more than 250 persons in an outdoor public place, including as part of an event of a commercial, religious, cultural, sports, recreational or entertainment nature, except if the persons gathered are exercising their right to protest peacefully;"

(*h*) by replacing subparagraphs 31 to 36 by the following:

"(31) for the first two days of January in the 2021-2022 school year on which teachers work, school service centres, school boards and private educational institutions

(*a*) organize distance educational services for preschool children and students at the elementary and secondary levels in general education for youth to pursue achievement of the objectives of the activity and study programs and provide them, as applicable, to the students who were to have received them in the classroom; and

(*b*) organize distance educational services for students in adult general education and vocational training and provide them, as applicable, to the students who were to have received them in the classroom, unless the acquisition or evaluation of the knowledge in the student's program of studies requires the student's presence in the classroom or in the workplace as a trainee;

(31.1) as of the third day of January in the 2021-2022 school year on which teachers work or not later than the first day devoted to educational services, school service centres, school boards and private educational institutions

(a) organize distance educational services and provide them to preschool children and students at the elementary level in general education for youth in accordance with the minimum provision of services appearing in the Schedule;

(b) organize distance educational services and provide them to students at the secondary level in general education for youth according to the regular timetable, unless the acquisition or evaluation of the knowledge in the student's program of studies requires the student's presence in the workplace as a trainee in a semi-skilled trade or for pre-work training; and

(c) organize distance educational services and provide them to students in adult general education and vocational training, unless the acquisition or evaluation of the knowledge in the student's program of studies requires the student's presence in the classroom or in the workplace as a trainee;

(32) subparagraphs 31 and 31.1 do not apply to handicapped students or students with social maladjustments or learning disabilities attending a specialized school or class that is part of regional or supraregional schooling services;

(33) for handicapped students or students with social maladjustments or learning disabilities attending specialized classes or groups that are not in a school or a class referred to in the preceding subparagraph, the educational institutions may provide classroom educational services, but must favour the distance educational services referred to in subparagraphs 31 and 31.1;

(34) every preschool child and every student at the elementary and secondary levels in general education for youth who does not have the material necessary to receive distance educational services or does not have or has inadequate access to the Internet may, exceptionally, go to the educational institution he or she attends to use the material resources and have access to the Internet permitting the distance educational services to be received;

(35) for the days in the 2021-2022 school year, childcare services provided at school suspend their activities;

(36) despite the preceding subparagraph, for the days in the 2021-2022 school year, interim childcare services provided at school are organized by the school service centres and school boards, and by the private educational institutions that usually provide such services, and are provided on a priority basis to preschool children and elementary students having a parent who cannot perform work from home;

(37) extracurricular activities at the preschool, elementary, secondary, adult education and vocational training levels are suspended;

(38) university institutions, colleges established under the General and Vocational Colleges Act (chapter C-29), private educational institutions providing college instructional services and any other institution providing college or university instructional services or ongoing training services must organize distance training to provide their instructional services, unless the acquisition or evaluation of the knowledge in the student's program of studies requires the student's presence in the classroom or in the workplace as a trainee;"

(2) by adding the following at the end of the twelfth paragraph:

"(4) be present in a place whose activities have been suspended under this Order in Council;"

(3) by adding the following Schedule at the end:

"SCHEDULE

MINIMUM PROVISION OF SERVICES

	Hours of instruction or learning and awareness activities per week	Hours of autonomous work provided by the teacher per week per student	Hours of availability of the teacher per day or per week to meet the needs of students
Preschool	11.5 hours of group learning and awareness activities	2 hours	2.3 hours per day
Elementary,	10.5 hours of	3 hours	2.5 hours per day

cycle one (grades 1 and 2)	instruction		
Elementary, cycle two (grades 3 and 4)	13 hours of instruction	5 hours	2 hours per day
Elementary, cycle three (grades 5 and 6)	13 hours of instruction	7.5 hours	2 hours per day

”;

THAT the measures set out in the Order take effect on 31 December 2021 at 5:00 p.m.

Québec, 31 December 2021

CHRISTIAN DUBÉ
Minister of Health and Social Services