Ministerial Order 2021-023 of the Minister of Health and Social Services dated 7 April 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
CONSIDERING that Order in Council 433-2021 dated 24 March 2021, amended by Ministerial Orders 2021-019 dated 28 March 2021 and 2021-020 dated 1 April 2021, provides for, among other things, certain measures to apply to certain territories;

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 525-2021 dated 7 April 2021 also 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 expedient to order certain measures to protect the health of the population;

ORDERS AS FOLLOWS:

THAT Order in Council 433-2021 dated 24 March 2021, amended by Ministerial Orders 2021-019 dated 28 March 2021 and 2021-020 dated 1 April 2021 be further amended

(1) in the fifth paragraph,

(a) by replacing "250" in subparagraph a of subparagraph 10 by "100";
(b) by adding the following subparagraph at the end of subparagraph 13:

"(c) every person must remain seated at the same table throughout the person's presence in the place;";

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

"(e) a minimum distance of two metres is maintained between the persons present in the place, unless

i. the persons are occupants of the same private residence or its equivalent; or

ii. one of the persons is receiving a service or support from another person;";

(d) by inserting the following after subparagraph 19:

"(19.1) in a physical training room,

(a) the operator is required to keep a register of every patron admitted into the establishment;

(b) patrons must wear a face covering at all times, subject to the exceptions set out in subparagraph 1, 2 or 4 of the second paragraph of the operative part of Order in Council 810-2020 dated 15 July 2020, as amended;"

(e) by replacing subparagraphs a and b of subparagraph 20 by the following subparagraphs:

"(a) it is carried out indoors in a place where the activities are not otherwise suspended, in circumstances that do not involve a league, tournament or competition, in any of the following situations and, on a rink, a face covering is worn at all times, subject to the exceptions set out in subparagraphs 1, 2 and 4 of the second paragraph of Order in Council 810-2020 dated 15 July 2020, as amended,
i. alone or with another person provided that, in the latter case, a minimum distance of two metres is maintained at all times between the persons;

ii. by the occupants of the same private residence or its equivalent;

iii. as part of a course in or at which only the occupants of the same private residence or its equivalent participate or attend, provided that a minimum distance of two metres is maintained at all times between the instructor and the other persons; or

iv. as part of an extracurricular activity or school outing by students in general education for youth in the same group;

(b) it is carried out outdoors in a place where the activities are not otherwise suspended, in circumstances that do not involve a league, tournament or competition, in any of the following situations:

i. by the occupants of the same private residence or its equivalent, to which another person may be added to guide or oversee the activity, provided that a minimum distance of two metres is maintained at all times with that person;

ii. by a group of not more than 12 persons, to which another person may be added to guide or oversee the activity, provided that a minimum distance of two metres is maintained at all times between every person who is not an occupant of the same private residence, or its equivalent, nor a person providing assistance to the occupant and, if the group is composed of more than two persons, a face covering is worn at all times, subject to the exceptions set out in subparagraphs 1, 2, 4 and 9 of the second paragraph of Order in Council 810-2020 dated 15 July 2020, as amended; or

iii. as part of an extracurricular activity or school outing by students in general education for youth in the same group;

(f) in subparagraph 24,

i. by inserting ", provided that a minimum distance of two metres is maintained, to the extent possible, between the persons" in the portion of subparagraph v preceding subparagraph I after "conditions" and at the end of subparagraphs viii and ix of subparagraph a;
ii. by replacing subparagraphs b and c by the following subparagraph:

"(b) students at the elementary school level 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, sports concentration and other special educational projects of the same nature, extracurricular activities or school outings, wear a face covering, subject to the exceptions set out in subparagraphs iv to ix of subparagraph a;"

(g) by inserting "primary and" in subparagraph 26 before "secondary";

(2) in the sixth paragraph,

(a) by adding the following subparagraphs at the end of subparagraph 8:

"(h) saunas and spas, except for their outside activities, for indoor pools and for the providing of personal care;

(i) physical training rooms;"

(b) by replacing "250" in subparagraph a of subparagraph 10 by "25";

(c) by adding the following subparagraph at the end of subparagraph 15:

"(e) a minimum distance of two metres is maintained between the persons present in the place, unless

i. the persons are occupants of the same private residence or its equivalent; or

ii. one of the persons is receiving a service or support from another person;"
(d) by striking out subparagraph 18;

(e) by replacing subparagraphs a and b of subparagraph 19 by the following subparagraphs:

"(a) it is carried out indoors, on a rink, in a pool or in a place where tennis or badminton may be played and, on a rink, a face covering is worn at all times, subject to the exceptions set out in subparagraphs 1, 2 and 4 of the second paragraph of Order in Council 810-2020 dated 15 July 2020, as amended, in any of the following situations:

i. alone or with another person provided that, in the latter case, a minimum distance of two metres is maintained at all times between the persons;

ii. by the occupants of the same private residence or its equivalent;

or

iii. as part of a course in or at which only the occupants of the same private residence or its equivalent participate or attend, provided that a minimum distance of two metres is maintained at all times between the instructor and the other persons;

(b) it is carried out outdoors in a place where the activities are not otherwise suspended, in circumstances that do not involve a league, tournament or competition, in either of the following situations:

i. by the occupants of the same private residence or its equivalent;

or

ii. by a group of not more than eight persons, to which another person may be added to guide or oversee the activity, provided that a minimum distance of two metres is maintained at all times between every person who is not an occupant of the same private residence, or its equivalent, nor a person providing assistance to the occupant and, if the group is composed of more than two persons, a face covering is worn at all times, subject to the exceptions set out in subparagraphs 1, 2, 4 and 9 of the second paragraph of Order in Council 810-2020 dated 15 July 2020, as amended;
(b.1) it is carried out in a place where the activities are not otherwise suspended, as part of a school outing by students in the same group;"

(f) in subparagraph 24,

i. by inserting ", provided that a minimum distance of two metres is maintained, to the extent possible, between the persons" in the portion of subparagraph v preceding subparagraph I after "conditions" and at the end of subparagraphs viii and ix of subparagraph a;

ii. by striking out ", extracurricular activities" in subparagraph b and subparagraph ii of subparagraph c;

(g) by inserting "primary and" in subparagraph 26 before "secondary";

(h) by replacing subparagraph 27 by the following:

"(27) the educational institutions must reduce by 50% the number of hours of classroom educational services for each of their Secondary 3, 4 and 5 students; distance educational services must be provided to those students to pursue achievement of the objectives of the study programs and, to that end, distance instructional services must be favoured; and

(28) the preceding subparagraph does not apply to handicapped students or students with social maladjustments or learning disabilities attending specialized schools, classes or groups;"

(i) by inserting the following after subparagraph 30:

"(30.1) despite the preceding subparagraph, the universities, 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-level or university instructional services or ongoing training services must favour distance training for their educational services, unless the acquisition or evaluation of the knowledge in the student's program of studies requires the student's presence in the classroom;";}
THAT no person may be present in a territory listed in Schedule I or II of Order in Council 433-2021 dated 24 March 2021, as amended, other than the following persons:

(1) persons who have their principal or their secondary residence in one of the territories but in the latter case, only for the purposes of maintenance;

(2) persons who transport goods in the territories;

(3) persons whose travel is necessary for humanitarian purposes;

(4) persons whose travel is necessary to obtain care or services required by their state of health or to furnish such care or services to a person who requires the care or services;

(5) persons who work, carry on their profession or attend an educational institution in the territory;

(6) persons who must enter the territory to comply with an order in a court judgment or to allow the exercise of custody or parental access rights set out in an agreement;

(7) employees in the federal public service whose place of work is situated in one of the territories and whose presence at the place of work is required by the employer;

(8) persons engaged in the transporting of goods in transit in Québec;

THAT the persons entering a territory from a territory listed in Schedule III or IV of Order in Council 433-2021 dated 24 March 2021 and its subsequent amendments, to return to their principal residence self isolate for 14 days upon their return, except persons who travelled to go to work or for reasons referred to in subparagraph 3 and 4, and persons who are in a situation described in subparagraph 6;

THAT, despite the preceding, a public health director, a person authorized to act on the director’s behalf or a physician may authorize a person to enter one of those territories on the conditions he or she determines;

THAT the second, third and fourth paragraphs not apply to persons who are able to establish they were already present in a territory listed in Schedule
I or II of Order in Council 433-2021 dated 24 March 2021, as amended, before 8 April 2021, until such time as they leave the territory;

THAT Ministerial Order 2020-013 dated 1 April 2020 be revoked;

THAT this Order come into force on 8 April 2021, except for the measures set out in subparagraph ii of subparagraph f and subparagraph g of subparagraph 1 and in subparagraphs e as regards extracurricular activities, g, h and i of subparagraph 2 of the first paragraph, which come into force on 12 April 2021.

Québec, 7 April 2021

CHRISTIAN DUBÉ
Minister of Health and Social Services