

**Ministerial Order 2021-038 of the Minister of Health and Social Services
dated 20 May 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 and until 28 May 2021 by Order in Council 679-2021 dated 19 May 2021;

CONSIDERING that Order in Council 433-2021 dated 24 March 2021, amended by Ministerial Orders 2021-019 dated 28 March 2021, 2021-020 dated 1 April 2021, 2021-023 dated 7 April 2021, 2021-025 dated 11 April 2021, 2021-026 dated 14 April 2021, 2021-032 dated 30 April 2021, 2021-033 dated 5 May 2021 and 2021-034 dated 8 May 2021, provides for, among other things, certain special measures to apply in 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 679-2021 dated 19 May 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 433-2021 dated 24 March 2021, amended by Ministerial Orders 2021-019 dated 28 March 2021, 2021-020 dated 1 April 2021, 2021-023 dated 7 April 2021, 2021-025 dated 11 April 2021, 2021-026 dated 14 April 2021, 2021-032 dated 30 April 2021, 2021-033 dated 5 May 2021 and 2021-034 dated 8 May 2021, be further amended

(1) in the fourth paragraph,

(a) by inserting the following after subparagraph 12;

"(12.1) for a film screening, performing arts presentation, including broadcasting, production, audio-visual filming or recording of an outside performance, except such an event taking place at a drive-in theatre, or other place used for similar purposes,

(a) a maximum of 250 persons may be in attendance;

(b) every member of the public remains seated in the assigned seat;

(c) a face covering must be worn by all members of the public in high-traffic areas in the place where the event is taking place, subject to the exceptions provided in the second paragraph of the operative part of Order in Council 810-2020 dated 15 July 2020, as amended;

(d) a minimum distance of 1.5 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; and

(e) the operator of the place and the event organizer may not admit to the place or tolerate the presence in the place of a person not wearing a face covering, unless the person is exempted by reason of an exception provided in the second paragraph of the operative part of Order in Council 810-2020 dated 15 July 2020, as amended;

(12.2) at drive-in theatres or any other place used for similar purposes, attending a film screening or any other form of performance in a vehicle is possible so long as

(a) a maximum of 400 vehicles may be present; and

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

(b) by striking out the word "and" at the end of subparagraph a of subparagraph 20 and adding the following subparagraphs at the end:

"(c) in connection with a film screening, performing arts presentation, including broadcasting, production, audio-visual filming or recording of a performance taking place in compliance with subparagraph 12.1;

(d) at a drive-in theatre or other place used for similar purposes, in compliance with the conditions set out in subparagraph 12.2 ;";

(2) in the fifth paragraph,

(a) by inserting the following after subparagraph 17:

"(17.1) for a film screening, performing arts presentation, including broadcasting, production, audio-visual filming or recording of an outside performance, except such an event taking place at a drive-in theatre or other place used for similar purposes,

(a) a maximum of 250 persons may be in attendance;

(b) every member of the public remains seated in the assigned seat;

(c) a face covering must be worn by all persons in high-traffic areas in the place where the event is taking place, subject to the exceptions provided in the second paragraph of the operative part of Order in Council 810-2020 dated 15 July 2020, as amended;

(d) 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; and

(e) the operator of the place and the event organizer may not admit to the place or tolerate the presence in the place of a person not wearing a face covering, unless the person is exempted by reason of an exception provided in the second paragraph of the operative part of Order in Council 810-2020 dated 15 July 2020, as amended;

(17.2) at drive-in theatres or any other place used for similar purposes, attending a film screening or any other form of performance in a vehicle is possible so long as

(a) a maximum of 400 vehicles may be present; and

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

(b) by striking out the word "and" at the end of subparagraph a of subparagraph 23 and adding the following subparagraphs at the end:

"(c) in connection with a film screening, performing arts presentation, including broadcasting, production, audio-visual filming or recording of a performance taking place in compliance with subparagraph 17.1;

(d) at a drive-in theatre or other place used for similar purposes, in compliance with the conditions set out in subparagraph 17.2;"

(3) in the sixth paragraph,

(a) by inserting the following after subparagraph 15:

"(15.1) for a film screening, performing arts presentation, including broadcasting, production, audio-visual filming or recording of an outside

performance, except such an event taking place at a drive-in theatre or other place used for similar purposes;

(a) a maximum of 250 persons may be in attendance;

(b) every member of the public remains seated in the assigned seat;

(c) a face covering must be worn by all persons in high-traffic areas in the place where the event is taking place, subject to the exceptions provided in the second paragraph of the operative part of Order in Council 810-2020 dated 15 July 2020, as amended;

(d) 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; and

(e) the operator of the place and the event organizer may not admit to the place or tolerate the presence in the place of a person not wearing a face covering, unless the person is exempted by reason of an exception provided in the second paragraph of the operative part of Order in Council 810-2020 dated 15 July 2020, as amended;

(15.2) at drive-in theatres or any other place used for similar purposes, attending a film screening or any other form of performance in a vehicle is possible so long as

(a) a maximum of 400 vehicles may be present; and

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

(b) by striking out the word "and" at the end of subparagraph a of subparagraph 22 and adding the following subparagraphs at the end:

"(c) in connection with a film screening, performing arts presentation, including broadcasting, production, audio-visual filming or recording of a performance taking place in compliance with subparagraph 15.1;

(d) at a drive-in theatre or other place used for similar purposes, in compliance with the conditions set out in subparagraph 15.2;"

(4) by replacing Schedules II and III by the following:

"Schedule II – Yellow zone territories

Abitibi-Témiscamingue Health Region;

Côte-Nord Health Region;

Nord-du-Québec Health Region;

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

Schedule III – Orange zone territories

Saguenay—Lac-Saint-Jean Health Region;

Mauricie et Centre-du-Québec Health Region.";

THAT the following be revoked:

(1) the fourth paragraph of the operative part of Ministerial Order 2020-039 dated 22 May 2020, amended by Ministerial Order 2020-087 dated 4 November 2020;

(2) the fourth, fifth, sixth and seventh paragraphs of the operative part of Ministerial Order 2021-026 dated 14 April 2021, amended by Ministerial Orders 2021-028 dated 17 April 2021, 2021-032 dated 30 April 2021 and 2021-034 dated 8 May 2021;

THAT the measures set out in this Order come into force on 21 May 2021, except the measures set out in subparagraph 4 of the first paragraph and in subparagraph 2 of the second paragraph, which come into force on 24 May 2021.

Québec, 20 May 2021

CHRISTIAN DUBÉ
Minister of Health and Social Services