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


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:

(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