

**Ministerial Order 2020-033 of the Minister of Health and Social Services
dated 7 May 2020**

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 and until 13 May 2020 by Order in Council 501-2020 dated 6 May 2020;

CONSIDERING that Order in Council 501-2020 dated 6 May 2020 empowers the Minister of Health and Social Services to take any measure 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 some of the measures necessary to continue that protection;

ORDERS AS FOLLOWS:

THAT every procedure, other than a referendum procedure, that is part of the decision-making process of a municipal body and that involves the movement or gathering of citizens be suspended, unless the council decides otherwise or the procedure involves the division of territory into electoral districts; in the two latter cases, the procedure must be replaced by a 15-day written consultation announced beforehand through a public notice;

THAT every referendum procedure be suspended, unless the council decides otherwise, in which case it must take place with any modification necessary to prevent the movement and gathering of citizens, including the following:

(1) the procedure for registering qualified voters is of a duration of 15 days and the sending of written applications to the municipality replaces the register;

(2) a referendum must be held in accordance with the terms and conditions set out in the Regulation respecting voting by mail (chapter E-2.2, r. 3), for all qualified voters and without prior formalities; and

(3) the polling day is set for the sole purpose of applying the timeframes for the holding of the referendum and the postal voting period ends at 4:30 p.m. on the seventh day after polling day;

THAT the sixth paragraph of the operative part of Ministerial Order 2020-008 dated 22 March 2020 be revoked;

THAT, while a written consultation is in progress to replace a procedure other than a referendum procedure pursuant to that paragraph, any action taken following the consultation be subject to approval by the qualified voters, where such a requirement is provided for by law;

THAT, while a written consultation is in progress to replace a referendum procedure pursuant to that paragraph, that consultation cease to be required and the referendum procedure be held in accordance with this Ministerial Order or be suspended, if the council so decides;

THAT the seventh paragraph of the operative part of that Ministerial Order be amended by replacing "of the freeze effect under section 114 or 117 of" by "of a freeze effect arising from a notice of motion under";

THAT for medical purposes, the director of a correctional facility authorize, on the conditions the director determines, the temporary absence of an inmate serving a prison term of less than two years, in order to protect the inmate's health and that of the other inmates and members of the personnel, if the following conditions are met:

(1) the inmate is in any of the following situations:

(a) the inmate is 65 years of age or older;

(b) the inmate is pregnant;

(c) a physician confirms the inmate has factors making him or her vulnerable to COVID-19; or

(d) 30 or fewer days remain to be served before the inmate is to be released;

(2) the inmate has adequate living quarters to go to;

(3) the inmate is not a member of a criminal group;

(4) the inmate is not detained for another reason, including a remand warrant or transfer pursuant to an intergovernmental agreement;

(5) the inmate is not the subject of an order made under the Immigration and Refugee Protection Act (S.C. 2001, c. 27) or a long-term supervision order made under the Criminal Code (R.S.C. 1985, c. 46);

(6) the inmate is not serving a sentence for an offence involving violence against a person or an offence of a sexual nature, including child pornography;

(7) in the last year, the inmate has not been convicted of an offence under section 117.01, subsections 1 to 3 of section 145 or section 733.1 of the Criminal Code or has not had a conditional sentence, release on parole or unescorted temporary absence revoked;

(8) the inmate has not committed, while being imprisoned, any disciplinary offence involving the use of physical violence, abusive or threatening language or behaviour towards another inmate, members of the personnel or any other person; and

(9) the inmate has been isolated for not fewer than 14 days or has received a negative COVID-19 test result before the facility director authorizes the temporary absence for medical purposes, in a case where an inmate or a member of the personnel has received a COVID-19 diagnosis and there is a risk the person is still contagious.

Québec, 7 May 2020

DANIELLE McCANN
Minister of Health and Social Services