

*This is the administrative version of Order in Council No. 1173-2021 made on September 1 2021. In the event of discrepancy, the version to be published in the Gazette officielle du Québec takes precedence.*

Ordering of measures to protect the health of the population amid the COVID-19 pandemic situation

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WHEREAS the World Health Organization declared COVID-19 to be a pandemic on 11 March 2020;

WHEREAS, under section 118 of the Public Health Act (chapter S 2.2), 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;

WHEREAS the pandemic constitutes a serious and real threat to the health of the population that requires the immediate application of certain measures provided for in section 123 of the Act;

WHEREAS, while the public health emergency is in effect, despite any provision to the contrary, the Government or the Minister of Health and Social Services, if the Minister has been so empowered, may, without delay and without further formality, take any of the measures provided for in subparagraphs 1 to 8 of the first paragraph of section 123 of the Act to protect the health of the population;

WHEREAS, by Order in Council 177-2020 dated 13 March 2020, the Government declared a public health emergency and took certain measures to protect the health of the population;

WHEREAS the public health emergency has consistently been renewed since that date by various Orders in Council, including by Order in Council 1172-2021 dated 1 September 2021;

WHEREAS that latter Order in Council provides that the measures set out in Orders in Council 177-2020 dated 13 March 2020, 222-2020 dated 20 March 2020, 460-2020 dated 15 April 2020, 505-2020 dated 6 May 2020, 566-2020 dated 27 May 2020, 615-2020 dated 10 June 2020, 651-2020 dated 17 June 2020, 885-2020 dated 19 August 2020, 943-2020 dated 9 September 2020, 964-2020 dated 21 September 2020, 135-2021 dated 17 February 2021 and 885-2021 dated 23 June 2021, and by Ministerial Orders 2020-004 dated 15 March 2020, 2020-007 dated 21 March 2020, 2020-008 dated 22 March 2020, 2020 014 dated 2 April 2020, 2020-015 dated 4 April 2020, 2020-016 dated 7 April 2020, 2020-017 dated 8 April 2020, 2020-019 and 2020-020 dated 10 April 2020, 2020-022 dated 15 April 2020, 2020-023 dated 17 April 2020, 2020-026 dated 20 April 2020, 2020-027 dated 22 April 2020, 2020-028 dated 25 April 2020, 2020-029 dated 26 April 2020, 2020-030 dated 29 April 2020, 2020 032 dated 5 May 2020, 2020-033 dated 7 May 2020, 2020-034 dated 9 May 2020, 2020-035 dated 10 May 2020, 2020-037 dated 14 May 2020, 2020-039 dated 22 May 2020, 2020-042 dated 4 June 2020, 2020-044 dated 12 June 2020, 2020-049 dated 4 July 2020, 2020-060 dated 28 August 2020, 2020-061 dated 1 September 2020, 2020 062 dated 4 September 2020, 2020-064 dated 17 September 2020, 2020-067 dated 19 September 2020, 2020-069 dated 22 September 2020, 2020-076 dated 5 October 2020, 2020-084 dated 27 October 2020, 2020-087 dated 4 November 2020, 2020-091 dated 13 November 2020, 2020-097 dated 1 December 2020, 2020-099 dated 3 December 2020, 2020-102 dated 9 December 2020, 2020-107 dated 23 December 2020, 2021-003 dated 21 January 2021, 2021-005 dated 28 January 2021, 2021-010 dated 5 March 2021, 2021 017 dated 26 March 2021, 2021 022 dated 7 April 2021, 2021-024 dated 9 April 2021, 2021-027 dated 16 April 2021, 2021-028 dated 17 April 2021, 2021-032 dated 30 April 2021, 2021-036 dated 15 May 2021, 2021 039 dated 28 May 2021, 2021-040 dated 5 June 2021, 2021-046 dated 16 June 2021, 2021-049 dated 1 July 2021, 2021-050 dated 2 July 2021, 2021-051 dated 6 July 2021, 2021-052 dated 7 July 2021, 2021-053 dated 10 July 2021, 2021 054 dated 16 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 25 August 2021 and 2021-061 dated 31 August 2021, except to the extent that they were amended by those Orders in Council or Orders, continue to apply until 10 September 2021 or until the Government or the Minister of Health and Social Services modifies or terminates them;

WHEREAS it is advisable to order certain measures to protect the health of the population;

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IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT, for the purposes of this Order in Council, a person be considered "adequately protected against COVID-19" if the person

(1) has received two doses of either the Moderna or Pfizer-BioNTech mRNA vaccine or two doses of the AstraZeneca/COVISHIELD vaccine, with an interval of no fewer than 28 days between the doses and the last dose being received at least 7 days earlier;

(2) contracted COVID-19 and has received, at least 7 days earlier, a dose of either vaccine described in subparagraph 1 after an interval of at least 21 days following the illness; or

(3) has received the single-dose Janssen vaccine at least 14 days earlier;

THAT a person also be held to be adequately protected against COVID-19 if the person

(1) has a contraindication to vaccination against the illness certified by a health professional qualified to make such a diagnosis and entered in the vaccination registry maintained by the Minister of Health and Social Services; or

(2) has taken part in the Medicago inc. clinical trial seeking to validate the safety or efficacy of a COVID-19 vaccine candidate;

THAT every member of the public 13 years of age or older be required to be adequately protected against COVID-19, to provide protection status by producing an identity document and the QR code received for that purpose from the government of Québec, and to permit verification of that status by means of the VaxiCode Verif application, so that he or she may participate in the following activities or be admitted to the following places:

(1) an outdoor event open to the public at which more than 50 persons may be present or participate, other than

(a) an event that takes place in a drive-in theatre or other place used for similar purposes; or

(b) an event or amateur training activity at which a maximum of 500 persons may be present when seated in the grandstands or bleachers or in any other type of seating arrangement allowing the persons to be seated in assigned seats;

(2) a movie theater, a room or hall in which performing arts are presented, including broadcast venues, a production, an audio-video filming, an indoor performance and an indoor training activity or sports event, other than an event or amateur training activity at which a maximum of 25 persons may be present or a maximum of 250 persons may be seated in the grandstands or bleachers or in any other type of seating arrangement allowing the persons to be seated in assigned seats;

(3) a biodome, a planetarium, an insectarium, a botanical garden, an aquarium and a zoo;

(4) a casino, gaming house or place where bingo is played;

(5) a bar, discotheque, microbrewery, distillery, restaurant and food court in a shopping centre or food store, including any terrace of such a place, except when a take-out or drive-through order is to be picked up;

(6) an arcade, theme park, amusement park or centre, recreational centre and water park, and venues for games of bowling, darts, billiard or other games of the same nature;

(7) a scenic or recreational cruise;

(8) a convention or conference;

(9) any indoor place for the purpose of playing a sport or engaging in a physical activity, other than

(a) such a sport or activity forming part of sport-study or art-study programs, physical education and health and sports concentration curriculums and other special school projects of the same nature provided as part of educational services in general education for youth or adult general education by a school service centre, a school board or a private educational institution, other than sporting competitions, league events or tournaments;

(b) such a sport or activity forming part of sports and recreation curriculums in college or university educational programs, other than sporting competitions, league events or tournaments; or

(c) a professional or high-level sport in a protected environment complying with subparagraph f of subparagraph 21 of the fourteenth paragraph 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 and 2021-061 dated 31 August 2021;

(10) a physical activity involving frequent or extended contact, or a team sport played outdoors, other than

(a) to play such a sport or engage in such an activity forming part of sport-study or art-study programs, physical education and health and sports concentration curriculums and other special school projects of the same nature provided as part of educational services in general education for youth or adult general education by a school service centre, a school board or a private educational institution, other than sporting competitions, league events or tournaments;

(b) to play such a sport or engage in such an activity forming part of sports and recreation curriculums in college or university instructional programs, other than sporting competitions, league events or tournaments;

(c) to engage in such an activity or sport played individually; or

(d) to play a professional or high-level sport in a protected environment complying with subparagraph f of subparagraph 21 of the fourteenth paragraph of Order in Council 885-2021 dated 23 June 2021, as amended;

THAT students at the elementary or secondary school level in general education for youth, in colleges, private educational institutions and other institutions providing college-level instructional services not be required to be adequately protected or to produce protection status or an identity document as a prerequisite to admittance to any place where they receive educational services offered by a school service centre, school board, private educational institution, college, private educational institution or other institution providing college-level instructional services;

THAT the organizer of an activity and the operator of a place described in the third paragraph be required to use the VaxiCode Verif application to verify that every member of the public 13 years of age or older wishing to participate in the activity or be admitted to the place is adequately protected against COVID-19 and to verify that person's identity, subject to the exceptions under in the third and fourth paragraphs;

THAT the verification a person's identity pursuant to the third and the preceding paragraph be done by means of an identity document issued by a government department, a public body or organization or an educational institution and, for a person 16 years of age or older and under 75 years of age, that contains a photograph of the person;

THAT the organizer of an activity and the operator of a place described in the third paragraph allow a member of the public 13 years of age or older to participate in the activity or access the place only if verification of the person's QR code, done using the VaxiCode Verif application, establishes that the person is adequately protected against COVID-19, subject to the exceptions under in the third and fourth paragraphs;

THAT the organizer of an activity and the operator of a place described in subparagraph 9 or 10 of the third paragraph may, in connection with a recurrent activity requiring a person to register, and if the person gives consent, do the verifications referred to in the preceding paragraphs only at the time of the person's first presence, and record the information obtained;

THAT, when a person ceases taking part in an activity, the organizer or operator referred to in the preceding paragraph destroy all recorded information concerning the person;

THAT, subject to the eighth paragraph, no person keep all or any portion of the information obtained for the purpose of verification pursuant to this Order in Council;

THAT, despite the third, fifth and seventh paragraphs, a member of the public 13 years of age or older residing outside Québec may participate in activities or be admitted to places described in the third paragraph if the person produces an identity document and official proof of status issued by the authorities of the person's province, territory or country of residence and drafted in French or in English, attesting that the person has received the single-dose Janssen vaccine or two doses of another COVID-19 vaccine;

THAT the identity document produced in accordance with the preceding paragraph be issued by a government department, a public body, agency or organization or an educational institution, establish that the person resides outside Québec and, for a person 16 years of age or older and under 75 years of age and contain a photograph of the person;

THAT this Order in Council not operate to prevent homeless persons from being admitted to a restaurant or food court in a shopping centre or food store;

THAT, as regards this Order in Council, the penal offences set out in section 139 of the Public Health Act (chapter S-2.2) apply only to offences committed on or after 15 September 2021.

THAT the Minister of Health and Social Services be empowered to order any modification or clarification of the measures provided for in this Order in Council.