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

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 continues to require 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 was renewed until 29 March 2020 by Order in Council 222-2020 dated 20 March 2020, until 7 April 2020 by

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


(1) in the tenth paragraph,

(a) by striking out subparagraph b of subparagraph 4;

(b) in subparagraph 5,

i. by striking out "except personal care provided therein" in subparagraph g;

ii. by striking out subparagraph h:

iii. by adding the following subparagraphs at the end:

(m) places of worship, except for funeral services;

(n) retail sales businesses, other than the following:

i. grocery and other food stores;

ii. pharmacies, only for the sale of products essential to day-to-day life;

iii. hardware stores, only for the sale of products required for outdoor maintenance, repair or construction;

iv. service stations;

v. food and pet products supply businesses;

vi. work equipment businesses (safety and protection);

vii. florists;

viii. businesses dealing in products, parts and other material necessary for transportation and logistics services and for repair or maintenance of a vehicle, including vehicle repair and servicing centres, but excluding the sale of vehicles;

ix. convenience stores;
x. businesses dealing in products for agricultural operations;

xi. businesses dealing in articles for medical, orthopedic and eye care;

xii. businesses dealing in household and building cleaning products;

xiii. department stores and other sales outlets offering customers a wide variety of goods, including food, drugstore or hardware products;

xiv. the Société des alcools du Québec and the Société québécoise du cannabis;

(o) businesses dealing in personal and beauty care and in pet grooming;

(c) by inserting the following after subparagraph 5:

"(5.1) in a department store or sales outlet referred to in subparagraph xiii of subparagraph n of subparagraph 5:

(a) only products usually sold in any of the businesses referred to in any of subparagraphs i to viii of subparagraph n of subparagraph 5 may be accessible or sold to customers, which excludes, in particular, toys, clothing, books, electronic devices, decorative items, kitchen articles and home appliances;

(b) the conditions set out in subparagraphs ii and iii of subparagraph n of subparagraph 5 apply to drugstore and hardware products offered to customers;

(5.2) customers in a shopping centre may travel through the common areas of the shopping centre only to directly access a business referred to in any of subparagraphs i to xiv of subparagraph n of subparagraph 5 or other premises in which the activities have not been suspended;

(5.3) manufacturing, primary processing and construction industry enterprises must reduce their activities to pursue only those activities necessary to fulfil their commitments;"

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

"(d) students in the first and second cycles of elementary education in general education for youth in any building or room used by an educational institution or for the purposes of sport-study, arts-study and sports discipline and other special educational projects of the same nature if the students are in a room in which the
educational and instructional services are provided, and subject to the exceptions set out in subparagraphs iv to vii of subparagraph a;

(e) students in the third cycle of elementary education 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 and sports discipline and other special educational projects of the same nature, subject to the exceptions set out in subparagraphs iv to vii of subparagraph a;"

(e) by inserting the following after subparagraph 17:

"(17.1) elementary and secondary students in general education for youth, general adult education students and vocation training students using school transportation must wear a face covering at all times, subject to the exceptions set out in subparagraphs iv to vi of subparagraph a of subparagraph 17;

(17.2) for secondary students in general education for youth, general adult education students and vocation training students to which subparagraphs 17 and 17.1 apply, the face covering must be a procedural mask;";

(f) by replacing subparagraphs a to b.2 of subparagraph 21 by the following:

"(a) be carried out without supervision, outdoors, by a person alone, by the occupants of the same private residence or its equivalent or by a person residing alone with another person and, in the latter case, a minimum distance of two metres is maintained at all times;"

(g) by adding the following subparagraphs at the end:

"(29) THAT between 8:00 p.m. and 5:00 a.m., no person may be outside the person’s residence or its equivalent, or its grounds, unless the person establishes that he or she is outside

(a) to perform employment work or provide professional services required to continue the activities or services that are not suspended under an Order in Council or Ministerial Order made under 123 of the Public Health Act (chapter S-2.2), including transportation of goods necessary to pursue those activities or services;

(b) to obtain, in a pharmacy, pharmaceutical, hygiene or health products, or a professional service;

(c) to receive educational services of an institution providing general adult education and vocational training or the instructional services of a university, a
college established under the General and Vocational Colleges Act (chapter C-29), a private educational institution providing college instructional services or any other institution providing college-level or university instructional services;

(d) to obtain care or services required by the person's state of health;

(e) to give blood or other human biological materials to Héma-Québec;

(f) to provide assistance to a person in need, to provide a service or support for safety or security purposes, to see to the care of a child or vulnerable person, to visit a person at the end of life, or for an emergency;

(g) to comply with a court judgment or a summons to appear before a court, or to allow the exercise of custody or parental access rights;

(h) to take a bus providing interregional or interprovincial service, a train or a plane or, at the end of that trip, to continue on to destination;

(i) to obtain, in a service centre, a product or service required for the proper functioning of a vehicle, or food products other than alcoholic beverages, but only in connection with one of the exceptions provided for in subparagraphs a to h;

(j) for the needs of the person's dog, within a maximum one-kilometre radius from the person's residence or its equivalent; or

(k) to accompany a person requiring assistance in a situation authorized under subparagraphs a to i;

(30) restaurants, for takeout and drive-thru orders, retail sales businesses and premises in which sports or outdoor activities are permitted if their activities have not been suspended by an Order in Council or a Ministerial Order made under section 123 of the Public Safety Act may not admit the public between 7:30 p.m. and 5:00 a.m., except in the case of a pharmacy or service station;

(31) between 8:00 p.m. and 5:00 a.m. no pharmacy or service station may sell products or offer services other than those provided for in subparagraphs b and i of subparagraph 29;"

(2) by inserting the following after the tenth paragraph:

"THAT the suspension of the activities described in subparagraph n of subparagraph 5 of the tenth paragraph not prevent a retail sales business from selling, online or by any other form of remote business, products usually available in its
establishment, or curbside pick-up of remote purchases, the items purchased having to be given to the purchaser outside the establishment;

THAT the suspension of the activities described in subparagraph \( n \) of subparagraph 5 of the tenth paragraph also not prevent, in a retail sales business, the continuation of services to repair computer and electronic equipment or the repair and rental of sports and outdoor equipment or tool rentals;

THAT this Order in Council not operate to prevent basic necessity goods and services from being supplied in an emergency or as a consequence of a fire or other loss, nor the providing of care or health or social services;";

THAT the measures set out in the ninth paragraph of Order in Council 1020-2020 dated 30 September 2020 and its subsequent amendments also apply to the territories of the health regions of Nunavik and Terres-cries-de-la-Baie-James;


THAT Order in Council 1346-2020 dated 9 December 2020, amended by Ministerial Order 2020-105 dated 17 December 2020, be further amended

(1) in the first paragraph of the operative part,

(a) by striking out subparagraph 1;

(b) by replacing subparagraph 3 by the following:

"(3) provide distance educational services to adult general education and vocational training students, unless the acquisition or assessment of knowledge provided for in the student’s study program requires the student’s presence in class;";

(2) by striking out the fourth, fifth and sixth paragraph of the operative part;
THAT the following be revoked:

(1) the third paragraph of the operative part of Ministerial Orders 2020-105 dated 17 December 2020 and 2020-107 dated 23 December 2020;

(2) Order in Council 1419-2020 dated 23 December 2020;

(3) Ministerial Order 2020-108 dated 30 December 2020;

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;

THAT this Order in Council take effect on 9 January 2021 at 5:00 a.m.