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 was renewed until 29 March 2020 by Order in Council 222-2020 dated 20 March 2020, until 7 April 2020 by
WHEREAS it is expedient to order certain measures to protect the health of the population;

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

THAT, for the purposes of this Order in Council, face covering mean a mask or tightly fitting cloth that covers the nose and the mouth;

THAT it be prohibited for an operator of a shared transportation service by bus, minibus, subway, boat, train or plane to admit a person who is not wearing a face covering, or to tolerate the presence in such means of transportation of a person not wearing a face covering, unless the person

(1) is less than 12 years of age;

(2) is a student at the preschool or elementary school level of the general education instructional services for youth and is who is in school transportation;

(3) states that the wearing of a face covering is not possible because of the person's medical condition;

(4) ordinarily works in the means of transportation;

(5) is consuming food or a beverage in an area reserved for food services or the consumption of beverages;

(6) removes the face covering momentarily to eat or drink, or for identification purposes;

(7) is on a ferry, and remains inside his or her vehicle;

THAT the prohibitions provided for in the preceding paragraph also apply, subject to the same exceptions, to the driver of a motor vehicle used for remunerated passenger transportation otherwise that as part of the operation of a shared transportation service, except in the case of carpooling;
THAT a person whose usual work place is a means of transportation referred to in the second paragraph or a motor vehicle referred to in the third paragraph remain subject to the rules that apply in matters of occupational health and safety;

THAT any person who is guilty of an offence under section 139 of the Public Health Act (chapter S-2.2) by reason of the person contravening the rules set out in this Order in Council be liable to a fine of $400 to $6,000;

THAT Order in Council 810-2020 dated 15 July 2020 be amended by replacing subparagraph 4 of the second paragraph of the operative part by the following:

“(4) removes the face covering momentarily to eat or drink, or for identification purposes;”;

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 27 July 2020.