

*This is the administrative version of Order in Council No 817-2020 made on august 5 2020. 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 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, until 13 May 2020 by Order in Council 501-2020 dated 6 May 2020, until 20 May 2020 by Order in Council 509-2020 dated 13 May 2020, until 27 May 2020 by Order in Council 531-2020 dated 20 May 2020, until 3 June 2020 by Order in Council 544-2020 dated 27 May 2020, until 10 June 2020 by Order in Council 572-2020 dated 3 June 2020, until 17 June 2020 by Order in Council 593-2020 dated 10 June 2020, until 23 June 2020 by Order in Council 630-2020 dated 17 June 2020, until 30 June 2020 by Order in Council 667-2020 dated 23 June 2020, until 8 July 2020 by Order in Council 690-2020 dated 30 June 2020, until 15 July 2020 by Order in Council 717-2020 dated 8 July 2020, until 22 July 2020 by Order in Council 807-2020 dated 15 July 2020, until 29 July 2020 by Order in Council 811-2020 dated 22 July 2020, until 5 August 2020 by Order in Council 814-2020 dated 29 July 2020 and until 12 August 2020 by Order in Council 815-2020 dated 5 August 2020;

WHEREAS the latter Order in Council provides that the measures provided for in Orders in Council 177-2020 dated 13 March 2020, 222-2020 dated 20 March 2020, 460-2020 dated 15 April 2020, 496-2020 dated 29 April 2020, 505-2020 dated 6 May 2020, 540-2020 dated 20 May 2020, 566-2020 dated 27 May 2020, 588-2020 dated 3 June 2020, 615-2020 dated 10 June 2020, 651-2020 dated 17 June 2020, 689-2020 dated 25 June 2020 and 708-2020 dated 30 June 2020, and by Ministerial Orders 2020-003 dated 14 March 2020, 2020-004 dated 15 March 2020, 2020-007 dated 21 March 2020, 2020-008 dated 22 March 2020, 2020-009 dated 23 March 2020, 2020-010 dated 27 March 2020, 2020-013 dated 1 April 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, 2020-031 dated 3 May 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, 2020-038 dated 15 May 2020, 2020-039 dated 22 May 2020, 2020-041 dated 30 May 2020, 2020-042 dated 4 June 2020, 2020-043 dated 6 June 2020, 2020-044 dated 12 June 2020, 2020-045 dated 17 June 2020, 2020-047 dated 19 June 2020, 2020-048 dated 26 June 2020, 2020-049 dated 4 July 2020, 2020-050 dated 7 July 2020, 2020-051 dated 10 July 2020 and 2020-053 dated 1 August 2020, except to the extent that they were amended by those Orders in Council or Ministerial Orders, continue to apply until 12 August 2020 or until the Government or the Minister of Health and Social Services modifies or terminates them;

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WHEREAS the seventh paragraph of the operative part of Order in Council 689-2020 dated 25 June 2020, amended by Ministerial Order 2020-051 dated 10 July 2020 and Ministerial Order 2020-053 dated 1 August 2020, provides that a maximum of 250 persons may assemble indoors in certain situations, including to attend an event or amateur sports training;

WHEREAS the eleventh paragraph of the operative part of that Order in Council provides in particular for the suspension of the holding of any festival or other event of the same nature;

WHEREAS the fourteenth paragraph of the operative part of that Order in Council provides that professional sports take place in the absence of the public;

WHEREAS 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;

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

THAT, for the purposes of this Order in Council, “outdoor public place” mean any outdoor location other than the land of a private residence or its equivalent;

THAT the organization of a gathering of more than 250 persons in an outdoor public place, including as part of a social, commercial, religious, cultural, sporting, recreational or entertainment event, be prohibited unless the persons gathered

- (1) exercise their right to peacefully demonstrate;
- (2) remain in their vehicle;
- (3) take part in an event that takes place on separate, non-adjointing sites for which separate access or waiting areas are used, and a maximum of 250 persons are gathered on each of those sites;

THAT, in the case of a gathering opened to members of the public, only those members be considered in the maximum number of persons that may gather in an outdoor public place pursuant to the preceding paragraph;

THAT a person who knows that a gathering of persons is organized in an outdoor public place be prohibited from organizing, at the same time, another gathering on an adjoining site or on a site for which a same access or waiting area is used;

THAT the organizer of a gathering of persons in an outdoor public place be required

(1) to ensure that the capacity of the place where the gathering is held allows to maintain a distance of two metres between the participants;

(2) to take measures to inform participants that they must maintain, to the extent possible, a distance of two metres with any other person, except

(a) if the persons gathered are the occupants of the same private residence or its equivalent;

(b) if a person receives a service or support from another person;

(3) to take measures to foster compliance with the maintaining of the distance of two metres between persons who are not covered by an exception;

(4) to end the gathering if it becomes impossible to hold the gathering while complying with the 250-person limit or maintaining the distance of two metres between persons who are not covered by an exception;

THAT the organizer of a gathering of persons in an outdoor public place the holding of which requires a permit or other authorization control the entry and exit of participants, for each site where the gathering is held;

THAT no person be allowed to issue a permit or authorization allowing the holding of a gathering of persons in an outdoor public place

(1) where the capacity of the site or, in the case of an event that takes place on more than one site, the sites where the gathering is held does not allow to maintain a distance of two metres between the participants;

(2) in the case of an event that takes place on more than one site, if certain sites are adjoining or if the same access or waiting areas are used;

(3) where such a permit or authorization has already been issued to allow the holding, at the same time, of another gathering of persons in the outdoor public place on an adjoining site or for which a same access or waiting area is used;

THAT the seventh paragraph of the operative part of Order in Council 689-2020 dated 25 June 2020, amended by Ministerial Order 2020-051 dated 10 July 2020 and Ministerial Order 2020-053 dated 1 August 2020, be amended by striking out “amateur” in subparagraph 2;

THAT subparagraph 1 of the eleventh paragraph of the operative part of Order in Council 689-2020 dated 25 June 2020, as amended, and the fourteenth paragraph of the operative part of the Order in Council be revoked;

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.