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 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.