

Laws and Regulations

Volume 153

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Draft Regulations

Draft Regulation

Financial Administration Act
(chapter A-6.001)

Fees payable to the Institut national d'excellence en santé et en services sociaux for the scientific evaluation of a drug or a stable blood product —Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the fees payable to the Institut national d'excellence en santé et en services sociaux for the scientific evaluation of a drug or a stable blood product, made by the Institut national d'excellence en santé et en services sociaux and appearing below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

The draft Regulation makes amendments to the listing process under the Regulation respecting the fees payable to the Institut national d'excellence en santé et en services sociaux for the scientific evaluation of a drug or a stable blood product (chapter A-6.001, r. 6.1) to adjust the fees payable for some existing evaluations and to add other evaluations, with the corresponding fees, in order to take into consideration the total production costs of each evaluated item to reflect the level of resource use involved.

The draft Regulation will have an impact on manufacturers, who will have to pay the fees prescribed for scientific evaluation to the Institut national d'excellence en santé et en services sociaux.

Further information on the draft Regulation may be obtained from Françoise Thomas, Secrétaire générale et directrice des communications et du transfert de connaissances par interim, Institut national d'excellence en santé et en services sociaux, 2021, avenue Union, 12^e étage, Montréal (Québec); telephone: 514 8732563, extension 29869; email: francoise.thomas@inesss.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1.

CHRISTIAN DUBÉ,
Minister of Health and Social Services

ÉRIC GIRARD,
Minister of Finance

Regulation to amend the Regulation respecting the fees payable to the Institut national d'excellence en santé et en services sociaux for the scientific evaluation of a drug or a stable blood product

Financial Administration Act
(chapter A-6.001, s. 83.8)

1. The Regulation respecting the fees payable to the Institut national d'excellence en santé et en services sociaux for the scientific evaluation of a drug or a stable blood product (chapter A-6.001, r. 6.1) is amended by replacing the title by the following title:

“Regulation respecting the fees payable to the Institut national d'excellence en santé et en services sociaux for the scientific evaluation of a drug, stable blood product or technology for listing purposes.”

2. Section 1 is amended

(1) by replacing “or a stable blood product”, in the first paragraph by “, stable blood product or technology”;

(2) by adding “and determining its eligibility for scientific evaluation” at the end of the second paragraph.

3. Section 2 is replaced by the following:

“2. As used in this Regulation,

“scientific evaluation” means the structured evaluation of a drug, stable blood product or technology that can concern both its direct effects and its indirect and unintentional consequences, with the objective of guiding decision-making;

“manufacturer” means a person or group of persons that manufactures, produces, imports or sells a drug, stable blood product or technology, under its own name or under a brand name;

“nutritional formula” means a therapeutic nutritional product;

“indication” means an indication for use requested by a manufacturer;

“drug” means a product that can be entered on the list of medications referred to in section 60 of the Act respecting prescription drug insurance (chapter A-29.01), the list of medicines referred to in section 116 of the Act respecting health services and social services (chapter S-4.2), or the list of medications referred to in section 150 of the Act respecting health services and social services for Cree Native persons (chapter S-5), which is not otherwise contemplated by this Regulation;

“biosimilar drug” means a biologic drug introduced onto the Canadian market that is highly similar to a biologic drug already marketed in Canada and whose efficacy and safety do not diverge significantly from the reference biologic drug for the same indications;

“dressing” means a medical instrument used to treat wounds for an indication recognized on the lists of medications;

“radiopharmaceutical” means a radioactive product used to diagnose or treat a disease;

“stable blood product” means an acellular component of blood with the storage characteristics of drugs that is used to treat certain disorders due to an imbalance in the circulatory system or certain specific diseases and that can be entered on the Québec list of blood system products that may be distributed by Héma-Québec;

“SCHEDULE I

(s. 1)

FEES PAYABLE FOR VARIOUS SCIENTIFIC EVALUATIONS

Scientific evaluation		Fee
Item evaluated	Type of evaluation	
New cellular or gene therapy	First evaluation	\$89,796 per indication
	Reevaluation	\$59,864 per indication
New drug with a companion diagnostic or new indication for a drug currently listed with a companion diagnostic	First evaluation	\$68,844 per indication
	Reevaluation	\$35,918 per indication
New drug or new indication for a currently listed drug or new stable blood product	First evaluation	\$59,864 per indication
	Reevaluation	\$35,918 per indication
New cutting-edge therapeutic product	First evaluation	\$89,796 per indication
New radiopharmaceutical	First evaluation	\$89,796 per indication
	Reevaluation	\$35,918 per indication

“cutting-edge therapeutic product” means a health product that is so new, complex and distinct that the current legislation is not able to take it into account, but that may still be entered on the list of medications referred to in section 60 of the Act respecting prescription drug insurance (chapter A-29.01), the list of medicines referred to in section 116 of the Act respecting health services and social services (chapter S-4.2), or the list of medications referred to in section 150 of the Act respecting health services and social services for Cree Native persons (chapter S-5);

“companion diagnostic” means a diagnostic test, a pharmacogenetic test or a therapeutic monitoring test designed to select only the patients for whom a treatment is likely to be beneficial among all the patients diagnosed with a given condition, based on their results for the predictive marker identified by the test;

“cellular or gene therapy” means a therapy to transfer living cells to a patient or to modify a patient’s genetic materials in order to treat or heal a condition.” .

4. Schedule I is replaced by the following:

Scientific evaluation		Fee
New medical device directly connected with the administration of a drug	First evaluation	\$59,874 per submission
	Reevaluation	\$35,918 per submission
New biosimilar drug	First evaluation	\$8,980 per submission
	Subsequent evaluation (i.e., addition of an indication)	\$8,980 per submission
	Reevaluation	\$4,490 per submission
New strength, new content or new form of a currently listed drug	First evaluation	\$8,980 per submission
	Reevaluation	\$4,490 per submission
New nutritional formula or new combination of currently listed drugs or new diagnostic agent of a currently listed non-proprietary name	First evaluation	\$5,986 per submission
	Reevaluation	\$2,993 per submission
New dressing	First evaluation	\$11,973 per submission
	Reevaluation	\$5,986 per submission
Exemption from the application of the lowest price	Any exemption request	\$8,980 per submission

”.

5. This Regulation applies to a request for a scientific evaluation received by the Institut national d'excellence en santé et en services sociaux on or after (*insert the date of coming into force of this Regulation*). It also applies to a request for a scientific evaluation received before (*insert the date of coming into force of this Regulation*) that is found to be incomplete in order to be eligible for a scientific evaluation and that requires the submission of supplementary information after that date.

6. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

Orders in Council

Gouvernement du Québec

O.C. 243-2021, 17 March 2021

Renewal of the public health emergency pursuant to section 119 of the Public Health Act

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, under the first paragraph of section 119 of the Act, the public health emergency declared by the Government is effective for a maximum period of ten days at the expiry of which it may be renewed, as many times as necessary, for a maximum period of ten days or, with the consent of the National Assembly, for a maximum period of 30 days;

WHEREAS, under section 121 of the Act, the public health emergency is effective as soon as it is declared or renewed;

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, until 12 August 2020 by Order in Council 815-2020 dated 5 August 2020, until 19 August 2020 by Order in Council 818-2020 dated 12 August 2020, until 26 August 2020 by Order in Council 845-2020 dated 19 August 2020, until 2 September 2020 by Order in Council 895-2020 dated 26 August 2020, until 9 September 2020 by Order in Council 917-2020 dated 2 September 2020, until 16 September 2020 by Order in Council 925-2020 dated 9 September 2020, until 23 September 2020 by Order in Council 948-2020 dated 16 September 2020, until 30 September 2020 by Order in Council 965-2020 dated 23 September 2020, until 7 October 2020 by Order in Council 1000-2020 dated 30 September 2020, until 14 October 2020 by Order in Council 1023-2020 dated 7 October 2020, until 21 October 2020 by Order in Council 1051-2020 dated 14 October 2020, until 28 October 2020 by Order in Council 1094-2020 dated 21 October 2020, until 4 November 2020 by Order in Council 1113-2020 dated 28 October 2020, until 11 November 2020 by Order in Council 1150-2020 dated 4 November 2020, until 18 November 2020 by Order in Council 1168-2020 dated 11 November 2020, until 25 November 2020 by Order in Council 1210-2020 dated 18 November 2020, until 2 December 2020 by Order in Council 1242-2020 dated 25 November 2020,

until 9 December 2020 by Order in Council 1272-2020 dated 2 December 2020, until 18 December 2020 by Order in Council 1308-2020 dated 9 December 2020, until 25 December 2020 by Order in Council 1351-2020 dated 16 December 2020, until 1 January 2021 by Order in Council 1418-2020 dated 23 December 2020, until 8 January 2021 by Order in Council 1420-2020 dated 30 December 2020, until 15 January 2021 by Order in Council 1-2021 dated 6 January 2021, until 22 January 2021 by Order in Council 3-2021 dated 13 January 2021, until 29 January 2021 by Order in Council 31-2021 dated 20 January 2021, until 5 February 2021 by Order in Council 59-2021 dated 27 January 2021, until 12 February 2021 by Order in Council 89-2021 dated 3 February 2021, until 19 February 2021 by Order in Council 103-2021 dated 10 February 2021, until 26 February 2021 by Order in Council 124-2021 dated 17 February 2021, until 5 March 2021 by Order in Council 141-2021 dated 24 February 2021, until 12 March 2021 by Order in Council 176-2021 dated 3 March 2021 and until 19 March 2021 by Order in Council 204-2021 dated 10 March 2021;

WHEREAS, by Orders in Council 222-2020 dated 20 March 2020, 223-2020 dated 24 March 2020, 460-2020 dated 15 April 2020, 496-2020 dated 29 April 2020, 500-2020 dated 1 May 2020, 505-2020 dated 6 May 2020, 530-2020 dated 19 May 2020, 539-2020 and 540-2020 dated 20 May 2020, 543-2020 dated 22 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, 708-2020 dated 30 June 2020, 788-2020 dated 8 July 2020, 810-2020 dated 15 July 2020, 813-2020 dated 22 July 2020, 817-2020 dated 5 August 2020, 885-2020 dated 19 August 2020, 913-2020 dated 26 August 2020, 943-2020 dated 9 September 2020, 947-2020 dated 11 September 2020, 964-2020 dated 21 September 2020, 1020-2020 dated 30 September 2020, 1039-2020 dated 7 October 2020, 1145-2020 dated 28 October 2020, 1346-2020 dated 9 December 2020, 1419-2020 dated 23 December 2020, 2-2021 dated 8 January 2021, 102-2021 dated 5 February 2021 and 135-2021 dated 17 February 2021, the Government took certain measures to protect the health of the population;

WHEREAS, by Ministerial Orders 2020-003 dated 14 March 2020, 2020-004 dated 15 March 2020, 2020-005 dated 17 March 2020, 2020-006 dated 19 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, 2020-011 dated 28 March 2020, 2020-012 dated 30 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, 2020-018 dated 9 April 2020, 2020-019 and 2020-020 dated 10 April 2020, 2020-021 dated 14 April

2020, 2020-022 dated 15 April 2020, 2020-023 dated 17 April 2020, 2020-025 dated 19 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, 2020-052 dated 19 July 2020, 2020-053 dated 1 August 2020, 2020-055 dated 6 August 2020, 2020-058 dated 17 August 2020, 2020-059 dated 26 August 2020, 2020-060 dated 28 August 2020, 2020-061 dated 1 September 2020, 2020-062 dated 4 September 2020, 2020-063 dated 11 September 2020, 2020-064 dated 17 September 2020, 2020-066 dated 18 September 2020, 2020-067 dated 19 September 2020, 2020-068 dated 20 September 2020, 2020-069 dated 22 September 2020, 2020-072 dated 25 September 2020, 2020-074 and 2020-075 dated 2 October 2020, 2020-076 dated 5 October 2020, 2020-077 dated 8 October 2020, 2020-078 dated 10 October 2020, 2020-079 dated 15 October 2020, 2020-080 dated 21 October 2020, 2020-081 dated 22 October 2020, 2020-082 dated 25 October 2020, 2020-084 dated 27 October 2020, 2020-085 dated 28 October 2020, 2020-086 dated 1 November 2020, 2020-087 dated 4 November 2020, 2020-088 dated 9 November 2020, 2020-090 dated 11 November 2020, 2020-091 dated 13 November 2020, 2020-093 dated 17 November 2020, 2020-094 dated 22 November 2020, 2020-096 dated 25 November 2020, 2020-097 dated 1 December 2020, 2020-099 and 2020-100 dated 3 December 2020, 2020-101 dated 5 December 2020, 2020-102 dated 9 December 2020, 2020-103 dated 13 December 2020, 2020-104 dated 15 December 2020, 2020-105 dated 17 December 2020, 2020-106 dated 20 December 2020, 2020-107 dated 23 December 2020, 2020-108 dated 30 December 2020, 2021-001 dated 15 January 2021, 2021-003 dated 21 January 2021, 2021-004 dated 27 January 2021, 2021-005 dated 28 January 2021, 2021-008 dated 20 February 2020, 2021-009 dated 25 February 2021, 2021-010 dated 5 March 2021, 2021-013 dated 13 March 2021 and 2021-015 dated 16 March 2021, the Minister also took certain measures to protect the health of the population;

WHEREAS it is expedient to renew the public health emergency for a period of ten days;

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

THAT the public health emergency be renewed until 26 March 2021;

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, 505-2020 dated 6 May 2020, 566-2020 dated 27 May 2020, 615-2020 dated 10 June 2020, 651-2020 dated 17 June 2020, 689-2020 dated 25 June 2020, 810-2020 dated 15 July 2020, 813-2020 dated 22 July 2020, 817-2020 dated 5 August 2020, 885-2020 dated 19 August 2020, 913-2020 dated 26 August 2020, 943-2020 dated 9 September 2020, 947-2020 dated 11 September 2020, 964-2020 dated 21 September 2020, 1020-2020 dated 30 September 2020, 1039-2020 dated 7 October 2020, 102-2021 dated 5 February 2021 and 135-2021 dated 17 February 2021, and by Ministerial Orders 2020-004 dated 15 March 2020, 2020-007 dated 21 March 2020, 2020-008 dated 22 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, 2020-058 dated 17 August 2020, 2020-059 dated 26 August 2020, 2020-060 dated 28 August 2020, 2020-061 dated 1 September 2020, 2020-062 dated 4 September 2020, 2020-063 dated 11 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, 2020-096 dated 25 November 2020, 2020-097 dated 1 December 2020, 2020-099 and 2020-100 dated 3 December 2020, 2020-102 dated 9 December 2020, 2020-104 dated 15 December 2020, 2020-107 dated 23 December 2020, 2021-003 dated 21 January 2021, 2021-005 dated 28 January 2021, 2021-009 dated 25 February 2021, 2021-010 dated 5 March 2021, 2021-013 dated 13 March 2021 and 2021-015 dated 16 March 2021, except to the extent that they were amended by those Orders in Council or Ministerial Orders, continue to apply until 26 March 2021 or until the Government or the Minister of Health and Social Services modifies or terminates them;

THAT the Minister of Health and Social Services be empowered to take any measure provided for in subparagraphs 1 to 8 of the first paragraph of section 123 of the Public Health Act (chapter S-2.2).

YVES OUELLET,
Clerk of the Conseil exécutif

104941

Ministerial Orders

M.O., 2021

Ministerial Order number 2021-013 of the Minister of Health and Social Services dated 13 March 2021

Public Health Act
(chapter S-2.2)

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

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING section 118 of the Public Health Act (chapter S-2.2) which provides that 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;

CONSIDERING Order in Council 177-2020 dated 13 March 2020 declaring a public health emergency throughout Québec for a period of 10 days;

CONSIDERING that 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, until 12 August 2020 by

Order in Council 815-2020 dated 5 August 2020, until 19 August 2020 by Order in Council 818-2020 dated 12 August 2020, until 26 August 2020 by Order in Council 845-2020 dated 19 August 2020, until 2 September 2020 by Order in Council 895-2020 dated 26 August 2020, until 9 September 2020 by Order in Council 917-2020 dated 2 September 2020, until 16 September 2020 by Order in Council 925-2020 dated 9 September 2020, until 23 September 2020 by Order in Council 948-2020 dated 16 September 2020, until 30 September 2020 by Order in Council 965-2020 dated 23 September 2020, until 7 October 2020 by Order in Council 1000-2020 dated 30 September 2020, until 14 October 2020 by Order in Council 1023-2020 dated 7 October 2020, until 21 October 2020 by Order in Council 1051-2020 dated 14 October 2020, until 28 October 2020 by Order in Council 1094-2020 dated 21 October 2020, until 4 November 2020 by Order in Council 1113-2020 dated 28 October 2020, until 11 November 2020 by Order in Council 1150-2020 dated 4 November 2020, until 18 November 2020 by Order in Council 1168-2020 dated 11 November 2020, until 25 November 2020 by Order in Council 1210-2020 dated 18 November 2020, until 2 December 2020 by Order in Council 1242-2020 dated 25 November 2020, until 9 December 2020 by Order in Council 1272-2020 dated 2 December 2020, until 18 December 2020 by Order in Council 1308-2020 dated 9 December 2020, until 25 December 2020 by Order in Council 1351-2020 dated 16 December 2020, until 1 January 2021 by Order in Council 1418-2020 dated 23 December 2020, until 8 January 2021 by Order in Council 1420-2020 dated 30 December 2020, until 15 January 2021 by Order in Council 1-2021 dated 6 January 2021, until 22 January 2021 by Order in Council 3-2021 dated 13 January 2021, until 29 January 2021 by Order in Council 31-2021 dated 20 January 2021, until 5 February 2021 by Order in Council 59-2021 dated 27 January 2021, until 12 February 2021 by Order in Council 89-2021 dated 3 February 2021, until 19 February 2021 by Order in Council 103-2021 dated 10 February 2021, until 26 February 2021 by Order in Council 124-2021 dated 17 February 2021, until 5 March 2021 by Order in Council 141-2021 dated 24 February 2021, until 12 March 2021 by Order in Council 176-2021 dated 3 March 2021 and until 19 March 2021 by Order in Council 204-2021 dated 10 March 2021;

CONSIDERING that Order in Council 689-2020 dated 25 June 2020, amended by Orders in Council 817-2020 dated 5 August 2020, 885-2020 dated 19 August 2020, 943-2020 dated 9 September 2020 and 1020-2020 dated

30 September 2020, and by Ministerial Orders 2020-051 dated 10 July 2020, 2020-053 dated 1 August 2020 and 2020-059 dated 26 August 2020, provides for certain measures that apply to certain gatherings;

CONSIDERING that Order in Council 102-2021 dated 5 February 2021, amended by Ministerial Orders 2021-008 dated 20 February 2021, 2021-009 dated 25 February 2021 and 2021-010 dated 5 March 2021, provides for, among other things, despite any provision to the contrary of an Order in Council or a Ministerial Order made under section 123 of the Public Health Act, certain special measures applicable in certain territories;

CONSIDERING that Orders in Council 689-2020 dated 25 June 2020 and 102-2021 dated 5 February 2021, as amended, also empower the Minister of Health and Social Services to order any modification or clarification to the measures provided for in the Orders;

CONSIDERING that 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;

ORDERS AS FOLLOWS:

THAT the operative part of Order in Council 689-2020 dated 25 June 2020, amended by Orders in Council 817-2020 dated 5 August 2020, 885-2020 dated 19 August 2020, 943-2020 dated 9 September 2020 and 1020-2020 dated 30 September 2020, and by Ministerial Orders 2020-051 dated 10 July 2020, 2020-053 dated 1 August 2020 and 2020-059 dated 26 August 2020, be further amended in the fifth paragraph by moving the word “or” from the end of subparagraph 1 to the end of subparagraph 2 and adding the following subparagraph at the end:

“(3) if the persons are preschool children or elementary or secondary level students in general education for youth in the same group, when receiving any service provided by a school service centre, a school board or a private educational institution;”;

THAT the operative part of Order in Council 102-2021 dated 5 February 2021, amended by Ministerial Orders 2021-008 dated 20 February 2021, 2021-009 dated 25 February 2021 and 2021-010 dated 5 March 2021, be further amended

(1) in the third paragraph,

(a) by striking out subparagraph *e* of subparagraph 7;

(b) in subparagraph 11,

i. by replacing subparagraph vii of subparagraph *a* by the following subparagraph:

“vii. engages in a physical activity or other activity requiring the face covering be removed, provided that a minimum distance of two metres is maintained between every person;”;

ii. by replacing subparagraph ii of subparagraph *b* by the following subparagraph:

“ii. on the grounds or in any building or room used for sport-study, arts-study, sport concentration programs and other special school projects of the same nature, extra-curricular activities or school outings;”;

(2) in the fourth paragraph,

(a) by inserting the following after subparagraph 3.1:

“(3.2) in spas and saunas,

(a) the operator is required

i. to admit only patrons having made a reservation; and

ii. to keep a register of the names, telephone numbers and, if applicable, email addresses of every patron admitted into the establishment;

(b) to be admitted, a patron must disclose to the operator the information necessary for the purposes of the preceding subparagraph and furnish proof, as required;

(c) the information entered in the register as required by subparagraph ii of subparagraph *a* may only be communicated to a public health authority or a person authorized to act on the public health authority’s behalf for the purposes of an epidemiological investigation, and may not be used by any other person for any other purpose; and

(d) the information contained in the register required by subparagraph ii of subparagraph *a* must be destroyed 30 days following its entry;”;

(b) in subparagraph 5,

i. in subparagraph *a* by moving the word “or” from the end of subparagraph ii to the end of subparagraph iii and adding the following subparagraph at the end:

“iv. as part of an extracurricular activity or school outing by students in general education for youth in the same group;”;

ii. in subparagraph *b* by moving the word “or” from the end of subparagraph *i* to the end of subparagraph *ii* and adding the following subparagraph at the end:

“iii. as part of an extracurricular activity or school outing by students in general education for youth in the same group;”;

(*c*) by replacing subparagraphs *a* and *b* of subparagraph 10 by the following subparagraphs:

“(a) 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, sports concentration and other special educational projects of the same nature, extracurricular activities or school outings, except if the students are in a room in which the educational and instructional services are provided, subject to the exceptions set out in subparagraphs *iv* to *vii* of subparagraph *a* of subparagraph 11 of the third paragraph; and

(*b*) 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, sports concentration and other special educational projects of the same nature, extracurricular activities or school outings, subject to the exceptions set out in subparagraphs *iv* to *vii* of subparagraph *a* of subparagraph 11 of the third paragraph;”;

(3) in the fifth paragraph,

(a) in subparagraph 2 by moving the word “and” from the end of subparagraph *b* to the end of subparagraph *c* and adding the following subparagraph at the end:

“(d) saunas and spas, except personal care provided therein;”;

(b) in subparagraph 4,

i. by adding the following subparagraph at the end of subparagraph *ii* of subparagraph 0.*a*, after moving the word “or” from the end of subparagraph *II* to the end of subparagraph *III*:

“(IV) as part of an extracurricular activity or school outing by students in general education for youth in the same group;”;

ii. by adding the following subparagraph at the end of subparagraph *a*, after moving the word “or” from the end of subparagraph *ii* to the end of subparagraph *iii*:

“iv. as part of an extracurricular activity or school outing by students in general education for youth in the same group;”;

(*c*) by replacing subparagraph 10 by the following:

“(10) for school service centres, school boards and private educational institutions, students at the elementary school level in general education for youth must, at all times, in any building or room used by an educational institution or for the purposes of sport-study, arts-study, sports concentration and other special educational projects of the same nature, extracurricular activities or school outings, wear a face covering, namely a mask or tightly fitting cloth that covers the nose and the mouth, subject to the exceptions set out in subparagraphs *iv* to *vii* of subparagraph *a* of subparagraph 11 of the third paragraph;”;

THAT this Order take effect on 15 March 2021.

Québec, 13 March 2021

CHRISTIAN DUBÉ,
Minister of Health and Social Services

104938

M.O., 2021

Ministerial Order 2021-015 of the Minister of Health and Social Services dated 16 March 2021

Public Health Act
(chapter S-2.2)

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

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING section 118 of the Public Health Act (chapter S-2.2) which provides that 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;

CONSIDERING Order in Council 177-2020 dated 13 March 2020 declaring a public health emergency throughout Québec for a period of 10 days;

CONSIDERING that 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, until 12 August 2020 by Order in Council 815-2020 dated 5 August 2020, until 19 August 2020 by Order in Council 818-2020 dated 12 August 2020, until 26 August 2020 by Order in Council 845-2020 dated 19 August 2020, until 2 September 2020 by Order in Council 895-2020 dated 26 August 2020, until 9 September 2020 by Order in Council 917-2020 dated 2 September 2020, until 16 September 2020 by Order in Council 925-2020 dated 9 September 2020, until 23 September 2020 by Order in Council 948-2020 dated 16 September 2020, until 30 September 2020 by Order in Council 965-2020 dated 23 September 2020, until 7 October 2020 by Order in Council 1000-2020 dated 30 September 2020, until 14 October 2020 by Order in Council 1023-2020 dated 7 October 2020, until 21 October 2020 by Order in Council 1051-2020 dated 14 October 2020, until 28 October 2020 by Order in Council 1094-2020 dated 21 October 2020, until 4 November 2020 by Order in Council 1113-2020 dated 28 October 2020, until 11 November 2020 by Order in Council 1150-2020 dated 4 November 2020, until 18 November 2020 by Order in Council 1168-2020 dated 11 November 2020, until 25 November 2020 by Order in Council 1210-2020 dated 18 November 2020, until 2 December 2020 by Order in Council 1242-2020 dated 25 November 2020, until 9 December 2020 by Order in Council 1272-2020 dated 2 December 2020, until 18 December 2020 by Order in Council 1308-2020 dated 9 December 2020, until 25 December 2020 by Order in Council 1351-2020 dated 16 December 2020, until 1 January 2021 by Order

in Council 1418-2020 dated 23 December 2020, until 8 January 2021 by Order in Council 1420-2020 dated 30 December 2020, until 15 January 2021 by Order in Council 1-2021 dated 6 January 2021, until 22 January 2021 by Order in Council 3-2021 dated 13 January 2021, until 29 January 2021 by Order in Council 31-2021 dated 20 January 2021, until 5 February 2021 by Order in Council 59-2021 dated 27 January 2021, until 12 February 2021 by Order in Council 89-2021 dated 3 February 2021, until 19 February 2021 by Order in Council 103-2021 dated 10 February 2021, until 26 February 2021 by Order in Council 124-2021 dated 17 February 2021, until 5 March 2021 by Order in Council 141-2021 dated 24 February 2021, until 12 March 2021 by Order in Council 176-2021 dated 3 March 2021 and until 19 March 2021 by Order in Council 204-2021 dated 10 March 2021;

CONSIDERING that Order in Council 102-2021 dated 5 February 2021, amended by Ministerial Orders 2021-008 dated 20 February 2021, 2021-009 dated 25 February 2021, 2021-010 dated 5 March 2021 and 2021-013 dated 13 March 2021, provides for, among other things, despite any provision to the contrary of an Order in Council or a Ministerial Order made under section 123 of the Public Health Act, certain special measures applicable in certain territories;

CONSIDERING that that Order in Council also empowers the Minister of Health and Social Services to order any modification or clarification to the measures provided for in the Order;

CONSIDERING that 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;

ORDERS AS FOLLOWS:

THAT the operative part of Order in Council 102-2021 dated 5 February 2021, amended by Ministerial Orders 2021-008 dated 20 February 2021, 2021-009 dated 25 February 2021, 2021-010 dated 5 March 2021 and 2021-013 dated 13 March 2021, be further amended

(1) in the third paragraph, by striking out the word “and” at the end of subparagraph 26 and adding the following subparagraphs at the end:

“(27) between 9:30 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, 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, 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, a plane or a boat operating ferry service between Matane Baie-Comeau-Godbout, Harrington Harbour-Chevery, Rivière Saint-Augustin or Île d'Entrée-Cap-aux-Meules or the Société des traversiers du Québec network maritime service to Île-de-la-Madeleine or Île d'Anticosti and the Lower St-Lawrence, or at the end of the trip, to continue on to destination;

(i) to obtain, in a service station, 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 set out 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*;

(28) restaurants, retail sales businesses, personal and beauty care enterprises and premises in which cultural, sports, outdoor or recreational activities are permitted if the 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 9:00 p.m. and 5:00 a.m., except in the case of a pharmacy or a service station;

(29) between 9:30 p.m. and 5:00 a.m., no pharmacy or service station may sell products or offer services other than those referred to in subparagraphs *b* and *i* of subparagraph 27; and

(30) subparagraph 27 does not apply to homeless persons;”;

(2) by striking out subparagraphs 6 to 9 of the fourth paragraph;

(3) by striking out subparagraphs 8 and 9 of the fifth paragraph;

THAT this Order take effect on 17 March 2021.

Québec, 16 March 2021

CHRISTIAN DUBÉ,
Minister of Health and Social Services

104940

