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## Part 2

# LAWS AND REGULATIONS

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18 November 2021 / Volume 153

### Summary

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## Orders in Council

Gouvernement du Québec

### **O.C. 1433-2021, 17 November 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

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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, 135-2021 dated 17 February 2021, 433-2021 dated 24 March 2021, 735-2021 dated 26 May 2021, 799-2021 dated 9 June 2021, 885-2021 dated 23 June 2021, 1173-2021 dated 1 September 2021 and 1276-2021 dated 24 September 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

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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 November 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, 885-2020 dated 19 August 2020, 943-2020 dated 9 September 2020, 964-2020 dated 21 September 2020, 135-2021 dated 17 February 2021, 885-2021 dated 23 June 2021, 1173-2021 dated 1 September 2021 and 1276-2021 dated 24 September 2021 and by Ministerial Orders 2020-004 dated 15 March 2020, 2020-007 dated 21 March 2020, 2020-008 dated 22 March 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, 2020-032 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, 2020-039 dated 22 May 2020, 2020-042 dated 4 June 2020, 2020-044 dated 12 June 2020, 2020-049 dated 4 July 2020, 2020-060 dated 28 August 2020, 2020-061 dated 1 September 2020, 2020-062 dated 4 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, 2020-097 dated 1 December 2020, 2020-099 dated 3 December 2020,



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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*

105381

Gouvernement du Québec

## **O.C. 1454-2021, 17 November 2021**

Extension of the effect of the Act to establish a perimeter around certain places in order to regulate demonstrations in relation to the COVID-19 pandemic

WHEREAS the Act to establish a perimeter around certain places in order to regulate demonstrations in relation to the COVID-19 pandemic (2021, chapter 26) was assented to on 23 September 2021;

WHEREAS, under the first paragraph of section 5 of the Act, the Act comes into force on 23 September 2021 and ceases to have effect on 23 October 2021;

WHEREAS, under the second paragraph of section 5 of the Act, however, the Government may, before the expiry date, extend the effect of the Act for a period of 30 days and, on the same conditions, make any other extension;

WHEREAS, under the third paragraph of section 5 of the Act, despite the preceding paragraphs, the Act may not have effect beyond the date on which the public health emergency, declared by Order in Council 177-2020 dated 13 March 2020 and renewed in accordance with section 119 of the Public Health Act (chapter S-2.2), ends;

WHEREAS the effect of the Act to establish a perimeter around certain places in order to regulate demonstrations in relation to the COVID-19 pandemic was extended until 21 November 2021 by Order in Council 1344-2021 dated 20 October 2021;

WHEREAS the public health emergency was renewed in accordance with section 119 of the Public Health Act until 26 November 2021 by Order in Council 1433-2021 dated 17 November 2021;

WHEREAS it is expedient to extend the effect of the Act to establish a perimeter around certain places in order to regulate demonstrations in relation to the COVID-19 pandemic for a period of 30 days;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT the effect of the Act to establish a perimeter around certain places in order to regulate demonstrations in relation to the COVID-19 pandemic (2021, chapter 26) be extended until 21 December 2021, unless the public health emergency declared by Order in Council 177-2020 dated 13 March 2020 and renewed in accordance with section 119 of the Public Health Act (chapter S-2.2) ends before that date.

YVES OUELLET  
*Clerk of the Conseil exécutif*

105380



## Ministerial Orders

### M.O., 2021

#### **Order 2021-079 of the Minister of Health and Social Services dated 14 November 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 has consistently been renewed since that date by various Orders in Council, including by Order in Council 1415-2021 dated 10 November 2021;

CONSIDERING that Order in Council 885-2021 dated 23 June 2021, amended by Ministerial Orders 2021-049 dated 1 July 2021, 2021-050 dated 2 July 2021, 2021-053 dated 10 July 2021, 2021-055 dated 30 July 2021, 2021-057 dated 4 August 2021, 2021-058 dated 13 August 2021, 2021-059 dated 18 August 2021, 2021-060 dated 24 August 2021, 2021-061 dated 31 August 2021, 2021-062 dated 3 September 2021, 2021-063 dated 9 September 2021, 2021-065 dated 24 September 2021, 2021-066 dated 1 October 2021, 2021-067 dated 8 October 2021, 2021-068 dated 9 October 2021, 2021-069 dated 12 October 2021, 2021-073 dated 22 October 2021, 2021-074 dated 25 October 2021, 2021-077 dated 29 October 2021 and 2021-078 dated 2 November 2021, provides for, among other things, certain special measures to apply throughout Québec;

CONSIDERING that Order in Council 1173-2021 dated 1 September 2021, amended by Order in Council 1276-2021 dated 24 September 2021 and by Ministerial Order 2021-067 dated 8 October 2021, provides that a person must be adequately protected to enter certain places or participate in certain activities;

CONSIDERING that those Orders in Council also empower the Minister of Health and Social Services to order any modification or clarification of 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 certain of the measures necessary to continue that protection;

#### ORDERS AS FOLLOWS:

THAT the operative part of Order in Council 885-2021 dated 23 June 2021, amended by Ministerial Orders 2021-049 dated 1 July 2021, 2021-050 dated 2 July 2021, 2021-053 dated 10 July 2021, 2021-055 dated 30 July 2021, 2021-057 dated 4 August 2021, 2021-058 dated 13 August 2021, 2021-059 dated 18 August 2021, 2021-060 dated 24 August 2021, 2021-061 dated 31 August 2021, 2021-062 dated 3 September 2021, 2021-063 dated 9 September 2021, 2021-065 dated 24 September 2021, 2021-066 dated 1 October 2021, 2021-067 dated 8 October 2021, 2021-068 dated 9 October 2021, 2021-069 dated 12 October 2021, 2021-073 dated 22 October 2021, 2021-074 dated 25 October 2021, 2021-077 dated 29 October 2021 and 2021-078 dated 2 November 2021, be further amended

(1) by striking out the second paragraph;

(2) by replacing subparagraphs 10 to 12 of the fourth paragraph by the following subparagraph:

“(10) for the participants at an activity or the members of the public having access to the place, but only if the organizer or the operator of the place verifies that the participants or members of the public, if they are 13 years of age or older, are adequately protected against COVID-19 within the meaning of Order in Council 1173-2021 dated 1 September 2021 and subsequent amendments, in the manner and subject to the exceptions set out in that Order in Council;”;

(3) by striking out the fifth paragraph;

(4) by replacing subparagraph 11 of the seventh paragraph by the following:

“(11) is participating in a karaoke activity and complies with one of the following conditions:

(a) a distance of two metres is maintained between the musicians, the other singers and the spectators;

(b) the person is separated by a physical barrier able to limit contagion of any person who is neither an occupant of the same private residence or its equivalent nor a person providing a service or support;”;

(5) by striking out the thirteenth paragraph;

(6) in the fourteenth paragraph,

(a) by replacing subparagraphs 4 and 5 by the following:

“(4) for a funeral service, a turnover of persons is permitted for a viewing, or in the presence of ashes, and when condolences are received, provided the number of persons present at the same time never exceeds a maximum of 50 persons;

(5) in a building housing a place of worship, a priest or minister or a person acting as a volunteer in such a place may remove his or her face covering when maintaining a minimum distance of one metre with any other person;”;

(b) in subparagraph 7,

i. by striking out subparagraph e;

ii. by replacing subparagraph *f* by the following:

“(f) patrons may serve themselves directly from a buffet or have access to a self-serve counter for covers or food, but only if the operator of the place verifies that the participants or members of the public, if they are 13 years of age or older, are adequately protected against COVID-19 within the meaning of Order in Council 1173-2021 dated 1 September 2021 and subsequent amendments, in the manner and subject to the exceptions set out in that Order in Council;”;

(c) by striking out subparagraphs 8 and 9;

(d) by replacing subparagraph 10 by the following:

“(10) in rooms and on terraces covered by a permit authorizing the sale or service of alcoholic beverages for consumption on the premises, a distance of two metres must be maintained with the public during the presentation of a show;”;

(e) by striking out “and in subparagraph *a* of subparagraph 11” in subparagraph 12;

(f) by striking out subparagraphs 14 to 16.2, 18 and 19;

(g) by replacing subparagraphs 20, 21 and 21.1 by the following:

“(20) in a physical training room, a minimum distance of two metres must be maintained between persons engaging in a physical activity requiring removal of their face covering;

(21) for choirs and amateur orchestras, the following conditions must be complied with:

(a) as part of an extracurricular activity, it is performed by a group of not more than 100 persons;

(b) a distance of two metres is maintained

i. between each singer and with any other person, if the singers are not wearing a procedural mask; and

ii. between each wind instrumentalist and with any other person;

(c) the musicians, other than wind instrumentalists, wear a procedural mask;”;

(h) by striking out subparagraph 23;

(i) by replacing “an event-based or social activity” in subparagraph 24 by “an activity of a social nature”;

(j) by striking out subparagraph 25;

(k) by replacing subparagraph 26 by the following:

“(26) it is prohibited to organize or participate in a gathering of more than 50 persons in an outdoor public place as part of an event of a social nature, except for a funeral service, a marriage, a recognition or graduation ceremony or other event of the same nature;”;

(l) by striking out subparagraph 27;

(m) in subparagraph 29,

i. by striking out “or secondary” in the portion before subparagraph *a*;

ii. by striking out “at the elementary school level” in subparagraph *b*;

iii. by striking out subparagraph *b.1*;

(n) by striking out Schedule I;

THAT the operative part of Order in Council 1173-2021 dated 1 September 2021, amended by Order in Council 1276-2021 dated 24 September 2021 and by Ministerial Order 2021-067 dated 8 October 2021, be further amended

(1) in the third paragraph,

(a) by replacing subparagraph 1 by the following:

“(1) an outdoor event open to the public, other than an event that takes place in a drive-in theatre or other place used for similar purposes;”;

(b) by striking out “, other than an event or amateur training activity at which a maximum of 25 persons may be present or a maximum of 250 persons may be seated in the grandstands or bleachers or in any other type of seating arrangement allowing the persons to be seated in assigned seats” in subparagraph 2;

(c) by replacing “or food store, including” in subparagraph 5 by “, food store, sports centre chalet, indoor place or building adjacent to a snowmobile or quad relay in which meals for consumption on the premises are offered, including their cafeteria and multi-use room and”;

(d) in subparagraph 9,

i. by replacing “physical activity” in the portion before subparagraph *a* by “physical or recreational activity”;

ii. by replacing subparagraph *c* by the following:

“(c) to participate in an extracurricular recreational activity;

(d) to participate in the activities of a vacation camp or day camp;

(e) to enter a library or a museum;”;

(e) by inserting the following after subparagraph 10:

“(10.1) to use a chairlift or gondola at a ski area or sliding centre;”;

(f) by adding the following at the end:

“(12) an event-based activity;

(13) an activity taking place in a rented hall or community hall, necessary to the mission of a community organization whose activities are related to the health or social service sector, attended by more than 250 persons indoors or by more than 500 persons outdoors;

(14) an activity taking place in a rented hall or community hall, necessary to the continuation of the activities, other than event-based or social activities, that are a part of the operation of an enterprise or the activities of an educational institution, court of justice, arbitrator, association of employees, professionals, managerial staff, senior administrators or employers, a consular post, diplomatic mission, government department or public body, attended by more than 250 persons indoors or by more than 500 persons outdoors;

(15) a funeral service or marriage attended by more than 250 persons indoors or by more than 500 persons outdoors;

(16) a place of worship where attendance for the entire building in which it is situated is more than 250 persons;

(17) an outdoor religious ceremony attended by more than 500 persons;”;

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

“THAT, despite the preceding paragraph, a person not be required to be adequately protected if the person is providing support or a service to another person for the playing of a sports activity, but only while providing that support or service;”;

THAT the measures set out in this Order take effect on 15 November 2021.

Québec, 14 November 2021

CHRISTIAN DUBÉ  
*Minister of Health and Social Services*

105377

**M.O., 2021**

**Order 2021-080 of the Minister of Health and Social Services dated 14 November 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 has consistently been renewed since that date by various Orders in Council, including by Order in Council 1415-2021 dated 10 November 2021;

CONSIDERING that Order in Council 1276-2021 dated 24 September 2021, amended by Ministerial Order 2021-072 dated 16 October 2021, provides for, among other things, the requirement for certain health and social service providers to be adequately protected;

CONSIDERING that that Order in Council also empowers the Minister of Health and Social Services to order any modification or clarification of 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 certain of the measures necessary to continue that protection;

ORDERS AS FOLLOWS:

THAT the operative part of Order in Council 1276-2021 dated 24 September 2021, amended by Ministerial Order 2021-072 dated 16 October 2021, be further amended

(1) by replacing the first paragraph by the following:

“THAT, for the purposes of this Order in Council, a person be considered “adequately protected against COVID-19” if the person

(1) has received two doses of either the Moderna or Pfizer-BioNTech mRNA vaccine or two doses of the AstraZeneca/COVIDSHIELD vaccine, with an interval of no fewer than 21 days between the doses and the last dose being received at least seven days earlier;

(2) contracted COVID-19 and has received, at least seven days earlier, a dose of either vaccine described in subparagraph 1 after an interval of at least 21 days following the illness;

(3) has received the single-dose Janssen vaccine at least 14 days earlier; or

(4) has received two COVID-19 vaccine doses, one of which is a vaccine received outside Canada, other than the vaccines referred to in subparagraphs 1 and 3, and the other is the Moderna or Pfizer-BioNTech mRNA vaccine, with an interval of no fewer than 21 days between the doses and the last dose being received at least seven days earlier;”;

(2) by replacing the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth paragraphs by the following:

“THAT, for the purposes of this Order in Council, “health and social service provider” be taken to mean

(1) the persons hired by or who begin to practise for a health and social services institution;

(2) the following persons who are in direct physical contact with persons to whom health and social services are provided or who are in direct physical contact with persons who offer such services particularly because of common areas being shared:

(a) students and trainees;

(b) volunteers;

(c) subcontractors not providing care to users or residents in the environments concerned, except those performing duties in an emergency;

THAT the following health and social service providers be required to be adequately protected:

(1) the health and social service providers referred to in subparagraph 1 of the preceding paragraph;

(2) the health and social service providers referred to in subparagraph 2 of the preceding paragraph performing duties in the following environments:

(a) a facility maintained by a health and social services institution;

(b) an intermediate resource not covered by the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (chapter R-24.0.2);

(c) a private seniors' residence, except such a residence with nine or fewer units;

THAT, for the purposes of subparagraph *a* of subparagraph 2 of the preceding paragraph, every place other than a facility maintained by a health and social services institution where services are provided by such an institution be considered to be such a maintained facility, but only as regards the providers of the health or social services;

THAT a health and social service provider referred to in the fourth paragraph be required to provide proof of being adequately protected against COVID-19 to the health and social services institution where the provider wishes to be hired or begin to practise, or to the operator of the environment where the provider practises, as applicable, or, in the case of a student or trainee, to the operator of the educational institution;

THAT the proof required under the preceding paragraph be provided as soon as possible after the time at which the proof becomes available;”;

(3) by replacing “THAT the operator of an environment referred to in the fourth paragraph” in the thirteenth paragraph by “THAT a health and social services institution or the operator of an environment referred to in subparagraph 2 of the fourth paragraph”;

(4) by inserting “enter or” after “not be able to” in the fourteenth paragraph;

(5) by striking out the sixteenth and seventeenth paragraphs;

(6) by replacing “or a family-type resource” in the eighteenth and nineteenth paragraphs by “referred to in this Ministerial Order”;

(7) by striking out the twenty-first, twenty-second, twenty-third and twenty-fifth paragraphs;

THAT Ministerial Order 2021-070 dated 15 October 2021 be revoked.

Québec, 14 November 2021

CHRISTIAN DUBÉ  
*Minister of Health and Social Services*

105378

## **M.O., 2021**

### **Order 2021-081 of the Minister of Health and Social Services dated 14 November 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 has consistently been renewed since that date by various Orders in Council, including by Order in Council 1415-2021 dated 10 November 2021;

CONSIDERING that Order in Council 1173-2021 dated 1 September 2021, amended by Order in Council 1276-2021 dated 24 September 2021 and by Ministerial Orders 2021-067 dated 8 October 2021 and 2021-079 dated 14 October 2021, provides that a person must be adequately protected to enter certain places or participate in certain activities;

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

CONSIDERING that it is advisable to order certain measures to protect the health of the population;

ORDERS AS FOLLOWS:

THAT, for the purposes of this Order, “health and social service provider” be taken to mean a person working or practising for

- (1) a health and social services institution;
- (2) an intermediate resource not covered by the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (chapter R-24.0.2);
- (3) a private seniors’ residence, except such a residence with nine or fewer units;
- (4) a palliative care hospice within the meaning of paragraph 2 of section 3 of the Act respecting end-of-life care (chapter S-32.0001);
- (5) a religious institution which maintains residential and long-term care facilities to receive its members or followers;
- (6) a specialized medical centre within the meaning of section 333.1 of the Act respecting health services and social services (chapter S-4.2);
- (7) a medical imaging laboratory within the meaning of section 30.1 of the Act respecting medical laboratories and organ and tissue conservation (chapter L-0.2);
- (8) Corporation d’Urgences-santé;
- (9) holders of ambulance service permits;
- (10) Héma-Québec;
- (11) Institut national de santé publique du Québec;
- (12) the Ministère des Transports, but only for the Service aérien gouvernemental;

THAT a subcontractor providing care to users or residents of the environments to which this Order applies be held to be a health and social service provider;

THAT for subparagraphs 8 to 12 of the first paragraph, this Order apply only to providers having direct physical contact with the persons to whom health and social services are provided;

THAT this Order not apply to teachers working in a rehabilitation centre for young persons with adjustment problems operated by a health and social services institution;

THAT a health and social service provider be required to undergo COVID-19 screening, in accordance with the terms and conditions in this Order, except if the provider

- (1) has received two doses of either the Moderna or Pfizer-BioNTech mRNA vaccine or two doses of the AstraZeneca/COVIDSHIELD vaccine, with an interval of no fewer than 21 days between the doses and the last dose being received at least seven days earlier;
- (2) contracted COVID-19 and has received, at least seven days earlier, a dose of either vaccine described in subparagraph 1 after an interval of at least 21 days following the illness;
- (3) has received the single-dose Janssen vaccine at least 14 days earlier;
- (4) has received a dose of a vaccine referred to in subparagraph 1 no fewer than seven days earlier and fewer than 60 days earlier;
- (5) has a contraindication to vaccination against the illness certified by a health professional qualified to make such a diagnosis and entered in the vaccination registry maintained by the Minister of Health and Social Services;
- (6) has taken part in the Medicago inc. clinical trial seeking to validate the safety or efficacy of a COVID-19 vaccine candidate;
- (7) contracted COVID-19 fewer than 60 days earlier;
- (8) has received two COVID-19 vaccine doses, one of which is a vaccine received outside Canada, other than the vaccines referred to in subparagraphs 1 and 3, and the other is the Moderna or Pfizer-BioNTech mRNA vaccine, with an interval of no fewer than 21 days between the doses and the last dose being received at least seven days earlier;

THAT a health and social service provider be required to provide the operator of the environment or the person responsible for its organization with proof, as applicable, that the vaccine or vaccines referred to in the preceding paragraph have been received or that the provider satisfies the conditions described in subparagraph 5, 6 or 7 of that paragraph;



THAT a health and social services institution may send the Minister a list of health and social service providers working or practising in the facilities it maintains for the purpose of ensuring that they are adequately protected;

THAT a health and social service provider required to undergo COVID-19 screening pursuant to the fifth paragraph be required to undergo a minimum of three screening tests per week, administered by an authorized professional, and to provide the results to the operator of the environment or to the person responsible for its organization;

THAT, despite the preceding paragraph, a health and social service provider working fewer than three consecutive days per week be required to undergo a minimum number of COVID-19 screening tests equal to the number of days on which he or she is present in the environment or works for its organization;

THAT a health and social service provider referred to in the eighth or ninth paragraph be required to undergo the screening tests outside working hours, and receive no remuneration or reimbursement for costs related to the screening tests;

THAT a health and social service provider who refuses or neglects to provide the proof required by the sixth paragraph, to undergo COVID-19 screening required pursuant to this Order or to provide the test results in accordance with the eighth paragraph not be able to be reassigned or telework, and the provider's absence be an absence without authorization, without loss of seniority;

THAT the privileges of a physician, a pharmacist or a dentist who refuses or neglects to undergo COVID-19 screening required pursuant to this Order be suspended;

THAT every person providing services within the framework of the direct allowance home care mechanism – service employment paycheque or a domestic help social economy enterprise be required to provide, at the request of the person to whom the services are provided, proof that the vaccine or vaccines referred to in the fifth paragraph have been received or that the conditions described in subparagraph 5, 6 or 7 of that paragraph are satisfied, or provide the results of a COVID-19 screening test undergone fewer than 72 hours earlier;

THAT every person providing services within the framework of the direct allowance home care mechanism – service employment paycheque or a domestic help social economy enterprise who does not provide the proof requested pursuant to the preceding paragraph not be able to provide services to the person who made the request;

THAT a health and social service provider required to undergo COVID-19 screening under the fifth paragraph not be able to receive the following bonuses or lump-sums:

(1) those provided for in Ministerial Order 2020-015 dated 4 April 2020, amended by Ministerial Orders 2020-017 dated 8 April 2020, 2020-023 dated 17 April 2020, 2020-031 dated 3 May 2020, 2020-034 dated 9 May 2020, 2020-038 dated 15 May 2020 and 2020-061 dated 1 September 2020;

(2) those provided for in Ministerial Order 2020-017 dated 8 April 2020;

(3) those provided for in Ministerial Order 2020-019 dated 10 April 2020;

(4) those provided for in Ministerial Order 2020-020 dated 10 April 2020, amended by Ministerial Order 2020-044 dated 12 June 2020;

(5) those provided for in Ministerial Order 2020-028 dated 25 April 2020;

(6) those provided for in Ministerial Order 2020-035 dated 10 May 2020, amended by Ministerial Orders 2020-044 dated 12 June 2020, 2020-064 dated 17 September 2020, 2020-067 dated 19 September 2020, 2021-036 dated 15 May 2021 and 2021-055 dated 30 July 2021;

(7) those provided for in Ministerial Order 2020-044 dated 12 June 2020;

(8) those provided for in Ministerial Order 2020-049 dated 4 July 2020, amended by Ministerial Order 2021-054 dated 16 July 2021;

(9) those provided for in Ministerial Order 2020-107 dated 23 December 2020, amended by Orders in Council 2-2021 dated 8 January 2021 and 799-2021 dated 9 June 2021, and by Ministerial Orders 2021-001 dated 15 January 2021 and 2021-051 dated 6 July 2021;

(10) those provided for in Ministerial Order 2021-032 dated 30 April 2021, amended by Ministerial Order 2021-034 dated 8 May 2021;

(11) those provided for in Ministerial Order 2021-071 dated 16 October 2021;

THAT a health and social service provider not be eligible for the lump sums provided for in Ministerial Order 2021-071 dated 16 October 2021 in the following cases:



(1) the provider on 15 December 2021 has not received the first dose of a COVID-19 vaccine, unless the provider is covered by subparagraphs 5 to 7 of the fifth paragraph;

(2) the provider does not receive the second dose of a vaccine within the 60-day period after the first dose and is not covered by any of subparagraphs 2, 3, 5 to 7 of the fifth paragraph, in which case he or she is required to reimburse any lump sums received under that Order;

(3) the provider, on 15 December 2021, was covered by subparagraph 7 of the fifth paragraph and does not receive the first dose of a vaccine referred to in subparagraph 1 of that paragraph within 60 days after receiving a positive COVID-19 screening test result, in which case he or she is required to reimburse any lump sums received under that Order;

THAT Order in Council 1173-2021 dated 1 September 2021, amended by Order in Council 1276-2021 dated 24 September 2021, and by Ministerial Orders 2021-067 dated 8 October 2021 and 2021-079 dated 14 November 2021, be further amended

(1) in the first paragraph,

(a) by replacing subparagraph 1 by the following:

“(1) has received two doses of either the Moderna or Pfizer-BioNTech mRNA vaccine or two doses of the AstraZeneca/COVIDSHIELD vaccine, with an interval of no fewer than 21 days between the doses and the last dose being received at least seven days earlier;”;

(b) by adding the following subparagraph:

“(4) has received two COVID-19 vaccine doses, one of which is a vaccine received outside Canada, other than the vaccines referred to in subparagraphs 1 and 3, and the other is the Moderna or Pfizer-BioNTech mRNA vaccine, with an interval of no fewer than 21 days between the doses and the last dose being received at least seven days earlier;”;

(2) in the sixth paragraph,

(a) by replacing “member of the public” in the portion before subparagraph 1 by “person”;

(b) by adding the following subparagraph:

“(5) a religious institution which maintains residential and long-term care facilities to receive its members or followers;”;

(3) by inserting the following after the sixth paragraph:

“ THAT, where, pursuant to a service contract entered into with a person who is lodged or is a resident in an environment referred to in the fifth paragraph of this Order in Council, a person providing health and social services to that person be required, in order to access the environment, to be adequately protected against COVID-19;”;

(4) in the seventh paragraph,

(a) by replacing “14 years of age” in subparagraph *a* of subparagraph 2 by “18 years of age”;

(b) by adding the following subparagraph:

“(5) a person who, in performing duties, must enter an environment referred to in the fifth paragraph;”;

(5) by inserting the following after the seventh paragraph:

“THAT, despite the sixth paragraph, a family caregiver who is unable to prove being adequately protected against COVID-19 may enter environments referred to if the person produces proof of a negative COVID-19 screening test undergone fewer than 72 hours earlier;”;

THAT the following be revoked:

(1) the first, second, third, fourth, fifth, sixth and seventh paragraphs of Ministerial Order 2021-024 dated 9 April 2021, amended by Ministerial Orders 2021-028 dated 17 April 2021, 2021-032 dated 30 April 2021, 2021-046 dated 16 June 2021 and 2021-072 dated 16 October 2021, and by Order in Council 1276-2021 dated 24 September 2021;

(2) the first, second, third, fourth and sixth paragraphs of Ministerial Order 2021-072 dated 16 October 2021.

Québec, 14 November 2021

CHRISTIAN DUBÉ

*Minister of Health and Social Services*

105379