

Ministerial Orders

M.O., 2020

Ministerial Order 2020-060 of the Minister of Health and Social Services dated 28 August 2020

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 that Order in Council orders in particular the suspension of the activities of childcare centres, day care centres and home childcare services;

CONSIDERING that that Order in Council also provides that the Minister of Health and Social Services may take any other measures needed to ensure that the health and social network has the necessary human resources;

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 and until 2 September 2020 by Order in Council 895-2020 dated 26 August 2020;

CONSIDERING that Ministerial Order 2020-009 dated 23 March 2020, amended by Ministerial Orders 2020-032 dated 5 May 2020 and 2020-034 dated 9 May 2020, provides for in particular the suspension of certain time limits provided for in the Tax Administration Act (chapter A-6.002) and the Code of Penal Procedure (chapter C-25.1) and the possibility that any search in penal matters be authorized by telewarrant;

CONSIDERING that Ministerial Order 2020-010 dated 27 March 2020, amended by Ministerial Order 2020-032 dated 5 May 2020, provides for in particular the conditions for authorizing a notary to remotely close a notarial act *en minute* using technological means and the power of the board of directors of the Ordre des notaires du Québec to establish other standards concerning such a notarial act;

CONSIDERING that Ministerial Order 2020-013 dated 1 April 2020, amended by Order in Council 689-2020 dated 25 June 2020 and Ministerial Orders 2020-031 dated 3 May 2020, 2020-034 dated 9 May 2020, 2020-038 dated 15 May 2020, 2020-041 dated 30 May 2020 and 2020-043 dated 6 June 2020, provides for in particular special rules concerning the territorial jurisdiction of administrative justices of the peace and officers of justice referred to in the Courts of Justice Act (chapter T-16) and special rules for facilitating the filing of pleadings or the transfer of a hearing to any judicial district if it is impossible to do so in the location provided for by law;

CONSIDERING that, by Orders in Council 505-2020 dated 6 May 2020 and 566-2020 dated 27 May 2020, the suspension applicable to the activities of childcare centres, day care centres and home childcare services under Order in Council 177-2020 dated 13 March 2020 has been

lifted throughout Québec, provided that the activities are carried on in accordance with the conditions provided for in the Schedule to Order in Council 505-2020 dated 6 May 2020, amended by Orders in Council 566-2020 dated 27 May 2020 and 885-2020 dated 19 August 2020, and by Ministerial Orders 2020-034 dated 9 May 2020, 2020-039 dated 22 May 2020, 2020-042 dated 4 June 2020, 2020-044 dated 12 June 2020, 2020-047 dated 19 June 2020, 2020-048 dated 26 June 2020 and 2020-051 dated 10 July 2020;

CONSIDERING that Order in Council 817-2020 dated 5 August 2020 provides that the organization of a gathering of more than 250 persons in an outdoor public place, except in certain situations listed therein, is prohibited;

CONSIDERING that Orders in Council 505-2020 dated 6 May 2020 and 817-2020 dated 5 August 2020 empower the Minister of Health and Social Services to order any modification or clarification of the measures provided for in those Orders in Council;

CONSIDERING that Order in Council 895-2020 dated 26 August 2020 also empowers the Minister of Health and Social Services to take any of the measures provided for in subparagraphs 1 to 8 of the first paragraph of section 123 of the Public Health Act;

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 Schedule to Order in Council 505-2020 dated 6 May 2020, amended by Orders in Council 566-2020 dated 27 May 2020 and 885-2020 dated 19 August 2020, and by Ministerial Orders 2020-034 dated 9 May 2020, 2020-039 dated 22 May 2020, 2020-042 dated 4 June 2020, 2020-044 dated 12 June 2020, 2020-047 dated 19 June 2020, 2020-048 dated 26 June 2020 and 2020-051 dated 10 July 2020, be further amended by striking out section 5;

THAT the prohibition from organizing a gathering of more than 250 persons in an outdoor public place provided for in Order in Council 817-2020 dated 5 August 2020 does not apply to a school service centre, a school board or a private educational institution when offering services to students at the preschool level or the elementary or secondary school level of the general education instructional services for youth;

THAT the attestation of a staff member where the person referred to in the first paragraph of section 134.1 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is domiciled or lodged confirming the identity and place of residence of that person may replace the documents accompanying an application made to the returning officer under that section;

THAT the following persons may send to the returning officer an application under the first paragraph of section 134.1 of that Act:

- (1) a person returning from a trip abroad less than 14 days earlier;
- (2) a person who has received a COVID-19 diagnosis and is still considered to be a carrier of the disease;
- (3) a person showing COVID-19 symptoms;
- (4) a person having been in contact with a suspected, probable or confirmed COVID-19 case less than 14 days earlier;
- (5) a person waiting for the results of a COVID-19 screening test;

THAT, in a municipality or a borough of 50 000 inhabitants or more, the following be limited to 50:

- (1) the number of supporting signatures of electors of the municipality that the nomination paper for the office of mayor or an application for authorization of an independent candidate to such an office or of an elector who undertakes to run as an independent candidate must include;
- (2) the minimum number of party members who must be included on the list accompanying the application for authorization of a party that intends to carry on its activities in the territory of such a municipality and for whose council it intends to present candidates;

THAT advance polls may also be held on the eighth day before polling day;

THAT every advance polling station be open between 9:30 a.m. and 8:00 p.m.;

THAT an elector may vote using his or her own pencil;

THAT voting by mail replace any mobile polling station and be offered to every elector who would have been eligible to vote in such a station, even if the elector is able to move about, and to every elector mentioned in the fourth paragraph of the operative part of this Order and that it be

exercised according to the conditions provided for in the Regulation respecting voting by mail (chapter E-2.2, r. 3) by making, for those electors, the following modifications to facilitate the conduct:

(1) the application of the elector to exercise the right to vote by mail may be made verbally and is valid only for the purposes of the election for which it is made;

(2) the envelope containing all the materials for voting by mail may be sent by the returning officer to the elector as of the twenty-seventh day before polling day;

(3) the instructions for voting sent to the elector in the envelop containing all the materials for voting by mail indicate that it is not necessary to send a photocopy of an identification document with the ballot papers if the elector's signature is affixed on the envelope identified as "ENV-2" and the elector's date of birth and, in the case of the elector mentioned in the fourth paragraph of the operative part of this Order, the number of a document mentioned in the third paragraph of section 215 of the Act respecting elections and referendums in municipalities is written on the envelope;

(4) the application to the returning officer for obtaining ballot papers that have not been received may be made as of the tenth day before polling day;

(5) the elector who would have been eligible for mobile voting and who is unable to mark his or her ballot paper may be assisted by a staff member of the facility where the elector is domiciled without the staff member being required to declare on the elector's declaration that the staff member has not already assisted another elector in a poll;

THAT a grocery store and a pharmacy may assign, in addition to the four persons who may attend to the operation of the establishment outside the legal periods of admission, a maximum of two additional persons to ensure exclusively compliance with the health instructions recommended by the public health authorities in that establishment;

THAT the following be revoked:

(1) Ministerial Order 2020-009 dated 23 March 2020, amended by Ministerial Orders 2020-032 dated 5 May 2020 and 2020-034 dated 9 May 2020;

(2) Ministerial Order 2020-010 dated 27 March 2020, amended by Ministerial Order 2020-032 dated 5 May 2020;

(3) the second, third, fourth and fifth paragraphs of the operative part of Ministerial Order 2020-013 dated 1 April 2020, amended by Order in Council 689-2020 dated 25 June 2020 and by Ministerial Orders 2020-031 dated 3 May 2020, 2020-034 dated 9 May 2020, 2020-038 dated 15 May 2020, 2020-041 dated 30 May 2020 and 2020-043 dated 6 June 2020;

THAT the measures provided for in the first and eleventh paragraphs of the operative part of this Ministerial Order take effect on 1 September 2020.

Québec, 28 August 2020

CHRISTIAN DUBÉ,
Minister of Health and Social Services

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