

Ministerial Orders

M.O., 2021

Ministerial Order number 2021-009 of the Minister of Health and Social Services dated 25 February 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 that Order in Council provides that the Minister of Health and Social Services may order any other measure needed to ensure that the health and social services 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, 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 and until 5 March 2021 by Order in Council 141-2021 dated 24 February 2021;

CONSIDERING that Order in Council 102-2021 dated 5 February 2021, amended by Ministerial Order 2021-008 dated 20 February 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 Order in Council 141-2021 dated 24 February 2021 provides that the Minister of Health and Social Services is 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);

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 Order 2021-008 dated 20 February 2021, be further amended,

(1) in the third paragraph,

(a) by inserting the following subparagraph after subparagraph *b* of subparagraph 3:

“(c) when a person resides alone or with his or her dependent children only, they may form a stable group with the occupants of only one other private residence, and those persons may then be present in either private residence, or its equivalent, including the grounds of such a residence;”;

(b) by striking out subparagraph *f* of subparagraph 7;

(c) by replacing subparagraph 22 by the following:

“(22) no sale at public auction of an immovable for non-payment of municipal or school taxes may take place, unless the sale is held without the public being present and using means such that any movement of citizens is avoided;”;

(2) in the fourth paragraph,

(a) by moving the word “and” from the end of subparagraph *c* to the end of subparagraph *d* and adding the following subparagraph at the end of subparagraph 3:

“(e) no alcoholic beverage may be served unless it is served with food;”;

(b) by inserting the following after subparagraph 5:

“(5.1) in movie theaters and rooms in which performing arts are presented, including venues where the arts are performed and broadcast,

(a) a maximum of 250 persons may be in attendance in each room;

(b) every member of the public is to remain seated in the assigned seat;

(c) the face covering worn by the public must be a procedural mask and be retained at all times, subject to the exception provided for in subparagraph 1, 2 or 4 of the second paragraph of the operative part of Order in Council 810-2020 dated 15 July 2020, amended by Orders in Council 813-2020 dated 22 July 2020, 885-2020 dated 19 August 2020 and 1020-2020 dated 30 September 2020, and by Ministerial Orders 2020-059 dated 26 August 2020 and 2020-064 dated 17 September 2020; and

(d) the persons who momentarily remove their procedural mask to eat or drink pursuant to subparagraph 4 of the second paragraph of Order in Council 810-2020 dated 15 July 2020, as amended, remain silent;”;

(3) in the fifth paragraph,

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

“(c) rooms in which performing arts are presented, including venues where the arts are performed and broadcast;”;

(b) in subparagraph 4,

i. by inserting the following subparagraph before subparagraph *a*:

“(0.a) it is carried out indoors, on a rink or in a pool, other than a hotel pool, subject to the following conditions:

i. the facility, when in a school, is accessible independently from the rest of the school; and

ii. the activity is carried out in any of the following situations:

(I) without supervision, alone or with another person provided that, in the latter case, a minimum distance of two metres is maintained at all times between the persons;

(II) by the occupants of the same private residence or its equivalent; or

(III) as part of a course in or at which only the occupants of the same private residence or its equivalent participate or attend, and a minimum distance of two metres is maintained at all times between the instructor and the other persons;”;

ii. by replacing “4 persons” in subparagraph iii of subparagraph *a* by “8 persons”;

(c) by inserting the following after subparagraph 4:

“(4.1) in movie theatres,

(a) a maximum of 250 persons may be in attendance in each screening room;

(b) every member of the public is to remain seated in the assigned seat;

(c) the face covering worn by the public must be a procedural mask and be retained at all times, subject to the exception provided for in subparagraph 1 or 2 of the second paragraph of the operative part of Order in Council 810-2020 dated 15 July 2020, as amended; and

(d) consumption of food or drink is prohibited;”;

THAT, for the days in the 2020-2021 school calendar allotted for school break time, childcare services provided at school suspend their activities;

THAT, despite the preceding paragraph, childcare services be organized by school service centres and school boards and be provided to children in preschool education and students at the elementary level having one parent who

(1) holds employment or practises a profession in the health and social services network, including in a private professional practice, a community pharmacy and a pre-hospital emergency service;

(2) is in charge of or is employed by an intermediate resource, a family-type resource, a social economy enterprise providing home assistance, a private seniors’ residence, a childcare centre, a day care centre or a home childcare service;

(3) provides services within the framework of the direct allowance home care mechanism – service employment paycheque;

(4) is a police officer, a firefighter, a correctional services officer or a special constable;

(5) is employed by a 9-1-1 emergency centre or a dispatch centre for a fire safety service or a police force;

(6) is employed by any of the following organizations and has been identified by the highest authority in the organization as a provider of services held to be essential in the context of the COVID-19 pandemic:

(a) the Red Cross;

(b) Héma-Québec;

(c) Transplant Québec;

(d) the Régie de l’assurance maladie du Québec;

(e) the Institut national de santé publique du Québec;

(f) a drug wholesaler accredited by the Minister of Health and Social Services;

(g) a suicide prevention centre;

(h) the government air service;

(i) a waste collection or treatment service or a water treatment service; or

(j) the Commission des normes, de l’équité, de la santé et de la sécurité du travail;

(7) is an inspector, a veterinarian, an analyst or other agent appointed for the carrying into effect of the Food Products Act (chapter P-29);

(8) is a coroner;

(9) is employed by the Ministère de la Sécurité publique du Québec, is assigned to civil protection and has been identified by the highest authority in that department as a provider of services held to be essential in the context of the COVID-19 pandemic;

(10) is a member of the personnel assigned to responding to calls made by the population via the Government’s COVID-19 telephone information line or is a member of the personnel assigned to overseeing the providing of that service at the Ministère du Travail, de l’Emploi et de la Solidarité sociale;

(11) is a member of the personnel called on to ensure emergency childcare services;

(12) is a member of the personnel providing maintenance to a school service centre, a school board or a private educational institution;

(13) is employed by a specialized lodging resource for vulnerable persons and their close relatives (spousal abuse, addiction, homelessness, mental health);

(14) is a worker performing duties within the judicial system;

(15) provides home care services to elderly persons;

(16) is a person assigned to snow removal for sidewalks and road links; or

(17) is involved in the work of developing or manufacturing a COVID-19 vaccine or any of its components;

THAT, for childcare that must be organized under the preceding paragraph, each group be made up of a maximum of 10 children;

THAT the second paragraph of the operative part of Ministerial Order 2020-014 dated 2 April 2020, amended by Ministerial Orders 2020-015 dated 4 April 2020, 2020-049 dated 4 July 2020 and 2020-058 dated 17 August 2020, be revoked;

THAT this Order take effect on 26 February 2021.

Québec, 25 February 2021

CHRISTIAN DUBÉ,
Minister of Health and Social Services

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