

M.O., 2021**Order 2021-089 of the Minister of Health and Social Services dated 19 December 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 1540-2021 dated 15 December 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, 2021-078 dated 2 November 2021, 2021-079 dated 14 November 2021, 2021-083 dated 10 December 2021, 2021-086 dated 13 December 2021 and 2021-087 dated 14 December 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

Orders 2021-067 dated 8 October 2021, 2021-079 and 2021-081 dated 14 November 2021 and 2021-082 dated 17 November 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 Order in Council 1540-2021 dated 15 December 2021 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 it is advisable to order certain measures to protect the health of the population;

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, 2021-078 dated 2 November 2021, 2021-079 dated 14 November 2021, 2021-083 dated 10 December 2021, 2021-086 dated 13 December 2021 and 2021-087 dated 14 December 2021, be further amended

(1) by adding the following at the end of subparagraph 2 of the second paragraph:

“(d) “sales area” means the total area reserved for sale, services related to sales and for the public to have access to products and services, including circulation areas, spaces where payment is made and, if applicable, food preparation areas where a person assigned to that area is also responsible for serving clients;”;

(2) by replacing “in a tourist home or in a principal residence establishment” in subparagraph 3 of the third paragraph by “in an accommodation unit or dormitory in a tourist accommodation establishment”;

(3) by striking out subparagraphs 3 and 11 of the fifth paragraph;

(4) in the eleventh paragraph,

(a) by replacing subparagraph 5 by the following:

“(5) in a building housing a place of worship,

(a) the maximum attendance for all of the building is set at 50% of its usual capacity, without exceeding a maximum of 250 persons;

(b) 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 two metres with any other person;

(c) the persons in the building remain in their places and do not move about;”;

(b) in subparagraph 7,

i. by inserting “, sports centre chalet, indoor place or building adjacent to a snowmobile or quad relay,” in the portion before subparagraph *a* after “restaurant”;

ii. in subparagraph *a*,

(I) by replacing subparagraph i by the following:

“i. the seating arrangement on the premises must be such that maximum space is left between the tables as long as a minimum distance of one metre is maintained between tables, unless a physical barrier able to limit contagion separates the tables;”;

(II) by adding the following at the end:

“iii. the capacity of the premises is set at 50% of the usual capacity;”;

iii. replacing subparagraph *f* by the following:

“(e) only persons seated at a table may be served or consume beverages;

(f) patrons may not serve themselves directly from a buffet or have access to a self-serve counter for covers or food;”;

(c) 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) dancing is prohibited;

(b) a distance of two metres must be maintained with the public during the presentation of a show;

(c) the holder of the permit may admit simultaneously, into each room and onto each terrace of the establishment where the permit is used, only a maximum of 50% of the number of persons that may be admitted under the permit, and may not tolerate the presence there of a number of persons greater than that maximum;

(11) except in a private residence or its equivalent, including the grounds, balcony or terrace of such a residence, it is prohibited for any person to organize or participate in a karaoke activity;”;

(d) by inserting the following after subparagraph 13:

“(14) in movie theaters and rooms or halls in which performing arts are presented, including broadcast venues, for a production, an audio-video filming, an indoor performance, as well as for an indoor training activity or sports event,

(a) maximum attendance in each theatre, room or hall is set at 50% of the usual capacity, unless the persons are preschool children or students at the elementary or secondary school level in general education for youth in the same school, when receiving any service provided by a school service centre, school board or private educational institution, or are children at a vacation camp or day camp, and persons accompanying the students or children;

(b) a distance of one empty seat must be left between each person, unless

i. the persons are occupants of the same private residence or its equivalent;

ii. one of the persons is receiving a service or support from another person; or

iii. the persons are preschool children or students at the elementary or secondary school level in general education for youth in the same school, when receiving any service provided by a school service centre, school board or private educational institution, or children at a vacation camp or day camp;

(c) every member of the public remain seated in the assigned seat;

(d) the face covering worn by the public must be a procedural mask;”;

(e) by replacing subparagraphs 20 and 21 by the following:

“(18) the capacity of a spa or sauna is set at 50% of its usual capacity;

(19) in a physical training room,

(a) the maximum capacity is set at a maximum of 50% of its usual capacity;

(b) a minimum distance of two metres must be maintained between persons engaging in a physical activity;

(20) every competition, tournament or other event of the same nature organized for the playing of recreational or sports activities is suspended unless it is organized to be played outdoors or is part of a qualifying process for Olympic or Paralympic Games and world championships, and the following conditions are complied with by the athletes and supervisory staff:

(a) a protected environment is put in place that seeks to limit the risks of transmission between the athletes and supervisory staff and the general public, in accordance with a sanitary protocol approved by the Minister of Health and Social Services;

(b) the sanitary protocol approved by the Minister of Health and Social Services is complied with at all times, before, during and after entering the protected environment;

(c) the capacity of every changing room is set at 50% of its usual capacity;

(21) all indoor recreational or sports activity is suspended, except in the following cases:

(a) it takes place, with or without supervision, alone or in groups of not more than 25 persons, provided that the following conditions are complied with:

- i. the group remain separated, as applicable;
- ii. in team sports, only the persons present in the area reserved for playing the sport are taken into consideration in determining the maximum number of persons;
- iii. persons, other than spectators, outside the area reserved for playing the sport, must at all times maintain a minimum distance of two metres between other persons;

iv. the capacity of every changing room is set at 50% of its usual capacity;

(b) the activity is part of educational services provided to students in general education for youth;

(c) the activity is part of sport-study, art-study and sports concentration curriculums and other special school projects of the same nature provided as part of educational services in general education for youth by a school service centre, a school board or a private educational institution;

(d) the activity is part of vacation camp or day camp activities;

(e) the activity is part of the recreational and sports teaching curriculum in college or university teaching programs;

(f) the activity is professional or high-level sport for which training or practice requires a number of persons greater than the number referred to in subparagraph a and the following conditions are complied with by the athletes and supervisory staff:

i. a protected environment is put in place that seeks to limit the risks of transmission between the athletes and supervisory staff and the general public, in accordance with a sanitary protocol approved by the Minister of Health and Social Services;

ii. the sanitary protocol approved by the Minister of Health and Social Services is complied with at all times, before, during and after entering the protected environment;

iii. the capacity of every changing room is set at 50% of its usual capacity;

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

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

ii. 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;

iii. the musicians, other than wind instrumentalists, wear a procedural mask;

(21.1) the maximum occupancy of every commercial retail establishment to which the Act respecting hours and days of admission to commercial establishments (chapter H-2.1) applies is set at one customer per 20 square metres of sales area or at one customer if the sales area of the establishment is smaller than 20 square metres;

(21.2) the maximum occupancy of every shopping centre is set at one customer per 20 square metres of area accessible to customers;

(21.3) despite subparagraphs 21.1 and 21.2, this Order in Council does not operate to prevent a customer accompanied by minor-aged children or any other person who requires or to whom the customer provides assistance from entering an establishment whose maximum occupancy would not allow those persons to enter even in the absence of other customers;

(f) by replacing “in the eighteenth paragraph” in subparagraph 22 by “in subparagraphs 21.1 to 21.3”;

(g) by replacing subparagraph 24 by the following:

“(23) the capacity of a rented hall or community hall made available to any person is set at 50% of its usual capacity, without exceeding a maximum of 250 persons, in either of the following circumstances:

(a) for a gathering, a meeting, a funeral service, a marriage, a recognition ceremony or a graduation or other event of the same nature, in which the participants attend while remaining seated; or

(b) for the purposes of an organized activity that is 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;

(23.1) the capacity of a room or hall used for a convention is set at 50% of its usual capacity;

(24) a maximum of 25 persons may be present in any indoor place, other than a private residence or its equivalent, if the place is being used for a marriage reception or funeral service;

(25) a maximum of 10 persons or the occupants of three private residences or the equivalent may be present in any indoor place, other than a private residence or the

equivalent, if the place is being used for the purpose of holding a social event that is not otherwise covered by this paragraph;”;

(h) in subparagraph 29,

i. by replacing the portion before subparagraph *a* by the following:

“students at the elementary and secondary school level in general education for youth who are present in any building or room used by a school service centre, school board or private educational institution situated must wear a procedural mask at all times, subject to the following exceptions:”;

ii. by replacing “paragraphe” in the French text of subparagraph *e* by “sous-paragraphe”;

(5) the twelfth paragraph by striking out the word “or” at the end of subparagraph 1 and by adding the following subparagraph at the end:

“(3) in any place under the person’s control or in any queue of persons waiting to enter the place, tolerate any person who does not comply with the physical distancing rules set out in this Order in Council;”;

(6) by replacing the thirteenth paragraph by the following:

THAT the operator of a shopping centre or a retail sales business and the organizer of an exhibition hall bring together several exhibitors or retail sales businesses be required

(a) to take the necessary measures to ensure that the establishment, centre or hall and any queue of persons waiting to enter is monitored at all times so that the physical distancing rules set out in this Order in Council may be complied with;

(b) to display, at each entrance to the establishment, centre or hall, the maximum occupancy determined pursuant to subparagraph 21.1 or 21.2 of the eleventh paragraph;

THAT, despite subparagraph 1 of the twelfth paragraph, the operator of a shopping centre may admit a person who must travel through the common areas of the centre to access premises where health and social services or government services are provided, or as the case may be, administrative tribunals or courts of law are located;”;

(7) by striking out Schedule II;

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 Orders 2021-067 dated 8 October 2021, 2021-079 and 2021-081 dated 14 November 2021 and 2021-082 dated 17 November 2021, be further amended

(1) in the third paragraph,

(a) replacing subparagraph 11 by the following:

“(11) a gathering, meeting, recognition or graduation ceremony or other event of the same nature taking place indoors or attended by more than 500 persons outdoors;”;

(b) by striking out “by more than 250 persons indoors or” in subparagraph 14;

(c) by replacing subparagraphs 15 and 16 by the following:

“(15) a funeral service or marriage attended by more than 25 persons indoors or by more than 500 persons outdoors;

(16) a place of worship, other than for a funeral service or marriage, attended by 25 or fewer persons;”;

(d) by adding the following subparagraph at the end:

“(18) a spa or sauna, except to receive the personal care provided in the spa or sauna;”;

(2) by replacing “or food court in a shopping centre or food store” in the eighteenth paragraph by “, a food court in a shopping centre or food store or a place of worship”;

THAT the measures set out in this Order take effect on 20 December 2021.

Québec, 19 December 2021

CHRISTIAN DUBÉ
Minister of Health and Social Services

105459

M.O., 2021

Order 2021-090 of the Minister of Health and Social Services dated 20 December 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 has consistently been renewed since that date by various Orders in Council, including by Order in Council 1540-2021 dated 15 December 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, 2021-078 dated 2 November 2021, 2021-079 dated 14 November 2021, 2021-083 dated 10 December 2021, 2021-086 dated 13 December 2021, 2021-087 dated 14 December 2021 and 2021-089 dated 19 December 2021, provides for, among other things, certain special measures to apply throughout Québec;