



Government
of Canada

Gouvernement
du Canada

[Home \(https://www.canada.ca/en.html\)](https://www.canada.ca/en.html)

- [How government works \(https://www.canada.ca/en/government/system.html\)](https://www.canada.ca/en/government/system.html)
- [Treaties, laws and regulations \(https://www.canada.ca/en/government/system/laws.html\)](https://www.canada.ca/en/government/system/laws.html)
- [Canada Gazette \(/accueil-home-eng.html\)](/accueil-home-eng.html) → [Publications \(/rp-pr/publications-eng.html\)](/rp-pr/publications-eng.html)
- [Part II: Vol. 154 \(2020\) \(/rp-pr/p2/2020/index-eng.html\)](/rp-pr/p2/2020/index-eng.html)
- [April 1, 2020 \(/rp-pr/p2/2020/2020-04-01/html/index-eng.html\)](/rp-pr/p2/2020/2020-04-01/html/index-eng.html)

Regulations Amending the Schedule to the Quarantine Act (COVID-19 Coronavirus Disease): SOR/2020-53

Canada Gazette, Part II, Volume 154, Number 7

Registration

SOR/2020-53 March 17, 2020

QUARANTINE ACT

The Minister of Health, pursuant to section 63 ^a of the *Quarantine Act* ^b, makes the annexed *Regulations Amending the Schedule to the Quarantine Act (COVID-19 Coronavirus Disease)*.

Ottawa, March 13, 2020

Patricia A. Hajdu

Minister of Health

Regulations Amending the Schedule to the Quarantine Act (COVID-19 Coronavirus Disease)

Amendment

1 The schedule to the *Quarantine Act* ¹ is amended by adding the following in alphabetical order:

COVID-19 coronavirus disease
Maladie à coronavirus COVID-19

Coming into Force

2 These Regulations come into force on the day on which they are registered.

REGULATORY IMPACT ANALYSIS STATEMENT

(This statement is not part of the Regulations.)

Issues

Travellers are not currently required to notify Canadian authorities, in the absence of being asked, of their suspected or confirmed presence or exposure to COVID-19 coronavirus disease as the illness is not included on the Schedule of reportable communicable diseases in the *Quarantine Act*. Moreover, in the absence of receiving a request, conveyance operators are not required to notify as soon as possible before they arrive at their destination in Canada that a person on board their conveyance might be capable of spreading COVID-19 coronavirus disease.

Background

COVID-19 coronavirus disease was first detected in Wuhan, China, in December 2019. The disease is caused by a new strain of virus never before detected in humans. As such, information about the virus, how it causes disease, who it affects, and how to appropriately treat or prevent illness has been limited and based on best practices approaches to coronaviruses at large. Originally seen to be a local, contained outbreak, COVID-19 has spread rapidly and affected people across the globe. The science around the virus is still in its infancy. On January 30, 2020, the World Health Organisation (WHO) declared an outbreak of what is now known as COVID-19 coronavirus disease to be a Public Health Emergency of International Concern (PHEIC).

The COVID-19 coronavirus disease is caused by a novel coronavirus capable of causing severe illness, named the Severe Acute Respiratory Syndrome coronavirus 2 (SARS-CoV-2). It is part of a family of viruses that includes Middle East Respiratory Syndrome coronavirus (MERS-CoV) and Severe Acute Respiratory Syndrome coronavirus (SARS-CoV). Coronaviruses are mainly responsible for mild upper respiratory tract infections; common signs of infection include respiratory symptoms, fever, cough, shortness of breath and breathing difficulties. COVID-19 coronavirus disease has clearly demonstrated that it can cause severe, life-threatening respiratory illness. In more severe cases, infection can cause pneumonia, severe acute respiratory syndrome, kidney failure and death.

Coronaviruses are spread among humans through the inhalation of airborne infectious droplets (when an infected individual coughs or sneezes) or through contact with objects or surfaces contaminated by infectious droplets. Human-to-human transmission is the predominant route of transmission of the current COVID-19 coronavirus disease outbreak. The virus may be transmissible from infected individuals with mild symptoms. This novel coronavirus disease has the demonstrated ability to spread if introduced to the general population given lack of immunity, and cause widespread illness.

Current data suggests that approximately 16% of cases are severe or critical in nature. Older individuals and those with a weakened immune system or underlying medical condition have been seen to be at a higher risk of severe disease. The time from exposure to onset of symptoms is currently estimated to be up to 14 days, with an average of 5 days. Current treatment is supportive and aimed at relief of symptoms and treatment of associated medical complications. There are no specific treatments for COVID-19 coronavirus disease, and there is no preventative vaccine available. Canada is following the recommendations of the WHO and other health authority recommendations in response to the global spread of this disease through isolation of individuals with the disease or with a higher risk of contracting it.

The number of persons infected with the virus continues to rise, with 53 countries/regions reporting cases. The majority of cases continue to be in Hubei Province, China. As of February 29, 2020, there are 85 631 confirmed cases of COVID-19 globally, including 2 934 deaths. To date, the majority of cases have been associated with countries along the Pacific Ocean Rim area. However, cases of the disease are increasingly detected globally, with more than 1000 new cases reported outside of mainland China on March 1, 2020, alone. U.N. Secretary-General Antonio Guterres has urged all governments to “do everything possible to contain the disease.” Canada has reported 30 confirmed cases of COVID-19 in British Columbia, Ontario and Quebec as of March 3, 2020. Canada needs to do its part to help prevent further transmission of the disease.

To date, Canada has managed to prevent the spread of the virus through isolation measures. The Government of Canada recognizes the need to make every effort to contain the disease and prevent the spread of the illness to the broader Canadian population. Indeed Prime Minister Trudeau has publicly announced that “We will continue to do everything necessary to keep Canadians safe.”

There has been a government-wide response to the COVID-19 outbreak, both before and since the declaration of a Public Health Emergency of International Concern (PHEIC) by the WHO. Coordinated efforts across government departments have been undertaken to repatriate Canadians under quarantine in other jurisdictions (China and Japan).

Three distinct emergency orders have been made and published in the *Canada Gazette* pertaining to the return of travellers from overseas who have been in high-risk situations for exposure to the SARS-CoV-2 virus. The first Order applied to travellers repatriated from Hubei Province, China; the second Order applies to travellers repatriated more generally (including from the Diamond Princess Cruise Ship in Japan); and the third Order applies to travellers from an area of COVID-19 coronavirus outbreak who either declined government-organized repatriation or were on a conveyance (e.g. cruise ship) with an outbreak of the disease.

Domestically, the Government of Canada is developing a strategic maritime plan to address COVID-19 coronavirus disease. This interdepartmental plan specifically responds to the risk of COVID-19 entering into Canada from an incoming vessel reporting people having signs and symptoms of the illness. Canada is working with carriers, but has moved to exercise the authority provided for under the *Quarantine Act* to impose a positive duty on conveyance operators to report COVID-19 coronavirus disease as soon as possible before they arrive at their destination in Canada.

Based on the life cycle of the virus, when passengers arrive in Canada they may continue to be asymptomatic, but infected, for up to two weeks as they could have been exposed immediately prior to boarding or in transit. Given the high risk to individual health once exposed and the increased vulnerable population risk, it is appropriate to have incoming persons who have or are at risk of having the illness cared for in an environment that supports their well-being for a period of up to 14 days, while at the same time protecting the general population from unnecessary exposure. By imposing a positive duty to report through the listing of the disease in the Schedule, in addition to all the other measures that have been put in place, border control officers will have additional enforceable authorities to support their decision-making process.

Objective

Obligate all travellers and conveyance operators to notify Canadian authorities of either suspected or confirmed presence or exposure to the illness in accordance with subsections 15(2) and paragraph 34 (2)(a) of the *Quarantine Act* through addition of COVID-19 coronavirus disease to the Schedule of reportable communicable diseases. The addition is intended to further protect the health of travellers as well as the health and safety of the general public from COVID-19 coronavirus disease.

Description

The amendment adds COVID-19 coronavirus disease to the Schedule of reportable illnesses under the *Quarantine Act*. It obligates all travellers and conveyance operators to report either having or being exposed to, or transporting passengers who could cause the spread of, the illness under subsections 15(2) and paragraph 34(2)(a) prior to entering Canada.

Regulatory development

Consultation

The amendment was not pre-published in the *Canada Gazette*, Part I, as it is an urgent measure intended to address COVID-19 coronavirus disease, an exceptional circumstance which presents a serious and immediate risk to the health, safety, and security of Canadians as well as to our economy.

Airline industry

The Public Health Agency of Canada (PHAC) has communicated regularly with the airline industry regarding COVID-19 coronavirus disease. Specifically, communications regarding the outbreak have been directed at individual airlines operating in Canada, but also to the International Civil Aviation Organization (ICAO). Airlines have been cooperative in transmitting information regarding COVID-19 coronavirus disease to travellers prior to arrival in Canada and to facilitating the identification of travellers who may have been exposed to the virus during the flight. Adding COVID-19 coronavirus

disease to the Schedule would compel conveyance operators under paragraph 34(2)(a) to report as soon as possible before the conveyance arrives at its destination in Canada, and without being asked by an officer, where they have reasonable grounds to suspect that any person, cargo or other thing on board the conveyance could cause the spread of COVID-19 coronavirus disease.

Maritime industry: Cruise ships

The cruise ship season in Canada typically begins in April of each year. Prior to the start of the season, PHAC sends information to the industry on inspection criteria in Canada, which is in accordance with Canadian regulatory requirements and procedures for reporting illness.

The Cruise Lines International Association (CLIA) represents more than 50 cruise lines and more than 95% of global cruise capacity. CLIA cruise lines serve more than 24 million passengers annually with 272 operating ships. CLIA have adopted a series of enhanced preventative measures in response to COVID-19 coronavirus disease. CLIA members are to conduct pre-boarding screening necessary to effectuate these prevention measures. Enhanced screening and initial medical support are to be provided, as needed, to any persons exhibiting symptoms of suspected COVID-19.

Modern treaty obligations and Indigenous engagement and consultation

It is not expected that the proposed initiative will create other federal modern treaty responsibilities. After the section 63 amendment to add COVID-19 to the Schedule of the *Quarantine Act*, PHAC will continue to assess for treaty implications and will address implications or obligations as they arise.

Instrument choice

As previously mentioned, the Government of Canada has issued three emergency orders related to COVID-19 (formerly known as nCoV-2019) under which specific classes of persons were required to remain in quarantine for up to 14 days following their arrival in Canada. It was not required that COVID-19 be on the Schedule to the *Quarantine Act* for these actions to be taken.

However, unless the disease is listed in the Schedule, the obligations of travellers and conveyance operators to report suspicion of illness caused by COVID-19 coronavirus disease are not triggered in the absence of a request from an officer. Correspondingly, Canada cannot take action against a person if they fail to report illness or risk of illness from a disease that is not listed on the Schedule, in the absence of a request from an officer. Moreover the requirements under subsection 15(2) and paragraph 34(2)(a) are not applicable and no contraventions could be applied for lack of reporting under these provisions. Currently, officers are relying on other enforceable authorities in *Quarantine Act* to require this information.

Regulatory analysis

Benefits and costs

Obligating conveyance operators to inform Canadian authorities about communicable diseases on board places negligible incremental burden on the transportation sector as they are already voluntarily providing this information as the result of measures already taken by Canada under the *Quarantine Act*. The corresponding benefits to enhanced responsiveness of the Canadian public health system are immeasurable.

Domestic spread of the disease could have huge negative impacts on our economy. The Government of Canada is working hard to prevent the further importation and contain the spread of COVID-19 coronavirus disease in Canada, thus preventing or delaying the widespread and sustained transmission in major cities that could disrupt trade, workforce resources and the domestic industrial sector. Indeed, stock markets both domestically and internationally have been dropping. Since February 20, the S&P/TSX has dropped by 11.5% which has been directly attributed to the international effects of the disease. Sharp slowdown in world economic growth is expected in the first half of 2020 due to the virus, with global economic growth expected to drop to 2.4% for the whole year. It is then expected to rise to a modest 3.3% in 2021. On March 2, 2020, OECD Chief Economist Laurence Boone noted: "The virus risks giving a further blow to a global economy... Governments need to act immediately to contain the epidemic, support the health care system, [and] protect people." The addition of COVID-19 coronavirus disease to the Schedule will be a step to help protect the Canadian economy through the establishment of prompt and consistent communication to facilitate timely decision-making and prompt response.

Small business lens

It has been determined that due to the risk presented by COVID-19 coronavirus disease, no reporting flexibility will be applied for small businesses. The Regulations make the requirement transparent and applied equally in advance to all conveyance operators to ensure fair application of the law and public health protection.

One-for-one rule

There is no incremental increase in administrative burden. The requirement to report the information is directly to inform risk assessment and is not to assess compliance.

Regulatory cooperation and alignment

The Regulations align with the goals of the WHO and other international regulatory partners to contain the spread of COVID-19 coronavirus disease. In the United States, conveyance operators are required to report any death or any ill person among passengers and crew during the 15-day period preceding the date of expected arrival. Thus, the Schedule addition of COVID-19 coronavirus disease is aligned with existing U.S. requirements.

Strategic environmental assessment

The PHAC Strategic Environmental Assessment Preliminary Scan analysis concluded that the amendments are not expected to have important direct or indirect impacts on the environment.

Gender-based analysis plus (GBA+)

There are no direct gender-based impacts resulting from the addition of COVID-19 coronavirus disease to the Schedule. However, in support of the action, it is important to note that COVID-19 coronavirus disease has been demonstrated to more severely affect a vulnerable subpopulation of persons, specifically older adults with co-morbidities as well as those who are immunocompromised. The Government of Canada is addressing this serious risk to a vulnerable population through this additional measure.

Implementation, compliance and enforcement, and service standards

The Regulations to add COVID-19 coronavirus disease to the Schedule will come into force upon registration. The Regulations will then proceed to the *Canada Gazette*, Part II, posting within 23 days.

Information provided by PHAC to conveyance operators will include clear directions on the procedures to be followed to report illnesses consistent with COVID-19 coronavirus disease, along with guidance for the management of possible onboard cases of COVID-19.

Contact

George Samiotis

Director

Office of Border and Travel Health

Public Health Agency of Canada

Telephone: 343-542-6031

Email: phac.obth-aspc.bssvf@canada.ca (<mailto:phac.obth-aspc.bssvf@canada.ca>)

Footnotes

^a S.C. 2007, c. 27, s. 2

^b S.C. 2005, c. 20

¹ S.C. 2005, c. 20
