

# Interim Order Respecting Certain Requirements for Civil Aviation Due to COVID-19, No. 23

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From: Transport Canada

Whereas the annexed *Interim Order Respecting Certain Requirements for Civil Aviation Due to COVID-19, No. 23* is required to deal with a significant risk, direct or indirect, to aviation safety or the safety of the public;

Whereas the provisions of the annexed Order may be contained in a regulation made pursuant to sections 4.71<sup>a</sup> and 4.9<sup>b</sup>, paragraphs 7.6(1)(a)<sup>c</sup> and (b)<sup>d</sup> and section 7.7<sup>e</sup> of the *Aeronautics Act*<sup>f</sup>;

- <sup>a</sup>S.C. 2004, c. 15, s. 5
- <sup>b</sup>S.C. 2014, c. 39, s. 144
- <sup>c</sup>S.C. 2015, c. 20, s. 12
- <sup>d</sup>S.C. 2004, c. 15, s. 18
- <sup>e</sup>S.C. 2001, c. 29, s. 39
- <sup>f</sup>R.S., c. A-2

Whereas, pursuant to subsection 6.41(1.1)<sup>g</sup> of the *Aeronautics Act*<sup>f</sup>, the Minister of Transport authorized the Deputy Minister of Transport to make an interim order that contains any provision that may be contained in a regulation made under Part I of that Act to deal with a significant risk, direct or indirect, to aviation safety or the safety of the public;

- <sup>g</sup>S.C. 2004, c. 15, s. 11(1)

And whereas, pursuant to subsection 6.41(1.2)<sup>g</sup> of that Act, the Deputy Minister of Transport has consulted with the persons and organizations that that Minister considers appropriate in the circumstances before making the annexed Order;

Therefore, the Deputy Minister of Transport, pursuant to subsection 6.41(1.1)<sup>g</sup> of the *Aeronautics Act*<sup>f</sup>, makes the annexed *Interim Order Respecting Certain Requirements for Civil Aviation Due to COVID-19, No. 23*.

Ottawa, March 4, 2021

Le sous-ministre des Transports,

Michael Keenan

Deputy Minister of Transport

## Interpretation

### Definitions

- **1 (1)** The following definitions apply in this Interim Order.

#### ***aerodrome security personnel***

*aerodrome security personnel* has the same meaning as in section 3 of the *Canadian Aviation Security Regulations, 2012*. (personnel de sûreté de l'aérodrome)

#### ***air carrier***

*air carrier* means any person who operates a commercial air service under Subpart 1, 3, 4 or 5 of Part VII of the Regulations. (transporteur aérien)

#### ***checked baggage***

*checked baggage* has the same meaning as in section 3 of the *Canadian Aviation Security Regulations, 2012*. (bagages enregistrés)

**COVID-19**

*COVID-19* means the coronavirus disease 2019. (COVID-19)

**COVID-19 molecular test**

*COVID-19 molecular test* means a COVID-19 screening or diagnostic test carried out by an accredited laboratory, including a test performed using the method of polymerase chain reaction (PCR) or reverse transcription loop-mediated isothermal amplification (RT-LAMP). (essai moléculaire relatif à la COVID-19 )

**document of entitlement**

*document of entitlement* has the same meaning as in section 3 of the *Canadian Aviation Security Regulations, 2012*. (document d'autorisation)

**elevated temperature**

*elevated temperature* means a temperature within the range set out in the standards. (température élevée)

**foreign national**

*foreign national* means a person who is not a Canadian citizen or a permanent resident and includes a stateless person. (étranger)

**non-passenger screening checkpoint**

*non-passenger screening checkpoint* has the same meaning as in section 3 of the *Canadian Aviation Security Regulations, 2012*. (point de contrôle des non-passagers)

**passenger screening checkpoint**

*passenger screening checkpoint* has the same meaning as in section 3 of the *Canadian Aviation Security Regulations, 2012*. (point de contrôle des passagers)

**peace officer**

*peace officer* has the same meaning as in section 3 of the *Canadian Aviation Security Regulations, 2012*. (agent de la paix)

**Regulations**

*Regulations* means the *Canadian Aviation Regulations*. (Règlement)

***restricted area***

*restricted area* has the same meaning as in section 3 of the *Canadian Aviation Security Regulations, 2012*. (zone réglementée)

***screening officer***

*screening officer* has the same meaning as in section 2 of the *Canadian Air Transport Security Authority Act*. (agent de contrôle)

***standards***

*standards* means the document entitled the *Transport Canada Temperature Screening Standards*, published by the Minister, as amended from time to time. (normes)

- Interpretation

(2) Unless the context requires otherwise, all other words and expressions used in this Interim Order have the same meaning as in the Regulations.

- Conflict

(3) In the event of a conflict between this Interim Order and the Regulations or the *Canadian Aviation Security Regulations, 2012*, the Interim Order prevails.

- Definition of *face mask*

(4) For the purposes of this Interim Order, a *face mask* means any mask, including a non-medical mask that meets all of the following requirements:

- (a) it is made of multiple layers of tightly woven materials such as cotton or linen;
- (b) it completely covers a person's nose, mouth and chin without gaping;

- (c) it can be secured to a person's head with ties or ear loops.
- Face masks — lip reading

(5) Despite paragraph (4)(a), the portion of a face mask in front of a wearer's lips may be made of transparent material that permits lip reading if

- (a) the rest of the face mask is made of multiple layers of tightly woven materials such as cotton or linen; and
- (b) there is a tight seal between the transparent material and the rest of the face mask.

## Notification

Federal, provincial and territorial measures

- **2** (1) A private operator or air carrier operating a flight between two points in Canada or a flight to Canada departing from any other country must notify every person boarding the aircraft for the flight that they may be subject to measures to prevent the spread of COVID-19 taken by the provincial or territorial government with jurisdiction where the destination aerodrome for that flight is located or by the federal government.
- Suitable quarantine plan and prepaid accommodation

(2) A private operator or air carrier operating a flight to Canada departing from any other country must notify every person before the person boards the aircraft for the flight that they may be required, under an order made under section 58 of the *Quarantine Act*, to provide, before boarding the aircraft, to the Minister of Health by the electronic means specified by that Minister a suitable quarantine plan and evidence of prepaid accommodation arrangements that enables them

to remain in quarantine at a government-authorized accommodation for a three-day period that begins on the day on which they enter Canada or, if the person is not required under that order to provide the plan and the evidence, their contact information. The private operator or air carrier must also notify every person that they may be liable to a fine, if this requirement applies to them and they fail to comply with it.

- False declarations

(3) A private operator or air carrier operating a flight between two points in Canada or a flight to Canada departing from any other country must notify every person boarding the aircraft for the flight that they may be liable to a monetary penalty if they provide a confirmation referred to in subsection 3(1) that they know to be false or misleading.

## Confirmation

### Federal, provincial and territorial measures

- **3 (1)** Before boarding an aircraft for a flight between two points in Canada or a flight to Canada departing from any other country, every person must confirm to the private operator or air carrier operating the flight that they understand that they may be subject to a measure to prevent the spread of COVID-19 taken by the provincial or territorial government with jurisdiction where the destination aerodrome for that flight is located or by the federal government.

- False declaration

(2) A person must not provide a confirmation referred to in subsection (1) that they know to be false or misleading.

- Exception

(3) A competent adult may provide a confirmation referred to in subsection (1) on behalf of a person who is not a competent adult.

## Prohibition

**4** A private operator or air carrier operating a flight between two points in Canada or a flight to Canada departing from any other country must not permit a person to board the aircraft for the flight if the person is a competent adult and does not provide a confirmation that they are required to provide under subsection 3(1).

# Foreign Nationals

## Prohibition

**5** A private operator or air carrier must not permit a foreign national to board an aircraft for a flight that the private operator or air carrier operates to Canada departing from any other country.

## Exception

**6** Section 5 does not apply to a foreign national who is permitted to enter Canada under an order made under section 58 of the *Quarantine Act*.

# Health Check

## Non-application

**7** Sections 8 to 10 do not apply to either of the following persons:

- (a) a crew member;
- (b) a person who provides a medical certificate certifying that any symptoms referred to in subsection 8(1) that they are exhibiting are not related to COVID-19.

## Health check

- **8** (1) A private operator or air carrier must conduct a health check of every person boarding an aircraft for a flight that the private operator or air carrier operates by asking questions to verify whether they exhibit any of the following symptoms:
  - (a) a fever;
  - (b) a cough;
  - (c) breathing difficulties.
- Notification

(2) A private operator or air carrier must notify every person boarding an aircraft for a flight that the private operator or air carrier operates that the person may not be permitted to board the aircraft if

  - (a) they exhibit a fever and a cough or a fever and breathing difficulties, unless they provide a medical certificate certifying that their symptoms are not related to COVID-19;
  - (b) they have, or suspect that they have, COVID-19;
  - (c) they have been denied permission to board an aircraft in the previous 14 days for a medical reason related to COVID-19; or
  - (d) in the case of a flight departing in Canada, they are the subject of a mandatory quarantine order as a result of recent travel or as a result of a local or provincial public health order.
- Confirmation

(3) Every person boarding an aircraft for a flight that a private operator or air carrier operates must confirm to the private operator or air carrier that none of the following situations apply to them:

  - (a) the person has, or suspects that they have, COVID-19;

- (b) the person has been denied permission to board an aircraft in the previous 14 days for a medical reason related to COVID-19;
- (c) in the case of a flight departing in Canada, the person is the subject of a mandatory quarantine order as a result of recent travel or as a result of a local or provincial public health order.
- False declaration — obligation of private operator or air carrier

(4) The private operator or air carrier must advise every person that they may be liable to a monetary penalty if they provide answers, with respect to the health check or a confirmation, that they know to be false or misleading.

- False declaration — obligations of person

(5) A person who, under subsections (1) and (3), is subjected to a health check and is required to provide a confirmation must

- (a) answer all questions; and
- (b) not provide answers or a confirmation that they know to be false or misleading.

- Exception

(6) A competent adult may answer all questions and provide a confirmation on behalf of a person who is not a competent adult and who, under subsections (1) and (3), is subjected to a health check and is required to give a confirmation.

- Observations — private operator or air carrier

(7) During the boarding process for a flight that the private operator or air carrier operates, the private operator or air carrier must observe whether any person boarding the aircraft is exhibiting any symptoms referred to in subsection (1).

## Prohibition

**9** A private operator or air carrier must not permit a person to board an aircraft for a flight that the private operator or air carrier operates if

- (a) the person's answers to the health check questions indicate that they exhibit
  - (i) a fever and cough, or
  - (ii) a fever and breathing difficulties;
- (b) the private operator or air carrier observes that, as the person is boarding, they exhibit
  - (i) a fever and cough, or
  - (ii) a fever and breathing difficulties;
- (c) the person's confirmation under subsection 8(3) indicates that one of the situations described in paragraphs 8(3)(a), (b) or (c) applies to that person; or
- (d) the person is a competent adult and refuses to answer any of the questions asked of them under subsection 8(1) or to give the confirmation under subsection 8(3).

Period of 14 days

**10** A person who is not permitted to board an aircraft under section 9 is not permitted to board another aircraft for a period of 14 days after the refusal, unless they provide a medical certificate certifying that any symptoms referred to in subsection 8(1) that they are exhibiting are not related to COVID-19.

## **COVID-19 Molecular Test – Flights to Canada**

Application

- **10.1** (1) Sections 10.2 to 10.7 apply to a private operator or air carrier operating a flight to Canada departing from any other country and to every person boarding an aircraft for such a flight.
- Non-application  
  
(2) Sections 10.2 to 10.7 do not apply to persons who are not required under an order made under section 58 of the *Quarantine Act* to provide evidence that they received a result for a COVID-19 molecular test.

## Notification

**10.2** A private operator or air carrier must notify every person who intends to board an aircraft for a flight that the private operator or air carrier operates that the person may not be permitted to board the aircraft if they are unable to provide evidence that they received a result for a COVID-19 molecular test.

## Result

**10.3** Before boarding an aircraft for a flight, every person must provide to the private operator or air carrier operating the flight evidence that they received either

- (a) a negative result for a COVID-19 molecular test that was performed on a specimen that was collected no more than 72 hours before the aircraft's initial scheduled departure time; or
- (b) a positive result for such a test that was performed on a specimen that was collected at least 14 days and no more than 90 days before the aircraft's initial scheduled departure time.

## Evidence — elements

**10.4** Evidence of a result for a COVID-19 molecular test must include

- (a) the person's name and date of birth;

- (b) the name and civic address of the laboratory that administered the test;
- (c) the date the specimen was collected and the test method used; and
- (d) the test result.

### False or misleading evidence

**10.5** A person must not provide evidence of a result for a COVID-19 molecular test that they know to be false or misleading.

### Notice to Minister

**10.6** A private operator or air carrier that has reason to believe that a person has provided evidence of a result for a COVID-19 molecular test that is likely to be false or misleading must notify the Minister as soon as feasible of the person's name and contact information and the date and number of the person's flight.

### Prohibition

**10.7** A private operator or air carrier must not permit a person to board an aircraft for a flight that the private operator or air carrier operates if the person does not provide evidence that they received a result for a COVID-19 molecular test in accordance with the requirements set out in section 10.3.

## Temperature Screening – Flights to Canada

### Application

- **11 (1)** Sections 12 to 19 apply to an air carrier operating a flight to Canada departing from any other country and to every person boarding an aircraft for such a flight.
- Non-application

(2) Sections 12 to 19 do not apply to either of the following persons:

- (a) a child who is less than two years of age;
  - (b) a person who provides a medical certificate certifying that their elevated temperature is not related to COVID-19.
- Non-application — crew member

(3) Sections 12 to 15 do not apply to a crew member who underwent a temperature screening under section 22 for the duration of the shift during which the temperature screening was conducted.

### Requirement

- **12** (1) Subject to subsection 19(2), an air carrier must conduct a temperature screening of every person boarding an aircraft for a flight that the air carrier operates. The screening must be conducted using equipment that complies with the standards and conducted according to the procedures set out in the standards.
- Second screening
  - (2) The air carrier must conduct a second temperature screening if the first temperature screening indicates that the person has an elevated temperature. The second temperature screening must be conducted using equipment that complies with the standards and conducted according to the procedures set out in the standards.

### Notification

- **13** (1) An air carrier must notify every person boarding an aircraft for a flight that the air carrier operates that they may not be permitted to board an aircraft for a flight to Canada for a period of 14 days if the temperature screening conducted under subsection 12(2) indicates that

they have an elevated temperature, unless they provide a medical certificate certifying that their elevated temperature is not related to COVID-19.

- Confirmation

(2) Before boarding an aircraft for a flight, every person must confirm to the air carrier operating the flight that they understand that they may not be permitted to board an aircraft for a flight to Canada for a period of 14 days if the temperature screening conducted under subsection 12(2) indicates that they have an elevated temperature, unless they provide a medical certificate certifying that their elevated temperature is not related to COVID-19.

#### Prohibition — elevated temperature

- **14** (1) If the temperature screening conducted under subsection 12(2) indicates that the person has an elevated temperature, the air carrier must
  - (a) not permit the person to board the aircraft; and
  - (b) notify the person that they are not permitted to board another aircraft for a flight to Canada for a period of 14 days after the refusal, unless they provide a medical certificate certifying that their elevated temperature is not related to COVID-19.
- Prohibition — refusal

(2) If a person refuses to be subjected to a temperature screening, the air carrier must not permit the person to board the aircraft.

#### Period of 14 days

**15** A person who is not permitted to board an aircraft under section 14 is not permitted to board another aircraft for a flight to Canada for a period of 14 days after the refusal, unless they provide a medical certificate

certifying that their elevated temperature is not related to COVID-19.

#### Requirement — equipment

**16** An air carrier must calibrate and maintain the equipment that it uses to conduct temperature screenings under subsection 12(2) to ensure that the equipment is in proper operating condition.

#### Requirement — training

**17** An air carrier must ensure that the person using the equipment to conduct temperature screenings under subsection 12(2) has been trained to operate that equipment and interpret the data that it produces.

#### Record keeping — equipment

- **18** (1) An air carrier must keep a record of the following information in respect of each flight it operates:
  - (a) the number of persons who were not permitted to board the aircraft under paragraph 14(1)(a);
  - (b) the date and flight number;
  - (c) the make and model of the equipment that the air carrier used to conduct the temperature screenings under subsection 12(2);
  - (d) the date and time that that equipment was last calibrated and last maintained, as well as the name of the person who performed the calibration or maintenance; and
  - (e) the results of the last calibration and the activities performed during the last maintenance of that equipment, including any corrective measures taken.
- Record keeping — training

(2) An air carrier must keep a record of the name of every person who has received training under section 17, as well as the contents of the training.

- Retention period

(3) The air carrier must

- (a) retain the records referred to in subsection (1) for a period of at least 90 days after the day of the flight; and
- (b) retain the records referred to in subsection (2) for a period of at least 90 days after the day on which the person received the training.

- Ministerial request

(4) The air carrier must make the records referred to in subsections (1) and (2) available to the Minister on request.

#### Definition of *authorized person*

- **19 (1)** For the purposes of this section, *authorized person* means a person authorized by a competent authority to conduct temperature screenings at an aerodrome located outside of Canada.

- Exception

(2) An air carrier may rely on an authorized person to conduct the temperature screening under subsection 12(1), in which case subsection 12(2) and sections 13, 14, and 16 to 18 do not apply to that air carrier.

- Notification

(3) The air carrier must notify every person boarding the aircraft for the flight that they are not permitted to board an aircraft for a flight to Canada for a period of 14 days if the temperature screening indicates that they have an elevated temperature, unless they provide a medical certificate certifying that their elevated temperature is not related to COVID-19.

- Period of 14 days

(4) If the temperature screening indicates that a person has an elevated temperature, that person is not permitted to board an aircraft for a flight to Canada for a period of 14 days after the temperature screening, unless they provide a medical certificate certifying that their elevated temperature is not related to COVID-19.

- Equipment

(5) The air carrier must ensure that the equipment used to conduct those temperature screenings is calibrated and maintained so that the equipment is in proper operating condition.

## Temperature Screening – Aerodromes in Canada

### Definition of *screening authority*

- **20** (1) For the purposes of this section and sections 21 to 31, *screening authority* has the same meaning as in section 3 of the *Canadian Aviation Security Regulations, 2012*.

- Application

(2) Sections 21 to 31 apply to all of the following persons:

- (a) a person entering a restricted area within an air terminal building at an aerodrome listed in Schedule 1 from a non-restricted area;
- (b) a person undergoing a screening at a non-passenger screening checkpoint outside an air terminal building at an aerodrome listed in Schedule 1;
- (c) the operator of an aerodrome listed in Schedule 1;
- (d) a screening authority at an aerodrome listed in Schedule 1;

- (e) an air carrier operating a flight departing from an air terminal building at an aerodrome listed in Schedule 1.
  - Non-application
- (3) Sections 21 to 31 do not apply to any of the following persons:
- (a) a child who is less than two years of age;
  - (b) a person who provides a medical certificate certifying that their elevated temperature is not related to COVID-19;
  - (c) a member of emergency response provider personnel who is responding to an emergency;
  - (d) a peace officer who is responding to an emergency.

## Requirement

**21** A person entering a restricted area within an air terminal building from a non-restricted area within the air terminal building must do so at a passenger screening checkpoint or non-passenger screening checkpoint.

## Requirement — temperature screening

- **22** (1) Subject to subsection (3), a screening authority must conduct a temperature screening of every person who presents themselves at a passenger screening checkpoint or non-passenger screening checkpoint within an air terminal building for the purpose of entering a restricted area from a non-restricted area and of every person undergoing a screening at a non-passenger screening checkpoint outside an air terminal building. The screening must be conducted using equipment that complies with the standards and conducted according to the procedures set out in the standards.
- Second screening

(2) Following a rest period of 10 minutes, the screening authority must conduct a second temperature screening if the first temperature screening indicates that the person has an elevated temperature. The second temperature screening must be conducted using equipment that complies with the standards and conducted according to the procedures set out in the standards.

- Exception

(3) If the temperature screening of a person, other than a passenger, who presents themselves at a passenger screening checkpoint or non-passenger screening checkpoint within an air terminal building for the purpose of entering a restricted area from a non-restricted area, or of a person who is undergoing a screening at a non-passenger screening checkpoint outside an air terminal building, indicates that the person does not have an elevated temperature, the screening authority is not required to conduct any further temperature screenings of that person for the duration of the day during which the temperature screening was conducted.

#### Notification — consequence of elevated temperature

- **23** (1) An air carrier must notify every person, other than a crew member, who intends to board an aircraft for a flight that the air carrier operates that they may not be permitted to board an aircraft for a flight originating in Canada and that they must not enter a restricted area at any aerodrome in Canada for a period of 14 days if the temperature screening conducted under subsection 22(2) indicates that they have an elevated temperature, unless they provide a medical certificate certifying that their elevated temperature is not related to COVID-19.
- Confirmation — consequence of elevated temperature

(2) Before passing beyond a passenger screening checkpoint to board an aircraft for a flight, every person other than a crew member must confirm to the air carrier operating the flight that they understand that they may not be permitted to board an aircraft for a flight originating in Canada and that they must not enter a restricted area at any aerodrome in Canada for a period of 14 days if the temperature screening conducted under subsection 22(2) indicates that they have an elevated temperature, unless they provide a medical certificate certifying that their elevated temperature is not related to COVID-19.

### Prohibition — elevated temperature

- **24** (1) If the temperature screening conducted under subsection 22(2) indicates that the person has an elevated temperature, the screening authority must
  - (a) deny the person entry to the restricted area; and
  - (b) notify the person that they are not permitted to board an aircraft for a flight originating in Canada or enter a restricted area at any aerodrome in Canada for a period of 14 days after the denial, unless they provide a medical certificate certifying that their elevated temperature is not related to COVID-19.

- Prohibition — refusal

(2) If a person refuses to be subjected to a temperature screening, the screening authority must deny them entry to the restricted area.

### Period of 14 days

**25** A person who is denied entry to the restricted area under section 24 is not permitted to enter a restricted area at any aerodrome in Canada for a period of 14 days after the denial, unless they provide a medical certificate certifying that their elevated temperature is not related to COVID-19.

## Denial — person intending to board aircraft

- **26 (1)** If, under section 24, a screening authority denies entry to a restricted area to a person who intends to board an aircraft for a flight, other than a crew member, the screening authority must, for the purpose of paragraph 26(4)(a), notify the air carrier operating the flight that that person has been denied entry to the restricted area and provide the person's name and flight number to the air carrier.

- Denial — person not intending to board aircraft

(2) If, under section 24, a screening authority denies entry to a restricted area to a person who does not intend to board an aircraft for a flight, the screening authority must, for the purpose of subsection 26(5), provide the following information to the operator of the aerodrome:

- (a) the person's name as it appears on their document of entitlement;
  - (b) the number or identifier of the person's document of entitlement; and
  - (c) the reason why the person was denied entry to the restricted area.
- Denial — crew member

(3) If, under section 24, a screening authority denies entry to a restricted area to a crew member, the screening authority must provide the information referred to in subsection (2) to the air carrier for the purpose of allowing the air carrier to assign a replacement crew member, if necessary.

- Denial — air carrier requirements

(4) An air carrier that has been notified under subsection (1) must

- (a) ensure that the person is directed to a location where they can retrieve their checked baggage, if applicable; and
- (b) if the person is escorted to a location where they can retrieve their checked baggage, ensure that the escort wears a face mask and maintains a distance of at least two metres between themselves and the person.
- Denial — aerodrome operator requirement

(5) The operator of an aerodrome that has been notified under subsection (2) must suspend the person's restricted area entry privileges for a period of 14 days after the person was denied entry to the restricted area, unless the person provides a medical certificate certifying that their elevated temperature is not related to COVID-19.

- Prohibition — restricted area

(6) If, under section 24, a screening authority denies entry to a restricted area to a crew member or to a person who does not intend to board an aircraft for a flight, the crew member or that person must not present themselves at a passenger screening checkpoint or non-passenger screening checkpoint at any aerodrome for the purpose of entering a restricted area for a period of 14 days after the denial, unless they provide a medical certificate certifying that their elevated temperature is not related to COVID-19.

#### Requirement — equipment

**27** A screening authority must ensure that the equipment that it uses to conduct temperature screenings under section 22 is calibrated and maintained so that the equipment is in proper operating condition.

#### Requirement — training

**28** A screening authority must ensure that the person using the equipment to conduct temperature screenings under section 22 has been trained to operate that equipment and interpret the data that it produces.

#### Record keeping — equipment

- **29** (1) A screening authority must keep a record of the following information with respect to any temperature screening it conducts:
  - (a) the number of persons who are denied entry under paragraph 24(1)(a) at a passenger screening checkpoint;
  - (b) the number of persons who are denied entry under paragraph 24(1)(a) at a non-passenger screening checkpoint;
  - (c) the flight number of any person who is denied entry under paragraph 24(1)(a) at a passenger screening checkpoint and the date on which the person was denied entry;
  - (d) the make and model of the equipment that the screening authority uses to conduct the temperature screenings under section 22;
  - (e) the date and time when that equipment was calibrated and maintained, as well as the name of the person who performed the calibration or maintenance; and
  - (f) the results of the calibration and the activities performed during the maintenance of that equipment, including any corrective measures taken.
- Record keeping — training
  - (2) The screening authority must keep a record of the name of every person who has received training under section 28, as well as the contents of the training.
- Retention

### (3) The screening authority must

- (a) retain the records referred to in subsection (1) for a period of at least 90 days after the day on which the record was created; and
- (b) retain the records referred to in subsection (2) in accordance with any record retention requirements under the *Privacy Act*.
- Ministerial request

(4) The screening authority must make the records referred to in subsections (1) and (2) available to the Minister on request.

### Temperature screening facilities

**30** The operator of an aerodrome must make facilities available for temperature screening that are accessible without having to enter a restricted area.

### Requirement — air carrier representative

**31** An air carrier must ensure that the screening authority at the aerodrome has been provided with the name and telephone number of the on-duty representative of the air carrier for the purpose of facilitating the return of checked baggage to persons who are denied entry to a restricted area under section 24.

## Face Masks

### Non-application

- **32** (1) Sections 33 to 38 do not apply to any of the following persons:
  - (a) a child who is less than two years of age;
  - (b) a child who is at least two years of age but less than six years of age who is unable to tolerate wearing a face mask;

- (c) a person who provides a medical certificate certifying that they are unable to wear a face mask for a medical reason;
- (d) a person who is unconscious;
- (e) a person who is unable to remove their face mask without assistance;
- (f) a crew member;
- (g) a gate agent.
- Face mask readily available

(2) An adult responsible for a child who is at least two years of age but less than six years of age must ensure that a face mask is readily available to the child before boarding an aircraft for a flight.

- Wearing of face mask

(3) An adult responsible for a child must ensure that the child wears a face mask when wearing one is required under section 35 and complies with any instructions given by a gate agent under section 36 if the child

- (a) is at least two years of age but less than six years of age and is able to tolerate wearing a face mask; or
- (b) is at least six years of age.

## Notification

**33** A private operator or air carrier must notify every person who intends to board an aircraft for a flight that the private operator or air carrier operates that the person must

- (a) be in possession of a face mask before boarding;
- (b) wear the face mask at all times during the boarding process, during the flight and from the moment the doors of the aircraft are opened until the person enters the air terminal building; and

- (c) comply with any instructions given by a gate agent or a crew member with respect to wearing a face mask.

## Obligation to possess face mask

**34** Every person who is at least six years of age must be in possession of a face mask before boarding an aircraft for a flight.

## Wearing of face mask — persons

- **35** (1) Subject to subsections (2) to (3), a private operator or air carrier must require a person to wear a face mask at all times during the boarding process and during a flight that the private operator or air carrier operates.

- Exceptions — person

(2) Subsection (1) does not apply

- (a) when the safety of the person could be endangered by wearing a face mask;
  - (b) when the person is drinking or eating, unless a crew member instructs the person to wear a face mask;
  - (c) when the person is taking oral medications;
  - (d) when a gate agent or a crew member authorizes the removal of the face mask to address unforeseen circumstances or the person's special needs; or
  - (e) when a gate agent, a member of the aerodrome security personnel or a crew member authorizes the removal of the face mask to verify the person's identity.
- Exceptions — flight deck

(3) Subsection (1) does not apply to any of the following persons when they are on the flight deck:

- (a) a Department of Transport air carrier inspector;
- (b) an inspector of the civil aviation authority of the state where the aircraft is registered;
- (c) an employee of the private operator or air carrier who is not a crew member and who is performing their duties;
- (d) a pilot, flight engineer or flight attendant employed by a wholly owned subsidiary or a code share partner of the air carrier;
- (e) a person who has expertise related to the aircraft, its equipment or its crew members and who is required to be on the flight deck to provide a service to the private operator or air carrier.

## Compliance

**36** A person must comply with any instructions given by a gate agent, a member of the aerodrome security personnel or a crew member with respect to wearing a face mask.

## Prohibition — private operator or air carrier

**37** A private operator or air carrier must not permit a person to board an aircraft for a flight that the private operator or air carrier operates if

- (a) the person is not in possession of a face mask; or
- (b) the person refuses to comply with an instruction given by a gate agent or a crew member with respect to wearing a face mask.

## Refusal to comply

- **38** (1) If, during a flight that a private operator or air carrier operates, a person refuses to comply with an instruction given by a crew member with respect to wearing a face mask, the private operator or air carrier must
  - (a) keep a record of

- (i) the date and flight number,
  - (ii) the person's name, date of birth and contact information, including the person's home address, telephone number and email address,
  - (iii) the person's seat number, and
  - (iv) the circumstances related to the refusal to comply; and
  - (b) inform the Minister as soon as feasible of any record created under paragraph (a).
- Retention period

(2) The private operator or air carrier must retain the record referred to in paragraph (1)(a) for a period of at least 12 months after the day of the flight.

- Ministerial request

(3) The private operator or air carrier must make the records referred to in paragraph (1)(a) available to the Minister on request.

### Wearing of face mask — crew member

- **39** (1) Subject to subsections (2) to (3), a private operator or air carrier must require a crew member to wear a face mask at all times during the boarding process and during a flight that the private operator or air carrier operates.
- Exceptions — crew member

(2) Subsection (1) does not apply

- (a) when the safety of the crew member could be endangered by wearing a face mask;
- (b) when the wearing of a face mask by the crew member could interfere with operational requirements or the safety of the flight; or

- (c) when the crew member is drinking, eating or taking oral medications.
- Exception — flight deck

(3) Subsection (1) does not apply to a crew member who is a flight crew member when they are on the flight deck.

### Wearing of face mask — gate agent

- **40** (1) Subject to subsections (2) and (3), a private operator or air carrier must require a gate agent to wear a face mask during the boarding process for a flight that the private operator or air carrier operates.
- Exceptions

(2) Subsection (1) does not apply

- (a) when the safety of the gate agent could be endangered by wearing a face mask; or
- (b) when the gate agent is drinking, eating or taking oral medications.

- Exception — physical barrier

(3) During the boarding process, subsection (1) does not apply to a gate agent if the gate agent is separated from any other person by a physical barrier that allows the gate agent and the other person to interact and reduces the risk of exposure to COVID-19.

## Deplaning

### Non-application

- **41** (1) Section 42 does not apply to any of the following persons:
  - (a) a child who is less than two years of age;

- (b) a child who is at least two years of age but less than six years of age who is unable to tolerate wearing a face mask;
  - (c) a person who provides a medical certificate certifying that they are unable to wear a face mask for a medical reason;
  - (d) a person who is unconscious;
  - (e) a person who is unable to remove their face mask without assistance;
  - (f) a person who is on a flight that originates in Canada and is destined to another country.
- Wearing of face mask
- (2) An adult responsible for a child must ensure that the child wears a face mask when wearing one is required under section 42 if the child
- (a) is at least two years of age but less than six years of age and is able to tolerate wearing a face mask; or
  - (b) is at least six years of age.

### Wearing of face mask — person

**42** A person who is on board an aircraft must wear a face mask at all times from the moment the doors of the aircraft are opened until the person enters the air terminal building, including by a passenger loading bridge.

## Screening Authority

### Definition of *screening authority*

- **43** (1) For the purposes of sections 44 and 47, *screening authority* means a person responsible for the screening of persons and goods at an aerodrome set out in the schedule to the *CATSA Aerodrome Designation Regulations* or at any other place designated by the Minister under subsection 6(1.1) of the *Canadian Air Transport Security Authority Act*.

- Non-application

(2) Sections 44 to 47 do not apply to any of the following persons:

- (a) a child who is less than two years of age;
- (b) a child who is at least two years of age but less than six years of age who is unable to tolerate wearing a face mask;
- (c) a person who provides a medical certificate certifying that they are unable to wear a face mask for a medical reason;
- (d) a person who is unconscious;
- (e) a person who is unable to remove their face mask without assistance;
- (f) a member of emergency response provider personnel who is responding to an emergency;
- (g) a peace officer who is responding to an emergency.

- Wearing of face mask

(3) An adult responsible for a child must ensure that the child wears a face mask when wearing one is required under subsection 44(2) and removes it when required by a screening officer to do so under subsection 44(3) if the child

- (a) is at least two years of age but less than six years of age and is able to tolerate wearing a face mask; or
- (b) is at least six years of age.

#### Requirement — passenger screening checkpoint

- **44** (1) A screening authority must notify a person who is subject to screening at a passenger screening checkpoint that they must wear a face mask at all times during screening.
- Wearing of face mask — person

(2) Subject to subsection (3), a person who is the subject of screening referred to in subsection (1) must wear a face mask at all times during screening.

- Requirement to remove face mask

(3) A person who is required by a screening officer to remove their face mask during screening must do so.

- Wearing of face mask — screening officer

(4) A screening officer must wear a face mask at a passenger screening checkpoint when conducting the screening of a person if, during the screening, the screening officer is two metres or less from the person being screened.

#### Requirement — non-passenger screening checkpoint

- **45** (1) A person who presents themselves at a non-passenger screening checkpoint to enter into a restricted area must wear a face mask at all times.
- Wearing of face mask — screening officer

(2) Subject to subsection (3), a screening officer must wear a face mask at all times at a non-passenger screening checkpoint.

- Exceptions

(3) Subsection (2) does not apply

- (a) when the safety of the screening officer could be endangered by wearing a face mask; or
- (b) when the screening officer is drinking, eating or taking oral medications.

#### Exception — physical barrier

**46** Sections 44 and 45 do not apply to a person, including a screening officer, if the person is two metres or less from another person and both persons are separated by a physical barrier that allows them to interact and reduces the risk of exposure to COVID-19.

#### Prohibition — passenger screening checkpoint

- **47** (1) A screening authority must not permit a person who has been notified to wear a face mask and refuses to do so to pass beyond a passenger screening checkpoint into a restricted area.

- Prohibition — non-passenger screening checkpoint

(2) A screening authority must not permit a person who refuses to wear a face mask to pass beyond a non-passenger screening checkpoint into a restricted area.

## Designated Provisions

### Designation

- **48** (1) The provisions of this Interim Order set out in column 1 of Schedule 2 are designated as provisions the contravention of which may be dealt with under and in accordance with the procedure set out in sections 7.7 to 8.2 of the Act.

- Maximum amounts

(2) The amounts set out in column 2 of Schedule 2 are the maximum amounts of the penalty payable in respect of a contravention of the designated provisions set out in column 1.

- Notice

(3) A notice referred to in subsection 7.7(1) of the Act must be in writing and must specify

- (a) the particulars of the alleged contravention;
- (b) that the person on whom the notice is served or to whom it is sent has the option of paying the amount specified in the notice or filing with the Tribunal a request for a review of the alleged contravention or the amount of the penalty;
- (c) that payment of the amount specified in the notice will be accepted by the Minister in satisfaction of the amount of the penalty for the alleged contravention and that no further proceedings under Part I of the Act will be taken against the person on whom the notice in respect of that contravention is served or to whom it is sent;
- (d) that the person on whom the notice is served or to whom it is sent will be provided with an opportunity consistent with procedural fairness and natural justice to present evidence before the Tribunal and make representations in relation to the alleged contravention if the person files a request for a review with the Tribunal; and
- (e) that the person on whom the notice is served or to whom it is sent will be considered to have committed the contravention set out in the notice if they fail to pay the amount specified in the notice and fail to file a request for a review with the Tribunal within the prescribed period.

## Repeal

**49 The *Interim Order Respecting Certain Requirements for Civil Aviation Due to COVID-19, No. 22*, made on February 19, 2021, is repealed.**

## SCHEDULE 1(Subsection 20(2))

Aerodromes

<b>Name</b>	<b>ICAO Location Indicator</b>
Calgary International Airport	CYYC
Edmonton International Airport	CYEG
Halifax / Robert L. Stanfield International Airport	CYHZ
Kelowna International Airport	CYLW
Montréal / Pierre Elliott Trudeau International Airport	CYUL
Ottawa / Macdonald-Cartier International Airport	CYOW
Québec / Jean Lesage International Airport	CYQB
Regina International Airport	CYQR
Saskatoon / John G. Diefenbaker International Airport	CYXE
St. John's International Airport	CYYT
Toronto / Billy Bishop Toronto City Airport	CYTZ
Toronto / Lester B. Pearson International Airport	CYYZ
Vancouver International Airport	CYVR
Victoria International Airport	CYYJ
Winnipeg / James Armstrong Richardson International Airport	CYWG

## **SCHEDULE 2(Subsections 48(1) and (2))Designated Provisions**

<b>Column 1</b>	<b>Column 2</b>	
	<b>Maximum Amount of Penalty (\$)</b>	
<b>Designated Provision</b>	<b>Individual</b>	<b>Corporation</b>
Subsection 2(1)	5,000	25,000
Subsection 2(2)	5,000	25,000
Subsection 2(3)	5,000	25,000
Subsection 3(1)	5,000	
Subsection 3(2)	5,000	
Section 4	5,000	25,000
Section 5	5,000	25,000
Subsection 8(1)	5,000	25,000
Subsection 8(2)	5,000	25,000
Subsection 8(3)	5,000	
Subsection 8(4)	5,000	25,000
Subsection 8(5)	5,000	
Subsection 8(7)	5,000	25,000
Section 9	5,000	25,000
Section 10	5,000	
Section 10.2	5,000	25,000
Section 10.3	5,000	

<b>Column 1</b>	<b>Column 2</b>	
	<b>Maximum Amount of Penalty (\$)</b>	
<b>Designated Provision</b>	<b>Individual</b>	<b>Corporation</b>
Section 10.5	5,000	
Section 10.6	5,000	25,000
Section 10.7	5,000	25,000
Subsection 12(1)		25,000
Subsection 12(2)		25,000
Subsection 13(1)		25,000
Subsection 13(2)	5,000	
Subsection 14(1)		25,000
Subsection 14(2)		25,000
Section 15	5,000	
Section 16		25,000
Section 17		25,000
Subsection 18(1)		25,000
Subsection 18(2)		25,000
Subsection 18(3)		25,000
Subsection 18(4)		25,000
Subsection 19(3)		25,000
Subsection 19(4)	5,000	

<b>Column 1</b>	<b>Column 2</b>	
	<b>Maximum Amount of Penalty (\$)</b>	
<b>Designated Provision</b>	<b>Individual</b>	<b>Corporation</b>
Subsection 19(5)		25,000
Section 21	5,000	
Subsection 22(1)		25,000
Subsection 22(2)		25,000
Subsection 23(1)		25,000
Subsection 23(2)	5,000	
Subsection 24(1)		25,000
Subsection 24(2)		25,000
Section 25	5,000	
Subsection 26(1)		25,000
Subsection 26(2)		25,000
Subsection 26(3)		25,000
Subsection 26(4)		25,000
Subsection 26(5)		25,000
Subsection 26(6)	5,000	
Section 27		25,000
Section 28		25,000
Subsection 29(1)		25,000

<b>Column 1</b>	<b>Column 2</b>	
	<b>Maximum Amount of Penalty (\$)</b>	
<b>Designated Provision</b>	<b>Individual</b>	<b>Corporation</b>
Subsection 29(2)		25,000
Subsection 29(3)		25,000
Subsection 29(4)		25,000
Section 30		25,000
Section 31		25,000
Subsection 32(2)	5,000	
Subsection 32(3)	5,000	
Section 33	5,000	25,000
Section 34	5,000	
Subsection 35(1)	5,000	25,000
Section 36	5,000	
Section 37	5,000	25,000
Subsection 38(1)	5,000	25,000
Subsection 38(2)	5,000	25,000
Subsection 38(3)	5,000	25,000
Subsection 39(1)	5,000	25,000
Subsection 40(1)	5,000	25,000
Subsection 41(2)	5,000	

Column 1	Column 2	
	Maximum Amount of Penalty (\$)	
Designated Provision	Individual	Corporation
Section 42	5,000	
Subsection 43(3)	5,000	
Subsection 44(1)		25,000
Subsection 44(2)	5,000	
Subsection 44(3)	5,000	
Subsection 44(4)	5,000	
Subsection 45(1)	5,000	
Subsection 45(2)	5,000	
Subsection 47(1)		25,000
Subsection 47(2)		25,000

### **i Did you find this information helpful?**

**i** Transport Canada is closely monitoring the COVID-19 situation. In response, we have issued some **transportation-related measures and guidance**. Please check if any of these measures apply to you.

You may experience longer than usual wait times or partial service interruptions. If you cannot get through, please **contact us by email**.

For information on COVID-19 updates, please visit [\*\*Canada.ca/coronavirus\*\*](https://Canada.ca/coronavirus).

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