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Possible use of the health pass until 31 July 2022: what the law says

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Illustration 1

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In order to combat the spread of the Covid-19 epidemic, the law on various health surveillance provisions published in *Official Journal* of 1 november 2021 extends until 31 July 2022 the exit procedure from the state of health emergency and in particular the possibility to use the health pass until that date if the health situation warrants it. *Service-Public.fr* provides an update on the legal measures.

Extension of the health pass until 31 July 2022 if the health situation warrants it, possibility to declare a state of health emergency again in case of extreme health crisis, strengthening of sanctions in case of fraudulent use of the health pass, control of the certificate of counter-indication to vaccination, extension of certain social measures such as partial activity and supplementary compensation for derogatory work stoppages... The law on various health surveillance provisions provides for a number of measures to curb the possible resurgence of the Covid-19 epidemic.

Possibility to extend the sanitary pass until 31 July 2022

The exit regime from the state of health emergency, established by the law of 31 May 2021 until 30 September 2021, was extended for the first time by the law of 5 August 2021. It was to be completed on 15 November 2021. « *Health surveillance* » thus extends the exit regime from the state of health emergency until 31 July 2022.

During this time, the government can take certain health measures to curb the epidemic, such as restricting movement, access to certain facilities, or public gatherings and gatherings.

If the health situation so warrants in view of the circulation of the viral virus and on the basis of specific health indicators (vaccination rate, positive test rate, incidence rate and saturation rate of the beds of resuscitation), the health pass may be extended until 31 July 2022.

Possibility to restore the health emergency until 31 July 2022

The law extends until 31 July 2022 the possibility of redeclaring a state of health emergency in the event of a particularly serious crisis. This measure allows for a general containment of the population or a curfew.

In view of the health situation, the application of the health emergency in French Guiana and Martinique is extended until 31 December 2021.

Strengthening penalties for fraud

The law « *Health surveillance* » provides for penalties based on three situations of misuse:

- the use of the authentic health pass belonging to another remains punishable by a violation of 4^e class (flat-rate fine of 135 € and 750 € maximum);
- the lending of a genuine health pass to someone for fraudulent use is also punishable by a violation of 4^e class
- the use, establishment and sale of false health passes, especially via social networks, is punishable by 5 years in prison and a maximum fine of €75,000 (against 3 years imprisonment and a fine of €45,000).

Health pass control and vaccination obligation

In order to combat the issuing of fraudulent certificates, Health Insurance may control the certificate of contraindication to vaccination against Covid-19, which is valid for health as it already does for persons subject to the vaccination obligation. This measure does not apply to New Caledonia, French Polynesia and Wallis and Futuna.

The verification of the vaccination obligation shall remain carried out by the employers for the employees concerned by the vaccination obligation.

Monitoring of the vaccination obligation for health care providers is facilitated. Health schools will be able to monitor the vaccination certificates of students preparing for the exercise of health professions.

The law specifies that in the care facilities of the young child located outside a health care establishment (nurseries, children's homes, children's villages...), the obligation to vaccinate only concerns the professionals who care for them. Personnel who do not have medical activities are excluded from the Covid-19 vaccination obligation.

Extension of certain social and health measures

The Health Surveillance Law provides the possibility to maintain increased levels of compensation of the partial activity regime until July 31, 2022 for certain sectors of activity and certain companies, if a rebound of the Covid-19 epidemic so requires. Decrees will have to be issued to maintain these increased rates beyond December 31, 2021.

The partial work arrangement for employees who have to stay at home and who cannot telework (vulnerable persons, having to keep a child under 16 years of age or with a disability, who are subject to an isolation measure...) is extended until 31 July 2022. It may be discontinued if the health situation improves.

The additional compensation by the employer for the derogatory work stoppages shall be extended until 31 July 2022 at the latest. This measure shall remain applicable until a date fixed by decree.

Exceptional Occupational Health Services (OHS) missions for information, prevention, screening and vaccination are extended until July 31, 2022.

Occupational doctors will be able to issue work stoppages to employees infected or suspected of being infected with Covid-19 and isolation certificates until July 31, 2022.

Statute and miscellaneous references

- Act No. 2021-1465 of 10 November 2021 on various health surveillance provisions [✉ \(https://www.legifrance.gouv.fr/eli/loi/2021/11/10/2021-1465/jo/texte\)](https://www.legifrance.gouv.fr/eli/loi/2021/11/10/2021-1465/jo/texte)
 - Decision of the Constitutional Council No. 2021-828 DC of 9 November 2021 [✉ \(https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000044315218\)](https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000044315218)
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Additional topics

- Everything about the sanitary pass (<https://www.service-public.fr/particuliers/actualites/A15121?lang=en>)
 - Health crisis exit plan: until when? (<https://www.service-public.fr/particuliers/actualites/A14937?lang=en>)
 - Covid-19 Vaccine: Who is affected by the booster dose? (<https://www.service-public.fr/particuliers/actualites/A15120?lang=en>)
 - Which professionals must present their health pass since August 30th? (<https://www.service-public.fr/particuliers/actualites/A15104?lang=en>)
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For more information, please contact

- Act of 10 November 2021 on various health surveillance provisions [✉ \(https://www.vie-publique.fr/loi/281904-loi-prolongation-pass-sanitaire-2022-vigilance-sanitaire\)](https://www.vie-publique.fr/loi/281904-loi-prolongation-pass-sanitaire-2022-vigilance-sanitaire)
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