



ORDER OF THE PROVINCIAL HEALTH OFFICER

(Pursuant to Sections 30, 31, 32, and 39 (3) *Public Health Act*, S.B.C. 2008)

FOOD AND LIQUOR SERVING PREMISES -

June 30, 2021

The *Public Health Act* is at:

<http://www.bclaws.ca/civix/content/complete/statreg/08028/?xsl=/templates/browse.xsl>
(excerpts enclosed)

- TO: OWNERS AND OPERATORS OF RESTAURANTS, COFFEE SHOPS, CAFES, CAFETERIAS AND FOOD PRIMARY AND LIQUOR PRIMARY ESTABLISHMENTS, INCLUDING PUBS, BARS, LOUNGES AND NIGHTCLUBS, LIQUOR MANUFACTURING FACILITIES THAT HAVE TASTING ROOMS AND PRIVATE CLUBS**
- TO: PATRONS OF RESTAURANTS, COFFEE SHOPS, CAFES, CAFETERIAS AND FOOD PRIMARY AND LIQUOR PRIMARY ESTABLISHMENTS, INCLUDING PUBS, BARS, LOUNGES AND NIGHTCLUBS, LIQUOR MANUFACTURING FACILITIES THAT HAVE TASTING ROOMS AND PRIVATE CLUBS**
- TO: MEDICAL HEALTH OFFICERS**

WHEREAS:

- A. On March 17, 2020 I provided notice under section 52 (2) of the *Public Health Act* that the transmission of the infectious agent SARS-CoV-2, which has caused cases and outbreaks of a serious communicable disease known as COVID-19 among the population of the Province of British Columbia, constitutes a regional event as defined in section 51 of the *Public Health Act*;
- B. A person infected with SARS-CoV-2 can infect other people with whom the infected person is in contact;
- C. The gathering of people in close contact with one another can promote the transmission of SARS-CoV-2 and increase the number of people who develop COVID-19 and become seriously ill; in particular, social mingling coupled with the consumption of alcohol which increases risky behavior, is associated with increases in the transmission of SARS-CoV-2, and increases in the number of people who develop COVID-19 and become seriously ill;
- D. The Province continues to experience transmission of SARS-CoV-2, and to be at risk of cases, clusters and outbreaks of COVID-19, which, in turn, can increase the incidences of serious disease leading to hospitalizations, intensive care admissions and deaths.

- E. Virus variants of concern which are more transmissible and have the potential to cause more serious illness, including among younger populations, are now present in Canada and the Province, and have heightened the risk to the population, if people gather together.
- F. For certainty, this Order is directed at restaurants, coffee shops, cafes, cafeterias and food primary and liquor primary establishments, including pubs, bars, lounges and nightclubs, manufacturing facilities that have tasting rooms and private clubs. It is not directed at hospitals, licensed care facilities, assisted living residences, independent living facilities, correctional facilities, industrial camps, school and workplace cafeterias, cafeterias for residents attending educational institutions, or other cafeterias that serve food or liquor to residents, rather than to the general public.
- G. For further certainty, this Order does not apply to events as defined in the *Gatherings and Events* Order, or to meetings or conferences held in hotels or anywhere else;
- H. You belong to the class of persons to whom this notice is addressed;
- I. I have reason to believe and do believe that
 - a. the risk of an outbreak of COVID-19 among the public constitutes a health hazard under the *Public Health Act*;
 - b. because the risk of outbreaks arising from people gathering to eat or drink in restaurants, coffee shops, cafes, cafeterias and food primary and liquor primary establishments, including pubs, bars, lounges and nightclubs, manufacturing facilities that have tasting rooms and private clubs extends beyond the authority of one or more medical health officers, and coordinated action is needed to protect the public from contracting COVID-19, it is in the public interest for me to exercise the powers in sections 30, 31, 32 and 39 (3) of the *Public Health Act* **TO ORDER** as follows:

AS OF 9:00 (NINE) AM ON JULY 1, 2021, THIS ORDER REPEALS AND REPLACES MY ORDER MADE ON JUNE 15, 2021

Definitions in this Order:

“patron” means anyone present as a customer in premises, but does not include an owner, operator or a member of staff;

“premises” includes both the inside and outside area of a place being operated as a

- a. a restaurant, coffee shop, café, cafeteria, or
- b. a food primary or liquor primary establishment, including a pub, bar, lounge, nightclub, liquor manufacturing facility that has a tasting room, or a private club.

A. OWNERS AND OPERATORS OF RESTAURANTS, COFFEE SHOPS, CAFES, CAFETERIAS AND FOOD PRIMARY AND LIQUOR PRIMARY ESTABLISHMENTS, INCLUDING PUBS, BARS, LOUNGES AND NIGHTCLUBS, LIQUOR MANUFACTURING FACILITIES THAT HAVE TASTING ROOMS AND PRIVATE CLUBS (HEREINAFTER REFERRED TO AS “PREMISES”)

1. A person must not provide food or drink services on premises, except in compliance with the provisions of this Order.
2. The operator must determine the maximum number of patrons who can be accommodated safely on the premises, taking into consideration the requirements in this Part, and must document this maximum number.
3. The operator must monitor the number of patrons present on the premises and ensure that the number does not exceed the maximum number documented.
4. The operator must take steps to prevent the congregation of patrons outside the premises, such as by taking reservations and requesting patrons to remain in their cars or elsewhere until notified by telephone or an App that there is seating available for them on the premises.
5. The operator must assess the premises for places where patrons may congregate and put in place measures to avoid congregation.
6. If patrons consume food or drink on the premises, other than a tasting room with a liquor manufacturer licence, there must be sufficient seating for them, whether at a table, booth or counter, and patrons must be seated while in the premises.
7. In liquor licensed premises, other than a cafeteria, private club or tasting room with a liquor manufacturer licence, patrons must be assigned a table, booth or counter and shown to their seats.
8. Patrons must stay in the seat to which they are assigned, or at which they seat themselves, and must not move from table to table.
9. Patrons must remain seated when in a premises, other than a cafeteria or tasting room with a liquor manufacturer's licence, except
 - a. to use a self-serve food or drink station,
 - b. to use a juke box, a self-serve lottery ticket dispenser, or pay at a pay station,
 - c. to use washroom facilities,
 - d. to provide assistance to another person who requires care or first aid,
 - e. to leave or return to the premises, or
 - f. for the purpose of doing any of the following with persons who are in the same party as the patron and who are seated with the patron:
 - i. play pool, billiards, snooker, or darts; or
 - ii. bowl, if there is a bowling alley on the premises.

10. If there is a self-serve food or drink station on the premises,
 - a. hand washing facilities or alcohol-based sanitizers within easy reach of the station;
 - b. signs reminding patrons to wash or sanitize their hands before touching self-serve food, drink or other items; and
 - c. high touch surfaces at the station, and utensils that are used for self-serve, be frequently cleaned and sanitized.
11. There must be a sufficient number of staff on the premises to ensure that patrons
 - a. remain seated, and
 - b. do not congregate in areas of the premises.
12. Dance floors must be closed with physical barriers or occupied with tables, unless they are being used for a dance performance.
13. A patron must not dance on the premises
14. The *Gatherings and Events* Order applies to events which are held on premises.

B. PATRONS

1. A patron must not be on premises in which there are more persons present than are permitted.
2. A patron must not enter premises, or must leave premises, if so directed by the operator or a member of staff.
3. A patron must comply with the distancing and other requirements or prohibitions in Part A, and with measures, or guidance or direction from an owner, operator or member of staff, intended to avoid the congregation of patrons.

C. RELATED MEDICAL HEALTH OFFICERS ORDERS

Recognizing that the risk differs in different regions of the province, and that medical health officers are in the best position to assess local circumstances and to determine whether additional or more restrictive steps need to be taken to reduce the risk of the transmission of COVID-19,
I FURTHER ORDER:

1. A medical health officer may issue an order further to this Order for the purpose of having the provisions of the order incorporated into this Order. Such an order may add further prohibitions, or impose more restrictive limitations or conditions in the whole or part of the geographic area of the province for which the medical health officer is designated and, subject to section 2, the provisions of the order are incorporated into this Order when posted on my website. For

certainly, a contravention of an order of a medical health officer issued further to this Order and posted on my website is a contravention of this Order.

2. While it is in force, a provision in an order made by a medical health officer further to this Order and posted on my website, which adds further prohibitions or imposes more restrictive limitations or requirements than this Order, applies in the whole or part of the geographic area of the province for which the medical health officer is designated, despite the provisions of this Order.

This Order does not have an expiration date.

You are required, under section 42 of the *Public Health Act*, to comply with this Order. Failure to comply with this Order is an offence under section 99 (1) (k) of the *Public Health Act*.

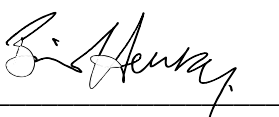
Pursuant to section 54 (1) (h) of the *Public Health Act*, and in accordance with the emergency powers set out in Part 5 of the *Public Health Act*, I will not be accepting requests for reconsideration of this Order.

If you fail to comply with this Order, I have the authority to take enforcement action against you under Part 4, Division 6 of the *Public Health Act*.

You may contact me at:

Dr. Bonnie Henry, Provincial Health Officer
4th Floor, 1515 Blanshard Street
P O Box 9648 STN PROV GOVT, Victoria BC V8W 9P4
Fax: (250) 952-1570
Email: ProvHlthOffice@gov.bc.ca

DATED THIS: 30th day of June 2021.

SIGNED: 

Bonnie Henry
MD, MPH, FRCPC
Provincial Health Officer

Delivery By: Posting on the BC Government and the BC Centre for Disease Control websites.

Enclosure: Excerpts of the *Public Health Act* and the *Liquor Control and Licensing Act*.

ENCLOSURE**Excerpts of the *Public Health Act* [SBC 2008] c. 28*****Definitions***

1 In this Act:

"health hazard" means

- (a) a condition, a thing or an activity that
 - (i) endangers, or is likely to endanger, public health, or
 - (ii) interferes, or is likely to interfere, with the suppression of infectious agents or hazardous agents, or
- (b) a prescribed condition, thing or activity, including a prescribed condition, thing or activity that
 - (i) is associated with injury or illness, or
 - (ii) fails to meet a prescribed standard in relation to health, injury or illness;

When orders respecting health hazards and contraventions may be made

30 (1) A health officer may issue an order under this Division only if the health officer reasonably believes that

- (a) a health hazard exists,
- (b) a condition, a thing or an activity presents a significant risk of causing a health hazard,
- (c) a person has contravened a provision of the Act or a regulation made under it, or
- (d) a person has contravened a term or condition of a licence or permit held by the person under this Act.

(2) For greater certainty, subsection (1) (a) to (c) applies even if the person subject to the order is complying with all terms and conditions of a licence, a permit, an approval or another authorization issued under this or any other enactment.

General powers respecting health hazards and contraventions

31 (1) If the circumstances described in section 30 [*when orders respecting health hazards and contraventions may be made*] apply, a health officer may order a person to do anything that the health officer reasonably believes is necessary for any of the following purposes:

- (a) to determine whether a health hazard exists;

(b) to prevent or stop a health hazard, or mitigate the harm or prevent further harm from a health hazard;

(c) to bring the person into compliance with the Act or a regulation made under it;

(d) to bring the person into compliance with a term or condition of a licence or permit held by that person under this Act.

(2) A health officer may issue an order under subsection (1) to any of the following persons:

(a) a person whose action or omission

(i) is causing or has caused a health hazard, or

(ii) is not in compliance with the Act or a regulation made under it, or a term or condition of the person's licence or permit;

(b) a person who has custody or control of a thing, or control of a condition, that

(i) is a health hazard or is causing or has caused a health hazard, or

(ii) is not in compliance with the Act or a regulation made under it, or a term or condition of the person's licence or permit;

(c) the owner or occupier of a place where

(i) a health hazard is located, or

(ii) an activity is occurring that is not in compliance with the Act or a regulation made under it, or a term or condition of the licence or permit of the person doing the activity.

Specific powers respecting health hazards and contraventions

32 (1) An order may be made under this section only

(a) if the circumstances described in section 30 [*when orders respecting health hazards and contraventions may be made*] apply, and

(b) for the purposes set out in section 31 (1) [*general powers respecting health hazards and contraventions*].

(2) Without limiting section 31, a health officer may order a person to do one or more of the following:

(a) have a thing examined, disinfected, decontaminated, altered or destroyed, including

- (i) by a specified person, or under the supervision or instructions of a specified person,
 - (ii) moving the thing to a specified place, and
 - (iii) taking samples of the thing, or permitting samples of the thing to be taken;
- (b) in respect of a place,
- (i) leave the place,
 - (ii) not enter the place,
 - (iii) do specific work, including removing or altering things found in the place, and altering or locking the place to restrict or prevent entry to the place,
 - (iv) neither deal with a thing in or on the place nor dispose of a thing from the place, or deal with or dispose of the thing only in accordance with a specified procedure, and
 - (v) if the person has control of the place, assist in evacuating the place or examining persons found in the place, or taking preventive measures in respect of the place or persons found in the place;
- (c) stop operating, or not operate, a thing;
- (d) keep a thing in a specified place or in accordance with a specified procedure;
- (e) prevent persons from accessing a thing;
- (f) not dispose of, alter or destroy a thing, or dispose of, alter or destroy a thing only in accordance with a specified procedure;
- (g) provide to the health officer or a specified person information, records, samples or other matters relevant to a thing's possible infection with an infectious agent or contamination with a hazardous agent, including information respecting persons who may have been exposed to an infectious agent or hazardous agent by the thing;
- (h) wear a type of clothing or personal protective equipment, or change, remove or alter clothing or personal protective equipment, to protect the health and safety of persons;
- (i) use a type of equipment or implement a process, or remove equipment or alter equipment or processes, to protect the health and safety of persons;
- (j) provide evidence of complying with the order, including

(i) getting a certificate of compliance from a medical practitioner, nurse practitioner or specified person, and

(ii) providing to a health officer any relevant record;

(k) take a prescribed action.

(3) If a health officer orders a thing to be destroyed, the health officer must give the person having custody or control of the thing reasonable time to request reconsideration and review of the order under sections 43 and 44 unless

(a) the person consents in writing to the destruction of the thing, or

(b) Part 5 [*Emergency Powers*] applies.

Contents of orders

39 (3) An order may be made in respect of a class of persons.

Duty to comply with orders

42 (1) A person named or described in an order made under this Part must comply with the order.

(2) Subsection (1) applies regardless of whether the person leaves the geographic area for which the health officer who made the order is designated.

General emergency powers

54 (1) A health officer may, in an emergency, do one or more of the following:

(h) not reconsider an order under section 43 [reconsideration of orders], not review an order under section 44 [review of orders] or not reassess an order under section 45 [mandatory reassessment of orders];

Offences

99 (1) A person who contravenes any of the following provisions commits an offence:

...

(k) section 42 [*failure to comply with an order of a health officer*], except in respect of an order made under section 29 (2) (e) to (g) [*orders respecting examinations, diagnostic examinations or preventive measures*];