

## **GATHERINGS AND EVENTS**

### **COVID-19 ORDER for NORTHERN HEALTH AUTHORITY–**

**November 18, 2021**

#### **ORDER OF THE MEDICAL HEALTH OFFICER**

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

The *Public Health Act* and Regulations are at:

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

- TO: ALL PERSONS WHO ORGANIZE OR ATTEND EVENTS IN NORTHERN HEALTH**
- TO: OWNERS AND OCCUPANTS OF PRIVATE RESIDENCES IN NORTHERN HEALTH**
- TO: OWNERS AND OCCUPANTS OF VACATION ACCOMMODATION IN NORTHERN HEALTH**
- TO: OWNERS AND OPERATORS OF PLACES IN NORTHERN HEALTH**
- 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: RELIGIOUS COMMUNITIES**

In the matter of an ORDER made pursuant to Part 4 Division 4 of the *British Columbia Public Health Act*, I, **Dr. Jong Kim**, Chief Medical Health Officer, Northern Health Authority, **Fort St. John, BC**, am of the opinion that a Public Health Hazard exists in the Northern Health Region for the following reasons:

- A. On March 17, 2020 the Provincial Health Officer, Dr. Bonnie Henry, 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, clusters 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. The SARS-CoV-2 virus, an infectious agent, can cause outbreaks of COVID-19 and a person infected with SARS-CoV-2 can infect other people with whom the infected person is in direct contact through droplets in the air, or from fluid containing SARS-CoV-2 left on surfaces;
- C. Social interactions and close contact between people are 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. People spending time together indoors increases the risk of the transmission of SARS-CoV-2 in the population, thereby increasing the number of people who develop COVID-19 and become seriously ill;

- E. Gatherings and events in private residences, vacation accommodation and other places continue to pose a risk of promoting the transmission of SARS-CoV-2 and increasing the number of people who develop COVID-19 and become seriously ill;
- F. 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. This situation has been exacerbated by the presence of the highly transmissible Delta variant of SARS-CoV-2 in British Columbia
- G. There has been an increase in the number of persons infected with COVID-19, in the Northern Health Authority, (hereinafter collectively referred to as the “**Affected Area**” or “Northern Health”);
- H. This increase has resulted in increased cases of COVID-19, clusters of people with COVID-19, outbreaks of COVID-19, the transmission of COVID-19 to surrounding communities, and in particular, **in populations who are not yet vaccinated**, an increase in contracting more serious COVID-19 illness, all of which increases the risk of hospitalizations, intensive care admissions, and deaths;
- I. While substantial progress has been made in vaccinating the population 12 years of age and older of British Columbia in general and of the Affected Area in particular, a significant portion of the public is unvaccinated, which is resulting in increases in cases, hospitalizations and intensive care admissions, primarily in unvaccinated people, although it is causing illness in vaccinated people. This situation has been exacerbated by the presence of the highly transmissible Delta variant of SARS-CoV-2 in British Columbia in general, and in the Affected Area in particular;
- J. Unvaccinated persons are at higher risk than vaccinated persons of being infected with SARS-CoV2 and of transmitting SARS-CoV-2 to other persons;
- K. Evidence is emerging that even people who are vaccinated can be infected with SARS-CoV-2 and can transmit SARS-CoV-2, although this is much less likely than in the case of unvaccinated people;
- L. Various options for establishing vaccine status, including in paper and online format, are readily available to members of the public;
- M. Programs that require proof of vaccination to be provided have been shown to increase vaccination uptake in populations, thereby reducing the public health risk of COVID-19;
- N. Gatherings and events which involve large numbers of people continue to pose a risk of promoting the transmission of SARS-CoV-2, and increasing the number of people who develop COVID-19 and become seriously ill;
- O. I recognize the societal effects, including the hardships, which the measures I have and continue to put in place to protect the health of the population have on many aspects of life, and, with this in mind, continually engage in a process of reconsideration of these measures, based upon the information and evidence available to me, including infection rates, sources of transmission, the presence of clusters and outbreaks, the number of people in hospital and in intensive care, deaths, the emergence of and risks posed by virus variants of concern, vaccine availability, immunization rates, the vulnerability of particular populations and reports from the rest of Canada and other jurisdictions, with a view to balancing the interests of the public, including constitutionally protected

interests, in gatherings and events, against the risk of harm created by gatherings and events;

- P. I further recognize that constitutionally-protected interests include the rights and freedoms guaranteed by the Canadian Charter of Rights and Freedoms, including specifically freedom of religion and conscience, freedom of thought, belief, opinion and expression, freedom of peaceful assembly and freedom of association. These freedoms, and the other rights protected by the Charter, are not, however, absolute and are subject to reasonable limits, prescribed by law as can be demonstrably justified in a free and democratic society. These limits include proportionate, precautionary and evidence-based restrictions to prevent loss of life, serious illness and disruption of our health system and society. When exercising my powers to protect the health of the public from the risks posed by COVID-19, I am aware of my obligation to choose measures that limit the Charter of Rights and Freedoms of residents of and visitors to the Northern Health Region less intrusively, where this is consistent with public health principles. In consequence, I am not prohibiting outdoor assemblies for the purpose of communicating a position on a matter of public interest or controversy, subject to my expectation that persons organizing or attending such an assembly will take the steps and put in place the measures recommended in the guidelines posted on Northern Health website in order to limit the risk of transmission of COVID-19;
- Q. This Order does not apply to a council, board, or trust committee of a local authority as defined under the Community Charter, or the Local Government Act and school boards when holding a meeting or public hearing; the distribution of food or other supplies to people in need; health or social services provided to people in need, such as warming centres, and emergency reception centres; health care related events such as immunization clinics, COVID-19 testing centres and blood donation clinics; court sittings wherever they occur; workers at a workplace when engaged in their work activities; workers living at a work camp; before, during or after school programs for students of public or independent schools (schools) organized by a school; home education or distributed learning activities; educational activities for students of schools or post-secondary institutions in any location when provided by a school or post-secondary institution; public pools when not associated with an event; the use of any place for local, provincial or federal government purposes; services provided by or on behalf of any level of government, other than events, as defined in the Order, provided inside by or on behalf of a recreation centre or a library; or a rehabilitation or an exercise therapy program; outdoor temporary markets (Farmers Markets), drug and alcohol support meetings, courses not related to school or post-secondary (i.e. courses required as a condition for employment), a gathering of patrons in an inside place for the purpose of an exercise, fitness or dance activity or class; food or liquor serving premises which are located in airports, or at BC Ferries terminals or on BC Ferries;
- R. I have reason to believe and do believe that:
- a. The risk of a sustained or further outbreak of COVID-19 constitutes a health hazard under the *Public Health Act*; and
  - b. There is an immediate and urgent need for focused action in the Affected Area to reduce the rate of transmission of COVID-19, and that 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:

**RECOGNIZING THAT THERE IS CURRENTLY A HEIGHTENED LEVEL OF RISK OF TRANSMISSION OF COVID-19 IN THE AFFECTED AREA, THIS ORDER IS ISSUED FURTHER TO THE PROVINCIAL HEALTH OFFICER’S GATHERINGS AND EVENTS ORDER, DATED OCTOBER 25, 2021 (THE “PROVINCIAL GATHERINGS AND EVENTS ORDER”), FACE COVERINGS (COVID-19) ORDER, DATED OCTOBER 29, 2021 (THE “PROVINCIAL FACE COVERING ORDER”) AND**

**FOOD AND LIQUOR SERVING PREMISES ORDER, DATED OCTOBER 25, 2021 (THE “PROVINCIAL FOOD AND LIQUOR SERVING PREMISES ORDER”) AS AMENDED FROM TIME TO TIME, AND, ON PUBLICATION OF THIS ORDER ON THE PROVINCIAL HEALTH OFFICER’S WEBSITE, THIS ORDER IS INCORPORATED INTO THE PROVINCIAL GATHERINGS AND EVENTS ORDER.**

**A CONTRAVENTION OF THIS ORDER IS A CONTRAVENTION OF THE PROVINCIAL GATHERINGS AND EVENTS ORDER, THE “PROVINCIAL FACE COVERING ORDER, PROVINCIAL FOOD AND LIQUOR SERVING PREMISES ORDER TO THE EXTENT THAT THE PROVISIONS OF THIS ORDER ARE INCONSISTENT WITH THE PROVISIONS OF THE PROVINCIAL GATHERINGS AND EVENTS ORDER, THE PROVINCIAL FACE COVERING ORDER, PROVINCIAL FOOD AND LIQUOR SERVING PREMISES ORDER, THE PROVISIONS OF THIS ORDER SUPERSEDE THE INCONSISTENT PROVISIONS OF THE PROVINCIAL GATHERINGS AND EVENTS ORDER FOR THE AFFECTED AREA.**

**THIS ORDER IS LIMITED IN APPLICATION TO THE AFFECTED AREA, BUT DOES NOT APPLY TO THE LOCAL HEALTH AREAS WEST OF KITWANGA, WHICH COMPRISE TERRACE, KITIMAT, HAIDA GWAI, PRINCE RUPERT, STIKINE, TELEGRAPH, SNOW COUNTRY, AND NISGA’A.**

**THIS ORDER REPEALS AND REPLACES MY ORDER MADE ON NOVEMBER 9, 2021.**

**THIS ORDER ENTERS INTO FORCE AT 12:01 AM ON NOVEMBER 19, 2021**

#### **Definitions**

**1** In this order:

**“event”** refers to an in-person gathering of people in any place whether private or public, inside or outside, organized or not, on a one-time, regular or irregular basis. Only those events listed under section Q above are exempt from this Order;

**“lifecycle event”** means a wedding ceremony, baptism, funeral, medical assistance in dying, and Jewish divorce court proceedings;

**“occupant”** means an individual who occupies vacation accommodation or resides in a private residence;

**“organizer”** means the person responsible for organizing an event and the person who acts as host at an event;

**“owner”** includes an occupier, operator or person otherwise responsible for a place;

**“participant”** means a person who attends an event, including an organizer, event staff member, official, performer, player, athlete, officiant, spectator or any other person who is acting in an official or service capacity;

**“patron”** means a person, including a child or youth, who attends or is a participant in an event; or a person who attends a worship service, or; anyone being provided with food or liquor services, a restaurant, coffee shop, café, cafeteria or food primary or liquor primary establishment, including a pub, bar, lounge, nightclub, liquor, manufacturing facility with a tasting room or private club.

**“physical barrier”** means a barrier which is designed, installed and maintained in accordance with WorkSafeBC guidance at <https://www.worksafebc.com/en/resources/health-safety/information-sheets/covid-19-health-safety-designing-effective-barriers?lang=en>;

**“a place”** includes areas both inside and outside, an area open to the public and an area not open to the public, a banquet hall, private residence, vacation accommodation, a perimeter seating vehicle or a perimeter seating bus;

**“premises”** refers to restaurants, coffee shops, cafes, cafeterias and food primary and liquor primary establishment, including pubs, bars, lounges, liquor manufacturing facilities that have tasting rooms, private clubs and unlicensed restaurants that don't offer table service such as fast food, coffee shops, food courts, food trucks and takeout.

**“private residence”** includes areas both inside and outside;

**“vacation accommodation”** means a house, townhouse, cottage, cabin, apartment, condominium, mobile home, recreational vehicle, hotel suite, tent, yurt, houseboat or any other type of living accommodation and associated deck, garden or yard, when used for vacation purposes by the owner, tenant, guest or any other person.

**“sport”** means an individual or group sporting activity and includes training and practice, but does not include sport for children or youth, varsity sport or high-performance athlete sport

**“sport for children or youth”** means an activity which is delivered by a provincial sport organization or a local sport organization and may include participants who are under 22 years of age, but does not include varsity sports

**“vaccinated”** means to have received a one or two doses of a vaccine.

**“fully vaccinated”** means to have received two doses of vaccine

**“vaccine”** means a World Health Organization approved vaccine for use against the infectious agent SARS-CoV-2;

**“varsity sport”** means a sport for which the eligibility requirements for participation are established by a national association for the regulation of intercollegiate athletics, or which is designated as a varsity sport program by a post-secondary institution, and includes fitness training, sport training, practice and competition

**“face covering”** means either of the following that covers the nose and mouth of a person:

- (a) a medical or non-medical mask;
  - (b) a tightly woven fabric;
- but does not include a clear plastic face shield

**“worship service”** does not include a wedding, baptism, or funeral

## **A. PRIVATE RESIDENCES AND VACATION ACCOMMODATION**

- 1 A person who is not an occupant must not be present at a private residence or vacation accommodation, except as provided for in this Part.

- 2 An occupant must not be present at an event at a private residence or vacation accommodation, if there is a person present who is not an occupant, except as provided for in this Part.
- 3 A person must not organize, host, or attend an event or social gathering, including a lifecycle event, inside a private residence or vacation accommodation unless:
  - a. all individuals in attendance age 12 and older are vaccinated;
  - b. the occupants of not more than one other private residence or vacation accommodation, and any event staff, are present in addition to the occupants; or
  - c. up to a maximum of 5 people, including any event staff, are present in addition to the occupants; and
  - d. in either case, those in attendance, wear a face covering, or are protected by physical barrier or 2 metre distancing.
- 4 A person must not organize, host or attend, an event outside a private residence or vacation accommodation, including on a deck or patio, unless:
  - a. all individuals in attendance age 12 and older are fully vaccinated;
  - b. hand sanitation supplies are readily available;
  - c. up to a maximum of 25 people, including any event staff, are present in addition to the occupants;
  - d. no person who is attending the event and who is not an occupant goes inside, except for the purpose of using the washroom facilities, or the kitchen in the case of event staff
- 5 The owner of vacation accommodation must require any tenant, guest or other person using the vacation accommodation to comply with the requirement in section A(3) and A(4).
- 6 A person must not organize, host or attend an event held inside or outside a private residence or vacation accommodation, except as provided for in this Order.
- 7 A person who is not an occupant or event staff must not organize or host an event at a private residence or vacation accommodation.

**B. EVENTS**

- 1 A person must not permit a place to be used for, organize, provide, host, participate in, or be a spectator at an event, except as provided for in this Order.
- 2 This section does not apply to inside and outside flow through events, covered below in Section E.

**C. INSIDE EVENTS TO WHICH NO OTHER PART APPLIES**

- 1 Despite any lesser restrictions under the Provincial Gatherings and Events Order, a person must not organize, host, attend, officiate at or permit a place to be used for an event unless all patrons age 12 and older, unless age is otherwise specified, have been fully vaccinated, and the

organizers and patrons comply with their respective obligations for obtaining and providing proof in the form required under Part D (Proof of Vaccination) of the Provincial Gathering and Events Order that such patrons are vaccinated.

- 2 Except where they are less restrictive than the requirements of Part C.1 above, the restrictions and requirements relating to events set out in the Provincial Gatherings and Events Order continue to apply.
- 3 A person must not permit an inside place to be used for an event, including a lifecycle event, unless the following conditions are met:
  - a. all individuals in attendance age 12 and older are vaccinated as described in Part C1 above.
  - b. no more than 50 persons, excluding any event staff, or a lesser number who can be accommodated safely as provided for in section 2 are present;
  - c. there is a COVID-19 safety plan available upon request by enforcement officers;
  - d. there is an organizer;
  - e. measures are put in place to prevent the congregation of participants outside the place;
  - f. the place is assessed for areas where participants may congregate, and measures are put in place to avoid congregation;
  - g. physical devices, markers or other methods are used to guide and assist participants in maintaining a distance of two metres from other participants, if they are not seated;
  - h. if there is a self-serve snack or non-alcoholic drink station,
    - i. hand washing facilities or alcohol-based sanitizers are within easy reach of the station,
    - ii. signs reminding participants to wash or sanitize their hands before touching self-serve food, drink or other items, and to maintain a two metre distance from other participants, are posted at the self-serve station, and
    - iii. high touch surfaces at the station, and utensils that are used for self-serve, are frequently cleaned and sanitized;
  - i. hand sanitation supplies are readily available to participants; and
  - j. washroom facilities with running water, soap and paper towels for hand washing and drying purposes, or hand sanitation supplies, are available.
- 4 The organizer must monitor the number of persons present and ensure that the number of persons present does not exceed the maximum number documented in the COVID-19 safety plan.
- 5 The organizer must:
  - a. collect the first and last names and telephone number, or email address, of every patron at an event;

- b. retain this information for thirty days, in case there is a need for contact tracing on the part of the medical health officer, in which case the information must be provided to the medical health officer; and
  - c. destroy the information after thirty days.
- 6 A patron must not attend an inside event described in section 1 at which the number of patrons present is greater than the number permitted under section 2 for the event.
- 7 If an event is in a part of an inside place which is completely separated from the rest of the place,
  - a. there may be additional patrons present in other parts of the place who are not attending the event, if the total number of patrons present in the entire place does not exceed the maximum number of patrons permitted in the entire place under the COVID-19 safety plan; and
  - b. patrons at an event in one part of a place do not have contact with patrons at an event in another part of the place, except to the extent that this is unavoidable in washroom facilities.
- 8 If there is more than one premise in an inside place, there may be an event in each of the premises, if the following conditions are met:
  - a. patrons at an event do not have contact with patrons at an event in another premises in the place, except to the extent that this is unavoidable in washroom facilities; and
  - b. there is a separate entrance and exit for each of the premises in which an event is being held.
- 9 Following an event, and during an appropriate interval of time before another event commences, an owner must ensure that:
  - a. the place is cleaned, sanitized and ventilated while there are no patrons present;
  - b. there is a sufficient period of time between events to permit a place to be cleaned, sanitized and ventilated without any patrons being present; and
  - c. patrons leaving one event, do not have contact with patrons arriving for a subsequent event.
- 10 Patrons must disperse immediately after an event, and must not congregate with patrons who are leaving the event or arriving for a subsequent event.
- 11 The organizer must ensure that the COVID-19 safety plan is complied with and that the conditions and requirements in this Part are met.
- 12 If the organizer is not the owner of the inside place in which an event is held, the owner must be satisfied that the organizer is aware of the conditions and requirements in this Part and has the capacity to fulfill them.



- 13 Dance floors must be closed with physical barriers or occupied with tables
- 14 Participants do not dance, unless they are performing at a event, registered participants in and attending at a dance class at a dance studio or a recreation facility, or a child or youth participating in a program for children or youth.
- 15 A person must not permit a place to be used for, or organize, host, officiate at, or attend an inside event, unless the conditions in this Part are met.

**D. OUTSIDE EVENTS TO WHICH NO OTHER PART APPLIES**

- 1 A person must not permit an outside place, to be used for, and a person must not organize, host, officiate at or attend, an outside event, including a lifecycle event, with up to 100 patrons present, excluding any event staff, unless:
  - a. all individuals in attendance age 12 and older are vaccinated as described in Part C1 above.
    - i. Outdoor Remembrance Day ceremonies on November 11, 2021 are excluded from the proof of vaccination requirements, but must still comply with all other requirements under this section.
  - b. there is a COVID-19 safety plan available upon request by enforcement officers;
  - c. there is an organizer;
  - d. if they are not seated, patrons maintain a distance of two metres from one another, unless they reside together;
  - e. if there is a self-serve snack or non-alcoholic drink station,
    - ii. hand washing facilities or alcohol-based sanitizers are within easy reach of the station,
    - iii. signs reminding patrons to wash or sanitize their hands before touching self-serve food, drink or other items, and to maintain a two metre distance from other patrons, are posted at the self-serve station, and
    - iv. high touch surfaces at the station, and utensils that are used for self-serve, are frequently cleaned and sanitized,
  - f. measures are taken to prevent congregation at snack or non-alcoholic drink stations, and at washroom facilities;
  - g. patrons do not congregate at food or non-alcoholic drink stations, or at washroom facilities;
  - h. hand sanitation supplies are readily available; and
  - i. patrons do not move into a fully enclosed structure at the place.
- 2 A person must not permit an outside place, to be used for, and a person must not organize, host, officiate at or attend, an outside event, including a lifecycle event, with more than 100 patrons present,

- 3 A person must not permit a place to be used for, or organize, host, officiate at or attend an outside event, unless the conditions in this Part are met.

**E. FLOW THROUGH EVENTS**

“**Flow through event**” means an event which patrons continually move through the event over a relatively short period of time and only interact with vendors or displays and includes markets, tradeshow and car shows.

- 1 All flow through events require a COVID-19 Safety Plan, available upon request by enforcement officers.
- 2 Outdoor flow through events must limit capacity to avoid overcrowding and congregation.
- 3 Indoor flow through events are limited to 50% capacity of the venue or dedicated event space within the venue, this does not include vendors, volunteers or organizers and the capacity limit must be included in the COVID-19 Safety plan.
- 4 Vendors must sanitize their booth or display; organizers must ensure common surfaces are sanitized every 2 hours throughout the indoor or outdoor event.
- 5 All vendors and patrons must wear face coverings at indoor flow through events and face coverings are highly recommended at outdoor flow through events.

**F. Adult Sports**

- 1 A person may permit an inside or outside place, other than a private residence or vacation accommodation, to be used for, or may organize, provide, or participate in sport in an inside place, if the following conditions are met:
  - a. all participants age 12 and older are vaccinated as described in Part C1 above;
  - b. All spectators age 12 and older are vaccinated as described in part C1 above
  - c. no more than 50 percent spectator capacity is present
  - d. there is a COVID-19 safety plan available upon request by enforcement officers

**G. Sport for Children and Youth**

- 1 A person may permit an inside or outside place, other than a private residence or vacation accommodation, to be used for, or may organize, provide, or participate in sport for children and youth if the following conditions are met:
  - a. Volunteers, organizers, coaches, officials are vaccinated as required under the Provincial Gathering and Events Order.
  - b. Spectators are vaccinated as required under the Provincial Gathering and Events Order.
  - c. no more than 50 percent spectator capacity is present
  - d. there is a COVID-19 safety plan available upon request by enforcement officers

## **H. Worship Services**

- 1 Patrons individually may attend a place of worship for the purpose of prayer or quiet reflection
- 2 A person must not permit a place of worship to be used for, or organize, lead or participate in, a worship service inside or outside.
- 3 Virtual worship service may be provided.
- 4 A participant must not gather with other participants during, before or after a virtual worship service.

## **I. Owners and Operators of restaurants, coffee shops, cafes, cafeterias and food primary and liquor primary establishment, including pubs, bars, lounges, liquor manufacturing facilities that have tasting rooms and private clubs**

- 1 Despite any lesser restrictions under the Provincial Food and Liquor Serving Premises Order, a premise as defined in this order, must not provide food or drink services inside except in compliance with Part B (Proof of Vaccination) of the Provincial Food and Liquor Serving Premises Order
  - a. Definition of premises in this order includes unlicensed restaurants that don't offer table service. For example, fast food, coffee shops, food courts, food trucks and takeout-only place.
- 2 A premises may provide food or drink takeout, or delivery services without requiring proof of vaccination, subject to the following conditions:
  - a. A patron may only be inside the premises for the purposes of ordering, purchasing or collecting food or drink for takeout or delivery.
  - b. A patron and staff member must be able to maintain a distance of two metres from one another, unless there is a physical barrier between them which blocks the transmission of droplets.
  - c. A patron must maintain a distance of two metres from other patrons and from staff members, unless there is a physical barrier between them which blocks the transmission of droplets.
- 3 Premises which are licensed to serve liquor, and which do not have full meal service, must be closed.
- 4 Liquor manufacturing facilities with tasting rooms without full meal service, may stay open, but liquor service must cease at 10:00 pm and not resume until 9:00 am the following day.
- 5 If a full meal service is provided, premises may stay open, but liquor service must cease at 10:00 pm and not resume until 9:00 am the following day.

## **J. OWNERS AND OPERATORS OF LIQUOR PRIMARIES OPERATING AS NIGHTCLUBS**

- 1 No person may operate a premises as a nightclub
- 2 No person may be a patron at a premises operating as a nightclub

## **K. GENERAL COMPLIANCE MATTERS**

### **Duty to Comply**

Pursuant to Section 42 of the *Public Health Act*, you have a duty to comply with this order.

### **Right to Review or Reconsideration**

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.

### **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*];

### **Duration of the Order**


This ORDER does not have an expiration date.

### **Consequences of Failure to Comply**

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*.

Dated this 18<sup>th</sup> day of November 2021.

Signed:

  
Dr. Jong Kim, MD, MSc, FRCPC  
Chief Medical Health Officer  
**Northern Health**

DELIVERY BY: Posting to the BC Government, BC Centre for Disease Control and Northern Health Authority websites

Enclosure: Excerpts of the *Public Health Act* and the Protective Measures (COVID-19) Order No. 2 continued under the *COVID-19 Related Measures 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.

(6) A health officer who makes an order may vary the order

- (a) at any time on the health officer's own initiative, or
- (b) on the request of a person affected by the order, following a reconsideration under section 43 [*reconsideration of orders*].

#### **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*];

## Excerpts of the PROTECTIVE MEASURES (COVID-19) ORDER NO. 2

### Definitions

1 In this order:

“**enforcement officer**” has the same meaning as in the Violation Ticket Administration and Fines Regulation with respect to a person in a designated class of persons with the authority to issue a ticket in relation to the provisions of this order;

“**food and liquor serving premises**” has the same meaning as “premises” in the Food and Liquor Serving Premises Order;

“**Food and Liquor Serving Premises Order**” means the applicable written order in respect of food and liquor serving premises made under the Public Health Act by the provincial health officer;

“**Gatherings and Events Order**” means the applicable written order in respect of gatherings and events made under the Public Health Act by the provincial health officer;

### General compliance matters

6 (1) A person must comply with a direction given by an enforcement officer under this order, including a direction to disperse.

(2) A person must not engage in abusive or belligerent behaviour towards another person in relation to the other person’s efforts

(a) to comply with this order, the Food and Liquor Serving Premises Order or the Gatherings and Events Order, or

(b) to respond to, prevent or correct contraventions of this order, the Food and Liquor Serving Premises Order or the Gatherings and Events Order.