

GATHERINGS AND EVENTS

CENTRAL OKANAGAN COVID-19 ORDER – August 9, 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 THE CENTRAL OKANAGAN** (Including: District of Peachland, City of West Kelowna, City of Kelowna, District of Lake Country and the Regional District of Central Okanagan)
- TO: OWNERS AND OCCUPANTS OF PRIVATE RESIDENCES IN THE CENTRAL OKANAGAN**
- TO: OWNERS AND OCCUPANTS OF VACATION ACCOMMODATION IN THE CENTRAL OKANAGAN**
- TO: OWNERS AND OPERATORS OF PLACES IN THE CENTRAL OKANAGAN**

In the matter of an ORDER made pursuant to Part 4 Division 4 of the *British Columbia Public Health Act*, I, **Dr. Sue Pollock**, Chief Medical Health Officer (Interim), Interior Health Authority, **Kelowna, BC**, am of the opinion that a Public Health Hazard exists in the Central Okanagan 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;
- G. There has been a recent increase in the number of persons infected with COVID-19, particularly in the District of Peachland, the City of West Kelowna, the City of Kelowna, the District of Lake Country, and the Regional District of Central Okanagan (hereinafter collectively referred to as the “**Affected Area**” or the “**Central Okanagan**”);
- 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. In view of the escalating number of COVID-19 cases arising due to transmission in the Affected Area, on July 28, 2021, I declared an Outbreak of COVID-19 in the Central Okanagan;
- J. For certainty, this Order applies to private residences, vacation accommodation and private clubs and organizations;
- K. I recognize the societal effects, including the hardships, which the measures which 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;

- L. 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 rights and freedoms of residents of and visitors to the Central Okanagan 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 my website in order to limit the risk of transmission of COVID-19;
- M. 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 when holding a meeting or public hearing without members of the public attending in person; the distribution of food or other supplies to people in need; health or social services provided to people in need, such as cooling centres; worship services, 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; students, teachers or instructors at a school, or a post-secondary educational institution when engaged in educational activities; public pools and public skating rinks when not associated with an event; customers in a service business; a volunteer work party engaged in gardening, vegetation removal, trail building or a similar outside activity; the use of any place for local government, provincial or federal election purpose; or a rehabilitation or an exercise therapy program; and
- N. 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 SECTION C.1 OF THE PROVINCIAL HEALTH OFFICER'S GATHERINGS

AND EVENTS ORDER, DATED JULY 7, 2021 (THE “PROVINCIAL GATHERINGS AND EVENTS ORDER”), 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.

TO THE EXTENT THAT THE PROVISIONS OF THIS ORDER ARE INCONSISTENT WITH THE PROVISIONS OF THE PROVINCIAL GATHERINGS AND EVENTS 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.

THIS ORDER REPEALS AND REPLACES THE ORAL ORDER OF AUGUST 6, 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, including drive-ins and drive-throughs, such as to see a display or to drop off items; events; meetings and conferences; a gathering in vacation accommodation, a private residence, banquet hall, entertainment arcade or other place; a gathering of passengers; a party; a worship or other religious service ceremony or celebration; a ceremony; a celebration; a reception; a wedding; a baptism; a funeral; a celebration of life; support group meeting; program for children or youth; a critical service meeting not held at a workplace; a meal provided without charge to people in need; occupational related or rehiring training, health and safety training or first aid training; classes for adults in a recreation centre; a musical, theatrical or dance entertainment or performance; karaoke, a live solo or band musical performance; a disc jockey performance; strip dancing; comedic act; art show; magic show; puppet show; fashion show; book signing; reading; recitation; display, including a seasonal light display; a movie; film; lecture; talk; educational presentation (except in a school or post-secondary educational institution); auction; fund raising benefit; contest; competition; quiz; game; rally; adult rodeo; sport including equestrian event; festival; presentation; demonstration; group sport; indoor group high intensity exercise; indoor group low intensity exercise; exhibition; car show; speciality car event; market or fair, including a trade fair, agricultural fair, episodic market selling food for human consumption, seasonal fair or episodic indoor event that has as its primary purpose the sale of merchandise or services such as a craft market, home show, antique fair and similar activities; and, for certainty, includes a gathering preceding or following another event;

“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;

"patron" means a person, including a child or youth, who attends or is a participant in an event, including a passenger, an occupant, a person other than an occupant who is present in a private residence or vacation accommodation, a person who attends a worship service, a teacher at an event, a leader or presenter at a meeting, an officiant at a wedding, baptism or funeral, customers of a retail business or at a market, participants in sport or exercise, spectators at sport or exercise, volunteers at an event, vendors, exhibitors, performers and presenters, but does not include a person who organizes or hosts an event, a worship leader at a worship service, event staff or staff in a place subject to the Food and Liquor Serving Premises – Central Okanagan COVID-19 Order;

“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;

“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.

A. PRIVATE RESIDENCES AND VACATION ACCOMMODATION

- 1 (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 in 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) An occupant may organize or host, and a person may attend, an event, including a lifecycle event, inside a private residence at which either:
 - a. the occupants of one other private residence or vacation accommodation, and any event staff, are present in addition to the occupants, or
 - b. up to five people, including any event staff, are present in addition to the occupants.
- (4) An occupant may organize or host, and a person may attend, an event outside a private residence, including on a deck or patio, at which up to fifty people, including any event staff, are present in addition to the occupants, if the following conditions are met:
 - a. hand sanitation supplies are readily available;
 - b. 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) A maximum of five individuals may attend a social gathering or an event at a vacation accommodation, in addition to the occupants.
- (6) The owner of vacation accommodation must require any tenant, guest or other person using the vacation accommodation to comply with the requirement in section 1(5).
- (7) 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 Part.
- (8) 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 For certainty, no person may permit a place that is subject to the **Food and Liquor Serving Premises – Central Okanagan COVID-19 Order** to be used for an event, including private events, except as provided for in this Order.

C. INSIDE EVENTS TO WHICH NO OTHER PART APPLIES

- 1 A person may permit an inside place to be used for, and a person may organize, host, officiate at or attend an inside event, including a lifecycle event, if the following conditions are met:

- a. no more than fifty persons, excluding any event staff, or a lesser number who can be accommodated safely as provided for in section 6 are present;
- b. there is a COVID-19 safety plan;
- c. there is an organizer;
- d. access to the event is controlled;
- e. there is seating available for each participant;
- f. every participant is seated and remains in the same seat;
- g. every participant at an event, other than a program for children or youth, remains seated, unless movement is necessary for the purpose of the event, or except to be served at a serving counter, obtain a meal in a take-away container, a snack or a non-alcoholic drink, obtain or administer first aid or to use washroom facilities;
- h. when not seated, participants maintain a distance of two metres from one another, unless they reside together;
- i. measures are put in place to prevent the congregation of participants outside the place;
- j. the place is assessed for areas where participants may congregate, and measures are put in place to avoid congregation;
- k. 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;
- l. if there are tables provided for the use of participants, no more than six participants are seated at a table, even if they reside together, and there are at least two metres between the backs of the chairs when occupied at one table, and the backs of the chairs when occupied at another table, unless the chairs are separated by a physical barrier;
- m. if there is a leader, presenter, speaker or musician, there is a physical barrier between them when they are speaking, singing or playing an instrument and the participants which blocks the transmission of droplets, or there is at least a three metre separation between them and the participants;
- n. if there is a self-serve snack and 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;

- o. hand sanitation supplies are readily available to participants; and
- p. washroom facilities with running water, soap and paper towels for hand washing and drying purposes, or hand sanitation supplies, are available.

2 If meals are provided at an event,

- a. meals must not be provided by means of a self -service buffet;
- b. participants must be seated at tables; and
- c. the meals must be
 - i. served to seated participants at their tables;
 - ii. served from a serving counter on plates handled by serving staff only; or
 - iii. provided in pre-packaged take- away containers; which are
 - A. collected by participants from a distribution point; or
 - B. delivered to seated participants by serving staff.

3 No more than 6 participants from no more than one table may leave their table at the same time for the purpose of being served from a serving counter, or collecting a pre-packaged meal from a distribution point.

4 If snacks or non-alcoholic drinks are provided, they may be made available by means of a self-serve snack and non-alcoholic drink station.

5 Liquor must not be provided on a self-serve basis, and may only be served to seated participants.

6 Subject to the maximum number of fifty, the owner of an inside place in which an event is to be held must calculate the maximum number of persons who can be accommodated safely at the event, taking into consideration the requirements of this Part, and must document this number in the COVID-19 safety plan.

7 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.

8 The organizer must:

- a. collect the first and last names and telephone number, or email address, of every participant 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.
- 9** A person must not attend an inside event described in section 1 at which the number of persons present is greater than the number permitted under section 6 for the event.
- 10** 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 persons present in other parts of the place who are not attending the event, if the total number of persons present in the entire place does not exceed the maximum number of persons permitted in the entire place under the COVID-19 safety plan; and
 - b. participants at an event in one part of a place do not have contact with participants at an event in another part of the place, except to the extent that this is unavoidable in washroom facilities.
- 11** If there is more than one premises in an inside place, there may be an event in each of the premises, if the following conditions are met:
- a. participants at an event do not have contact with participants 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.
- 12** 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 participants present;
 - b. there is a sufficient period of time between events to permit a place to be cleaned, sanitized and ventilated without any participants being present; and
 - c. participants leaving one event, do not have contact with participants arriving for a subsequent event.
- 13** Participants must disperse immediately after an event, and must not congregate with participants who are leaving the event or arriving for a subsequent event.
- 14** The organizer must ensure that the COVID-19 safety plan is complied with and that the conditions and requirements in this Part are met.

- 15 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.
- 16 Participants must not congregate or sing or dance or engage in karaoke at an event, and must comply with the limit on the number of persons permitted at the event which they are attending, and the distancing and other requirements in this Part.
- 17 Dance floors must be closed with physical barriers or occupied with tables.
- 18 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 may permit an outside place, to be used for, and a person may organize, host, officiate at or attend, an outside event, including a lifecycle event, with up to fifty persons present, excluding any event staff, if the following conditions are met:
 - a. if they are not seated, participants maintain a distance of two metres from one another, unless they reside together;
 - b. 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;
 - c. measures are taken to prevent congregation at snack or non-alcoholic drink stations, and at washroom facilities;
 - d. participants do not congregate at food or non-alcoholic drink stations, or at washroom facilities;
 - e. hand sanitation supplies are readily available; and
 - f. participants do not move into a fully enclosed structure at the place.
- 2 If meals are provided at an event,
 - a. meals must not be provided by means of a self -service buffet;
 - b. participants must be seated at tables; and

- c. the meals must be
 - i. served to seated participants at their tables;
 - ii. served from a serving counter on plates handled by serving staff only; or
 - iii. provided in pre-packaged take-away containers, which are
 - A. collected by participants from a distribution point; or
 - B. delivered to seated participants by serving staff.

3 No more than 6 participants from no more than one table may leave their seats at the same time for the purpose of being served from a serving counter, or collecting a prepackaged meal from a distribution point.

4 If there are tables provided for the use of participants, no more than six participants are seated at a table, even if they reside together, and there are at least two metres between the backs of the chairs when occupied at one table, and the backs of the chairs when occupied at another table, unless the chairs are separated by a physical barrier.

5 If snacks or non-alcoholic drinks are provided, they may be made available by means of a self-serve snack and non-alcoholic drink station.

6 Liquor must not be provided on a self-serve basis, and may only be served to seated participants.

7 Participants must not congregate or sing or dance or engage in karaoke at an event, and must comply with the limit on the number of persons permitted at the event which they are attending, and the distancing and other requirements in this Part.

8 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. INDOOR EXERCISE

1 In this Part:

“group low intensity exercise” means two or more individuals from different residences exercising together in a communal space at an intensity that does not result in significantly increased respiration rates following a set exercise routine, often with an instructor or facilitator, including low intensity Barre classes, stretching, Tai-Chi, Pilates and, yoga;

“individual exercise” means an exercise routine developed for the use of a particular person which only involves one participant and is not carried out in concert with another person, or led by an instructor; and

“one on one exercise with a trainer” means an exercise routine developed for the use of a particular person which is carried under the direction of a trainer, and which only involves one participant and is not carried out in concert with another participant.

- 2** A gym, fitness centre, exercise studio, dance studio, recreation centre, post-secondary institution exercise or gym facility, or other place providing similar services (hereinafter referred to as **“exercise”**), but not including rehabilitation services provided by a health care provider, may only provide:

 - a. virtual exercise;
 - b. individual exercise indoors;
 - c. one on one exercise with a trainer indoors;
 - d. low intensity group exercise indoors; or
 - e. individual exercise, one on one exercise with a trainer, or group exercise for up to ten participants, outdoors.
- 3** No person may permit a place to be used for indoor exercise except as permitted in section 2.
- 4** No person may provide indoor exercise except as permitted in section 2.
- 5** No person may participate in indoor exercise except as permitted in section 2.
- 6** A person who provides individual exercise indoors, or one on one exercise with a trainer indoors, or low intensity group exercise indoors must implement and comply with the Interior Health Indoor Exercise Requirements, as amended from time to time, posted on the Interior Health website
<http://www.interiorhealth.ca/YourEnvironment/RegCompliance/Documents/IH%20Indoor%20Exercise%20Requirements.pdf>
- 7** A person who participates in individual exercise indoors, or one on one exercise with a trainer indoors, or low intensity group exercise indoors must comply with the Interior Health Indoor Exercise Requirements, as amended from time to time, posted on the Interior Health website
<http://www.interiorhealth.ca/YourEnvironment/RegCompliance/Documents/IH%20Indoor%20Exercise%20Requirements.pdf>
- 8** No person may permit a place to be used for, may provide, or may participate in exercise indoors, unless the Interior Health Indoor Exercise Requirements, or the conditions which apply to indoor group low intensity exercise in this Part, are met.
- 9** No person may be present as a spectator at indoor exercise unless the presence of the person is necessary in order to provide care to a participant.

F. 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 remains in effect until rescinded by myself or another Interior Health Medical Health Officer under section 46 of the *Public Health Act*.

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 9th day of August, 2021.



Signed:

Dr. Sue Pollock, FRCPC OIC#784
Interim Chief Medical Health Officer
Interior Health

DELIVERY BY: Posting to the BC Government, BC Centre for Disease Control and Interior 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.