



ORDER OF THE PROVINCIAL HEALTH OFFICER

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

GATHERINGS AND EVENTS – December 15, 2020

The *Public Health Act* is at:

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

(excerpts enclosed)

- TO: RESIDENTS OF BRITISH COLUMBIA**
- TO: OPERATORS AND OCCUPANTS OF VACATION ACCOMMODATION**
- TO: OWNERS AND OCCUPANTS OF PRIVATE RESIDENCES**
- TO: OWNERS AND OPERATORS OF PLACES**
- TO: PERSONS WHO ORGANIZE EVENTS**
- TO: PERSONS WHO ATTEND EVENTS**
- TO: PERSONS WHO OWN, OPERATE OR ARE PASSENGERS IN PERIMETER SEATING VEHICLES OR PERIMETER SEATING BUSES**
- TO: MEDICAL HEALTH OFFICERS**

WHEREAS:

1. 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*;
2. The SARS-CoV-2 virus, an infectious agent, can cause outbreaks of COVID-19;
3. 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;

4. Social interactions and close contact between people are associated with significant increases in the transmission of SARS-CoV-2, and increases in the number of people who develop COVID-19 and become seriously ill;
5. Social interactions and close contact resulting from the gathering of people and events promotes the transmission of SARS-CoV-2 and increases the number of people who develop COVID-19 and become seriously ill;
6. With schools and post-secondary institutions operating and the change of seasons bringing cooler weather, people are interacting more and spending more time indoors which increases the risk of the transmission of SARS-CoV-2 in the population and the number of people who develop COVID-19 and become seriously ill;
7. Seasonal and other celebrations and social gatherings in private residences and other places have resulted in the transmission of SARS-CoV-2 and increases in the number of people who develop COVID-19 and become seriously ill;
8. There has been a rapid increase in COVID-19 cases throughout the province which has resulted in increasing and accelerating numbers of people being hospitalized and admitted to critical care, outbreaks in health-care facilities and deaths;
9. For certainty, this Order does not apply to the Executive Council, the Legislative Assembly; a council, board, or trust committee of a local authority as defined under the *Community Charter*, 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 warming centres; individual attendance at a place of worship for the purpose of prayer or quiet reflection; an episodic market at which only food for human consumption is sold; 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 operating under the *School Act* [RSBC 1996] Ch. 412, the *Independent School Act* [RSBC 1996] Ch. 216 or a First Nations 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 mall or retail or service business when engaged in shopping activities or seeking services; a volunteer work party engaged in gardening, vegetation removal, trail building or a similar outside activity; or the use of any place for local government, provincial or federal election purposes.
10. For further certainty, this Order applies to private residences, vacation accommodation and private clubs and organizations;

11. I have reason to believe and do believe that

- (i) the risk of an outbreak of COVID-19 among the public constitutes a health hazard under the *Public Health Act*;
- (ii) there is an immediate and urgent need for focused action to reduce the rate of the transmission of COVID-19 which extends beyond the authority of one or more medical health officers;
- (iii) coordinated action is needed to protect the public from the transmission of COVID-19
- (iv) 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:

THIS ORDER

REPEALS AND REPLACES MY ORDER OF DECEMBER 9, 2020 WITH RESPECT TO GATHERINGS AND EVENTS;

RE-CONFIRMS MY ORAL ORDER OF NOVEMBER 19, 2020 WITH RESPECT TO WORKPLACE SAFETY AND PROHIBITING TRAVEL RELATED TO TEAM SPORT;

AND

AMENDS MY ORDER OF MAY 28, 2020 WITH RESPECT TO VENDING MARKETS BY LIMITING ITS APPLICATION TO VENDING MARKETS WHICH ONLY SELL FOOD OR DRINK FOR HUMAN CONSUMPTION

Definitions in this Order:

“**adult team sport**” means an organized and structured activity involving a number of participants, including basketball, cheerleading, combat sports, floor hockey, floor ringette, road hockey, ice hockey, ringette, netball, skating, soccer, curling, volleyball, indoor bowling, lawn bowling, lacrosse, hockey, ultimate, rugby, football, baseball, softball;

“**affected area**” means British Columbia:

“**banquet hall**” means a stand-alone premises built for the purpose of holding large social events, including banquets, generally involving many hundreds of people. It does not include the premises associated with a private club, hotel, house of worship, recreation centre, sports organization or other non- profit organization with a community, educational, historical, sports or similar purpose, or owned or operated or otherwise controlled by a government;

“**children or youth**” refers to persons under nineteen years of age;

“critical service” means critical to preserving, life, health, public safety and basic societal functioning and includes health services, social services, police services, fire services, ambulance services, first responders, emergency responders and critical infrastructure service providers;

“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 or other place; a gathering of passengers; a party; a worship or other religious service, ceremony or celebration; , a ceremony; a reception; a wedding; a baptism; a funeral; a celebration of life; a musical, theatrical or dance entertainment or performance; 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; festival; presentation; demonstration; adult team sport; indoor group high intensity exercise; indoor group low intensity exercise; exhibition; market or fair, including a trade fair, agricultural fair, seasonal fair or episodic indoor event that has as its primary purpose the sale of merchandise or services such as Christmas craft market, home show antique fair and similar activities; and, for certainty, includes a gathering preceding or following another event.

“group high intensity exercise” means a group exercise for adults which causes a sustained and accelerated rate of breathing and/or involves close contact including hot yoga, spin, aerobics, bootcamp, dance classes, dance fitness, circuit training, and high-intensity interval training;

“group low intensity exercise” means a group exercise for adults which does not cause a sustained and accelerated rate of breathing or involve close contact with another person, including yoga, Pilates, stretching, Tai-Chi, light weightlifting, stretching or strengthening;

“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;

“passenger” means a person in a perimeter seating vehicle or a perimeter seating bus, other than the driver or a mechanic;

“patron” means a person 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 leader or presenter at a meeting, a officiant at a wedding, baptism or funeral,

volunteers at an event, vendors, exhibitors, performers and presenters, but does not include a person who organizes or hosts a gathering, event staff or staff in a place subject to the *Food and Liquor Serving Premises* order;

“**perimeter seating**” and “**perimeter seating bus**” have the same meaning as in the Passenger Transportation Regulation made under the *Passenger Transportation Act* [SBC2004] Ch. 39;

“**physical barrier**” means a barrier which is designed, installed and maintained in accordance with WorkSafeBC guidelines 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;

“**program for children or youth**” means a structured educational, music, art, drama, dance, recreational, exercise, or social activity supervised by an adult and provided for children or youth, but does not include a performance, recital or demonstration by children or youth;

“**sport for children or youth**” means an activity which is delivered by a provincial sport organization or a local sport organization;

“**support group**” means a group of people who provide support to one another with respect to grief, disability, substance use, addiction or another psychological, mental or physical health condition;

“**transport**” means for the purpose of conveying a passenger, but does not include conveying a passenger:

- a. to and from an event, except conveying a worker for the purpose of working at an event;
- b. for the purpose of social interaction or another type of event in a perimeter seating vehicle or a perimeter seating bus; or
- c. from a place which is subject to the *Food and Liquor Serving Premises Order*;

“**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 any associated deck, garden or yard, that is not the occupant’s primary residence;

“**vehicle**” means a motorized fully enclosed means of transportation designed to hold a driver and passengers and meant to be driven on the highway.

A. PRIVATE RESIDENCES AND VACATION ACCOMMODATION

1. No person may host an event at a private residence or vacation accommodation where there is a person present who is not an occupant, except as provided for in sections 2, 5, 6 and 7.
2. A person who is not an occupant may be present at a private residence or vacation accommodation for the purpose of
 - a. an occupant’s work,
 - b. being provided with care by an occupant,
 - c. a visit by a minor child of an occupant with whom the minor child does not reside on a regular basis,
 - d. providing assistance, care or services, including care to a child who is an occupant or an adult who is an occupant who requires care, health care, personal care or grooming services,
 - e. providing educational programming or tutoring to an occupant,
 - f. providing music lessons to an occupant,
 - g. providing religious services to an occupant
 - h. providing legal or financial services to an occupant,
 - i. emergency services,
 - j. housekeeping and window washing,
 - k. gardening and landscape services,
 - l. maintenance,
 - m. repairs,
 - n. renovations,
 - o. moving services,
 - p. or another purpose that is not social in nature.
3. No person who is not an occupant may be present at a private residence or vacation accommodation, except as provided for in sections 2, 5, 6 and 7.
4. No occupant may be present at an event in a private residence or vacation accommodation if there is any person present who is not an occupant, except as provided for in sections 2, 5, 6 and 7.
5. Despite sections 1, 3, and 4 an occupant who lives on their own may have up to two other persons who are not occupants present at the occupant’s private residence or vacation accommodation for a social purpose, if the other persons are individuals with whom the occupant regularly interacts.

6. Despite sections 1, 3 and 4, if the two persons referred to in section 5 regularly interact with one another, as well as with the occupant, they may be present for social purposes at the same time in the private residence or vacation accommodation of the occupant.
7. Despite sections 1, 3 and 4, a person who lives on their own may be present for social purposes at one private residence or vacation accommodation with more than one occupant, if the person regularly interacts with the occupants of the private residence or vacation accommodation.

B. EVENTS

1. No person may permit a place to be used for 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 Order* to be used for an event, including private events, except as provided for in this Order.
3. No person may organize or host an event except as provided for in this order.
4. No person may be present at an event except as provided for in this Order.
5. For certainty, this Part applies to and prohibits indoor group high intensity exercise, and adult team sport in any place.

C. SUPPORT GROUP MEETINGS, CRITICAL SERVICE MEETINGS, MEALS PROVIDED FOR PEOPLE IN NEED, WEDDINGS, BAPTISMS AND FUNERALS, PROGRAMS FOR CHILDREN AND YOUTH, OCCUPATIONAL TRAINING

1. Subject to the provisions of this Part, a person may permit a place, other than a private residence or vacation accommodation, to be used for, or may organize or host:
 - a. a support group meeting,
 - b. a critical service meeting which cannot be held at the workplace or provided virtually;
 - c. a meal provided without charge to people in need,
 - d. a wedding, baptism or funeral,
 - e. a program for children or youth,

- f. occupational training which cannot be provided virtually.
2. An owner or organizer must not permit more than fifty patrons to be present at a support group meeting, a critical service meeting, a meal provided without charge to people in need, a program for children or youth or occupational training, or more than ten patrons to be present at a wedding, baptism or funeral.
 3. A patron must not be present at a support group meeting, a critical service meeting, a program for children or youth or occupational training at which there are more than fifty patrons, or at a wedding, baptism or funeral at which there are more than ten patrons.
 4. In this and the following sections up to and including section 15

"event" means a support group meeting, a critical service meeting, a meal provided without charge to people in need, a wedding, a baptism, a funeral, a program for children or youth or occupational training;

An event may only proceed if the following conditions are met:

- a. there is a COVID-19 safety plan;
- b. there is an organizer;
- c. access to the event is controlled;
- d. there is sufficient space available to permit the patrons to maintain a distance of two metres from one another;
- e. the patrons maintain a distance of two metres from one another when standing or sitting, unless they reside together;
- f. measures are put in place to prevent the congregation of patrons outside the place,
- g. the place is assessed for areas where patrons may congregate, and measures are put in place to avoid congregation;
- h. physical devices, markers or other methods are used to guide and assist patrons in maintaining a distance of two metres from other patrons, if they are not seated;
- i. if there are tables provided for the use of patrons, no more than six patrons are seated at a table, even if they reside together, and there are at least two metres between the backs of the chairs at one table and the backs

of the chairs at another table, unless the chairs are separated by a physical barrier;

- j. if there is a leader, presenter, officiant, reader or musician, there is a physical barrier between them and other patrons which blocks the transmission of droplets, or there is at least a three metre separation between them and the patrons;
 - k. if there is a self-serve food or drink station,
 - i. hand washing facilities or alcohol-based sanitizers are within easy reach of the station;
 - ii. 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
 - iii. high touch surfaces at the station, and utensils that are used for self-serve, are frequently cleaned and sanitized;
 - l. hand sanitation supplies are readily available to patrons;
 - m. washroom facilities with running water, soap and paper towels for hand washing and drying purposes, or hand sanitation supplies, are available;
 - n. there are no spectators at a program for children or youth, unless the presence of a spectator is necessary in order to provide care to a child or youth.
5. Subject to the maximum numbers in section 2, the owner of a place in which an event is to be held must calculate the maximum number of patrons who can be accommodated safely during the event taking into consideration the requirements of this Part, and must document this number in the COVID-19 safety plan.
6. The organizer must monitor the number of patrons present and ensure that the number of patrons present does not exceed the maximum number documented in the COVID-19 safety plan.
7. If an event is in a part of a place which is completely separated from the rest of the place, and which has its own entrance and washrooms, 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 place does not exceed the maximum number of patrons permitted to be present in the place under the COVID - 19 safety plan. Patrons attending an event in part of a place must not have contact with patrons in another part of the place who are not attending the event.

8. If there are one or more separate premises in a place, there may be an event in each of the premises, as long as
 - a. patrons attending an event do not have contact with patrons attending an event in other premises in the place, or with individuals who are in the place but not in the premises in which the event is being held;
 - b. there is a separate entrance to each of the premises in which an event is being held; and
 - c. there are separate washrooms for each of the premises.
9. During an event, a patron who leaves the place in which an event is being held must not be replaced by another patron.
10. 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 patrons leaving one event, do not have contact with patrons arriving for a subsequent event.
11. Patrons must disperse immediately after an event and must not congregate with patrons who are leaving the event or arriving for a subsequent event.
12. The organizer must ensure that the COVID-19 safety plan is complied with and that the conditions and requirements in sections 2, 4, 6, 7, 8, 9, 11, 13, 15 and 16 are met.
13. The organizer must
 - a. collect the first and last names and telephone number, or email address, of every patron who attends 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.
14. If the organizer is not the owner of the place in which the event is held, the owner must be satisfied that the organizer is aware of the conditions and requirements in sections 2, 4, 6, 7, 8, 9, 11, 12, 13 and 15 and 16 and has the capacity to fulfill them.

15. Patrons must not congregate and must comply with
 - a. the limitation on the number of patrons permitted in a place at the event which they are attending;
 - b. the distancing and other requirements in sections 4 (e) and (i), and section 11; and
 - c. a request to provide the information required in section 13.
16. For certainty, no person may permit a place to be used for, or organize or host, a reception or gathering, before or after a wedding, baptism or funeral, unless the people present all reside in the same private residence.
17. For certainty, no person may attend a reception or informal gathering at any place, either before or after a wedding, baptism or funeral, unless the people present all reside in the same private residence.

D. SPORT FOR CHILDREN OR YOUTH

1. A person may permit a place, other than a private residence or vacation accommodation, to be used for, or may provide, sport for children or youth, if the following conditions are met:
 - a. participants maintain a physical distance of three metres from one another and do not engage in handshaking, high fives, hugging or similar behaviour;
 - b. the focus is on activities that have a low risk of COVID-19 virus transmission;
 - c. there are no spectators, unless the presence of a spectator is necessary in order to provide care to a child or youth.

E. GROUP LOW INTENSITY EXERCISE

1. A person may permit a place, other than a private residence or vacation accommodation, to be used for, or may provide, indoor group low intensity exercise, if the following conditions are met:
 - a. I have posted guidelines for indoor group low intensity exercise on my website;

- b. the person who provides or hosts the indoor group low intensity exercise has developed an updated COVID-19 safety plan in accordance with my guidelines; and
 - c. the COVID-19 safety plan has been posted in a place easily visible to participants.
2. No person may participate in indoor group low intensity exercise unless the conditions in section 1 have been met.

F. DRIVE-THROUGH AND DRIVE-IN EVENTS

1. A person may permit a place, other than a private residence or vacation accommodation, to be used for, or may provide, a drive-through event to view a seasonal light or similar display or to drop off items such as food, toys or books, if the following conditions are met:
- a. traffic moves in one direction;
 - b. the entrance and exit are clearly marked and controlled;
 - c. patrons stay in their vehicles except to drop off items and return to their vehicles without delay;
 - d. patrons, staff and volunteers maintain a two metre distance from one another or physical barriers are in place;
 - e. patrons do not congregate together in one spot;
 - f. the organizer monitors the actions of patrons to ensure that
 - i. they only leave their vehicles to drop off items;
 - ii. they return to their vehicles immediately after dropping off items; and
 - iii. they comply with the physical distancing requirement when out of their vehicles.
2. A person may permit a place, other than a private residence or vacation accommodation, to be used for, or may provide, a drive-in event, if the following conditions are met:

- a. patrons only attend in a vehicle;
 - b. no more than fifty vehicles are present at the drive in;
 - c. patrons remain in their vehicles except to use washroom facilities, and when outside their vehicles for this purpose they maintain a distance of two metres from other patrons and staff;
 - d. the entrance and exit to the drive-in are clearly marked and controlled and traffic moves in only one direction;
 - e. no food or drink is sold;
 - f. the organizer monitors the actions of patrons to ensure that
 - i. they remain in their vehicles except to use washroom facilities; and
 - ii. comply with the physical distancing requirement if outside their vehicle;
 - g. the organizer
 - i. collects the first and last name and telephone number or email address of every driver of a vehicle who attends an event;
 - ii. retains 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
 - iii. destroys the information after thirty days.
3. A person must not permit a place to be used, or provide, a drive-through or drive -in event unless the conditions in this Part are met.
 4. A person must not attend a drive-through or drive-in event unless the conditions in this Part are met.

G. PERIMETER SEATING VEHICLES AND PERIMETER SEATING BUSES

In this Part

“**accommodated safely**” means that each passenger is seated at least two metres away from every other passenger, except another passenger with whom the passenger resides in the same private residence.

1. No person may operate, or permit to be operated, a perimeter seating vehicle or a perimeter seating bus in the affected area between the hours of 11:00 PM and 6:00 AM, except for the purpose of maintenance, fueling or a related purpose
2. No person may operate, or permit to be operated, a perimeter seating vehicle or a perimeter seating bus in the affected area between the hours of 6:00 AM and 11:00 PM
 - a. for a purpose other than
 - i. maintenance, fueling or a related purpose; or
 - ii. transport; or
 - b. with more passengers than can be accommodated safely
3. No person may be a passenger between the hours of 11:00 PM and 6:00 AM.
4. No person may be a passenger between the hours of 6:00 AM and 11:00 PM
 - a. for a purpose other than transport; or
 - b. if there are more passengers than can be accommodated safely

H. 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 certainty, 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.

Parts A, B and C expire at midnight on January 8, 2021 unless extended by me; Parts D, E, F, G and H do 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*.

Under section 43 of the *Public Health Act*, you may request me to reconsider this Order if you:

1. Have additional relevant information that was not reasonably available to me when this Order was issued,
2. Have a proposal that was not presented to me when this Order was issued but, if implemented, would
 - (a) meet the objective of the order, and
 - (b) be suitable as the basis of a written agreement under section 38 [may make written agreements]
3. Require more time to comply with the order.

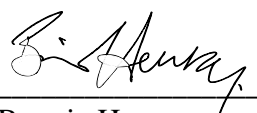
Under section 43 (6) an Order is not suspended during the period of reconsideration unless the health officer agrees, in writing, to suspend it.

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
PO Box 9648 STN PROV GOVT, Victoria BC V8W 9P4
Fax: (250) 952-1570
Email: ProvHlthOffice@gov.bc.ca

DATED THIS: 15th day of December 2020

SIGNED: 
Bonnie Henry
MD, MPH, FRCPC
Provincial Health Officer

DELIVERY BY: Posting to the BC Government the BC Centre for Disease Control websites.

Enclosure: Excerpts of the *Public Health 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.

May make written agreements

38 (1) If the health officer reasonably believes that it would be sufficient for the protection of public health and, if applicable, would bring a person into compliance with this Act or the regulations made under it, or a term or condition of a licence or permit held by the person under this Act, a health officer may do one or both of the following:

(a) instead of making an order under Division 1, 3 or 4, enter into a written agreement with a person, under which the person agrees to do one or more things;

(b) order a person to do one or more things that a person has agreed under paragraph (a) to do, regardless of whether those things could otherwise have been the subject of an order under Division 1, 3 or 4.

(2) If, under the terms of an agreement under subsection (1), a health officer conducts one or more inspections, the health officer may use information resulting from the inspection as the basis of an order under this Act, but must not use the information as the basis on which to

(a) levy an administrative penalty under this Act, or

(b) charge a person with an offence under this Act.

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.

Reconsideration of orders

43 (1) A person affected by an order, or the variance of an order, may request the health officer who issued the order or made the variance to reconsider the order or variance if the person

(a) has additional relevant information that was not reasonably available to the health officer when the order was issued or varied,

(b) has a proposal that was not presented to the health officer when the order was issued or varied but, if implemented, would

(i) meet the objective of the order, and

(ii) be suitable as the basis of a written agreement under section 38 [*may make written agreements*], or

(c) requires more time to comply with the order.

(2) A request for reconsideration must be made in the form required by the health officer.

(3) After considering a request for reconsideration, a health officer may do one or more of the following:

(a) reject the request on the basis that the information submitted in support of the request

(i) is not relevant, or

(ii) was reasonably available at the time the order was issued;

(b) delay the date the order is to take effect or suspend the order, if satisfied that doing so would not be detrimental to public health;

(c) confirm, rescind or vary the order.

(4) A health officer must provide written reasons for a decision to reject the request under subsection (3) (a) or to confirm or vary the order under subsection (3) (c).

(5) Following a decision made under subsection (3) (a) or (c), no further request for reconsideration may be made.

(6) An order is not suspended during the period of reconsideration unless the health officer agrees, in writing, to suspend it.

(7) For the purposes of this section,

(a) if an order is made that affects a class of persons, a request for reconsideration may be made by one person on behalf of the class, and

(b) if multiple orders are made that affect a class of persons, or address related matters or issues, a health officer may reconsider the orders separately or together.

(8) If a health officer is unable or unavailable to reconsider an order he or she made, a similarly designated health officer may act under this section in respect of the order as if the similarly designated health officer were reconsidering an order that he or she made.

Review of orders

44 (1) A person affected by an order may request a review of the order under this section only after a reconsideration has been made under section 43 [*reconsideration of orders*].

(2) A request for a review may be made,

(a) in the case of an order made by a medical health officer, to the provincial health officer, or

(b) in the case of an order made by an environmental health officer, to a medical health officer having authority in the geographic area for which the environmental health officer is designated.

(3) If a review is requested, the review is to be based on the record.

(4) If a review is requested, the reviewer may do one or more of the following:

(a) delay the date the order is to take effect or suspend the order, if satisfied that doing so would not be detrimental to public health;

(b) confirm, vary or rescind the order;

(c) refer the matter back to the person who made the order, with or without directions.

(5) A reviewer must provide written reasons for an action taken under subsection (4) (b) or (c), and a person may not request further review of an order.

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*];