



## **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 – May 28, 2021***

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:**

- A. On March 17, 2020 I provided notice under section 52 (2) of the *Public Health Act* that the transmission of the infectious agent SARS-CoV-2, which has caused cases and outbreaks of a serious communicable disease known as COVID-19 among the population of the Province of British Columbia, constitutes a regional event as defined in section 51 of the *Public Health Act*;
- B. A person infected with SARS-CoV-2 can infect other people with whom the infected person is in 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 significant 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 significantly 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. The Province continues to experience high levels of transmission of SARS-CoV-2, and to be at risk of rapid exponential growth in cases of COVID-19 which can result in high levels of cases and increased clusters and outbreaks which, in turn, can increase the incidences of serious disease leading to hospitalizations, intensive care admissions and deaths, thereby putting undue pressure on the health care system to care for people, and on the public health system to carry out contact tracing for the purpose of preventing further transmission;
- 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 if people gather together. Gatherings and events in private residences and other places continue to pose a significant risk of promoting the transmission of SARS-CoV-2 and increase in the number of people who develop COVID-19 and become seriously ill;
- G. 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;
- H. 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 British Columbians 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.

- I. 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 cooling centres; individual attendance at a place of worship for the purpose of prayer or quiet reflection; 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.
- J. For certainty, this Order applies to private residences, vacation accommodation and private clubs and organizations;
- K. 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 continues to be an urgent need for focused action to reduce the risk 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) 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 MAY 26, 2021 WITH RESPECT TO GATHERINGS AND EVENTS**

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## **DEFINITIONS:**

**“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;

**“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;

**“distributed learning”** has the same meaning as in the *School Act*;

**“episodic market”** includes farmers’ markets and community markets;

**“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 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; 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;

**“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;

**“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;

**“group sport”** means a sporting activity involving more than one person and includes training and practice for an individual or a team sport, but does not include sport for children or youth, varsity sport or high-performance athlete sport;

**“health check”** means reviewing the entry requirement and key questions at <https://www.worksafebc.com/en/about-us/covid-19-updates/health-and-safety/health-checks> and which are on the poster at <https://www.worksafebc.com/en/resources/health-safety/posters/help-prevent-spread-covid-19-entry-check-workers?lang=en>;

**“high- performance athlete”** means a person who is identified by the Canadian Sport Institute Pacific as a high-performance athlete affiliated with an accredited provincial or national sports organization;

**“home club”** means the sport organization, club or facility with, or at which, a person is registered for ongoing sport programming;

**“home education”** means the type of program provided for in Part 2, Division 4 of the *School Act*;

**“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, 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, members of the public present at a market, participants in sport or exercise, spectators at programs for children or youth, spectators at sport, or exercise, spectators at a drive-through, drive-in or drive-by event, 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* 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 program, including home education or distributed learning, music, art, drama, dance, recreational, exercise, or social activity supervised by an adult and provided for persons under 22 years of age;

“**post-secondary institution**” includes an entity that provides any of the following programs:

(a) an educational or training program provided under

- (i) the *College and Institute Act*,
- (ii) the *Royal Roads University Act*,
- (iii) the *Thompson Rivers University Act*,
- (iv) the *University Act*, or
- (v) the *Private Training Act*;

(b) a program provided in accordance with a consent given under the *Degree Authorization Act*;

(c) a theological education or training program provided under an Act;

“**retail business**” means a business that sells retail goods, including a grocery store, clothing store, sporting good store or liquor or cannabis store and includes a department store and the common areas in a mall;

“**school**” in paragraph I. of the recitals means any of the following:

- (a) a school as defined in the *School Act*;
- (b) a francophone school as defined in the *School Act*;
- (c) a Provincial school as defined in the *School Act*;
- (d) an independent school as defined in the *Independent School Act*;
- (e) a school operated on First Nation land by the government of Canada or by a participating First Nation or a Community Education Authority established by one or more

participating First Nations under the *First Nations Jurisdiction over Education in British Columbia Act (Canada)*;

(f) a school operated by the Nisga'a Nation, or a treaty first nation, under its own laws;

**“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;

**“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*;

**“unencumbered space”** means an area without items in it such as display units, tables, cabinets, shelves, counters, fridges or freezers;

**“unencumbered and usable space”** means an area suitable for exercising in without anything in it other than exercise equipment, exercise mats or other exercise related objects;

**“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;

**“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;

**“vendor”** means a person who sells a product or service at an episodic market and includes the staff of a vendor.

## **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 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 host, an event inside a private residence, or vacation accommodation 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 host, and a person may attend, an event outside a private residence or vacation accommodation, including on a deck or patio, at which up to ten 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. No person may host an event inside or outside a private residence or vacation accommodation, except as provided for in section 3 or 4.
6. No person may attend an event inside or outside a private residence or vacation accommodation, except as provided for in section 3 or 4.
7. A person who is not an occupant must not host an event at a 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. Before hosting or attending an event, a person must carry out a health check.
6. A person who has not passed the health check must not host or attend an event.

## **C. OUTSIDE EVENTS TO WHICH NO OTHER PART APPLIES**

1. A person may permit an outside place, other than a place that is subject to the *Food and Liquor Serving Premises Order*, to be used for, and a person may attend, an event with up to fifty people present, including any event staff, if the following conditions are met
  - a. there is sufficient space available to permit every person present to maintain a distance of two metres from every other person present, when not seated;
  - b. there is a chair available for every person present;
  - c. every person present is seated and remains in the same chair;
  - d. every person remains seated, except to obtain food or drink or to use washroom facilities;
  - e. 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;

- f. measures are taken to prevent congregation at food or drink stations and at washroom facilities.
  - g. persons present do not congregate at food or drink stations or at washroom facilities;
  - h. a person who leaves an event must not be replaced by another person;
  - i. hand sanitation supplies are readily available;
  - j. the persons attending the do not move into a fully enclosed structure at the place;
2. No person may permit a place to be used for, or may host, an event described in section 1, unless the conditions in section 1 are met.
  3. No person may attend an event described in section 1, unless the conditions in section 1 are met.

**D. SUPPORT GROUP MEETINGS, CRITICAL SERVICE MEETINGS, MEALS PROVIDED FOR PEOPLE IN NEED, WEDDINGS, BAPTISMS, FUNERALS AND JEWISH DIVORCE COURT PROCEEDINGS, PROGRAMS FOR CHILDREN AND YOUTH, OCCUPATIONAL TRAINING, CLASSES FOR ADULTS IN RECREATION CENTRES WHICH ARE NOT DANCE, EXERCISE OR SPORTS RELATED, AND MISCELLANEOUS GROUP MEETINGS**

1. Subject to the provisions of this Part, a person may permit an inside or outside 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, funeral or Jewish divorce court proceeding;
  - e. a program for children or youth;
  - f. training, including occupational health, safety or re-hiring training or first aid training which cannot be provided virtually;
  - g. classes for adults in a recreation centre, which are not dance, exercise or sports related;
  - h. a miscellaneous group meeting.

2. An owner or organizer must not permit
  - a. more than fifty persons, or the lesser number who can be accommodated safely as provided for in section 9, 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;
  - b. more than fifty persons, or the lesser number who can be accommodated safely as provided for in section 9, to be present at outdoors at a funeral which is held by a non-religious body, a wedding, baptism, Jewish divorce court proceeding, classes for adults or miscellaneous group meeting;
  - c. more than ten persons, or the lesser number which can be accommodated safely as provided for in section 9, to be present indoors at a funeral, wedding, baptism, Jewish divorce court proceeding, classes for adults or miscellaneous group meeting.
3. No person may permit a place to be used for, or may host, an event described in section 1, unless the conditions in this Part are met.
4. No person may attend an event described in section 1, unless the conditions in this Part are met.
5. An outdoor funeral which is conducted by a religious body must be conducted in compliance with the provisions of the *Variance for Outdoor Worship Services*.
6. In this and the following sections up to and including section 20,

**"event"** means a support group meeting, a critical service meeting, a meal provided without charge to people in need, a wedding, a baptism, an outside funeral which is not conducted by a religious body, a funeral which is held indoors, a Jewish divorce court proceeding, a program for children or youth, occupational training, a class for adults in recreation centres or a miscellaneous group meeting;

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, unless all the patrons are seated;
- e. the patrons maintain a distance of two metres from one another when standing unless they reside together;

- f. patrons attending an event other than a program for children or youth, remain seated, unless movement is necessary for the purpose of the event, to obtain food or drink, or to use washroom facilities,
  - g. measures are put in place to prevent the congregation of patrons outside the place,
  - h. the place is assessed for areas where patrons may congregate, and measures are put in place to avoid congregation;
  - i. 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;
  - j. 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 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;
  - k. if there is a leader, presenter, officiant, worship leader, reader or musician, there is a physical barrier between them and other persons present which blocks the transmission of droplets, or there is at least a three metre separation between them and other persons;
  - l. 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;
  - m. hand sanitation supplies are readily available to patrons;
  - n. washroom facilities with running water, soap and paper towels for hand washing and drying purposes, or hand sanitation supplies, are available;
  - o. no person is present as a spectator at a program for children or youth, unless the presence of the person is necessary in order to provide care to a child or youth who is a participant in the program for children or youth.
7. No person may be present as a spectator at a program for children or youth, unless the presence of the person is necessary in order to provide care to a child or youth who is a participant in the program for children or youth.

8. For certainty, a performance, recital or demonstration by children or youth, who are participating in a program for children or youth, may only be viewed virtually and not in person.
9. 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.
10. 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.
11. 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.
12. 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; and
  - b. there is a separate entrance to each of the premises in which an event is being held;
13. During an event, a patron who leaves the place in which an event is being held must not be replaced by another patron.
14. 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.
15. Patrons must disperse immediately after an event and must not congregate with patrons who are leaving the event or arriving for a subsequent event.
16. The organizer must ensure that the COVID-19 safety plan is complied with and that the conditions and requirements in sections this Part are met.

17. 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.
18. 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 this Part and has the capacity to fulfill them.
19. 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 6 and section 15; and
  - c. a request to provide the information required in section 17.
20. For certainty, no person may permit a place to be used for, or organize or host, or be present at an indoor reception or gathering, whether formal or informal, either before or after a wedding, baptism, funeral or Jewish divorce court proceeding, except in compliance with Part A or C.

## **E. SPORT FOR CHILDREN OR YOUTH**

1. A person may permit an inside place, other than a private residence or vacation accommodation, to be used for, or may provide, or may participate in 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. no person is present as a spectator, unless the presence of the person is necessary in order to provide care to a child or youth who is a participant.
2. No person may permit an inside place to be used for, or may provide, or may participate in sport for children or youth in an inside place, unless the conditions in section 1 are met.

3. A person may permit an outside place, other than a private residence or vacation accommodation, to be used for sport for children or youth.
4. A person may provide or participate in sport for children or youth in an outside place.
5. No person may permit an outside place to be used for, or may provide or participate in sport for children or youth in an outside place, unless the conditions in section 6 are complied with.
6. No person may be present as a spectator at sport for children or youth, in either an inside or an outside place, unless the presence of the person is necessary in order to provide care to a participant.

## **F. VARSITY SPORT**

1. A person may permit an inside place, other than a private residence or vacation accommodation, to be used for, or may provide, or may participate in varsity sport in an inside place, if the following conditions are met:
  - a. the participants are members of a varsity sport team;
  - b. participants maintain a physical distance of three metres from one another when engaged in sport and do not engage in handshaking, high fives, hugging or similar behaviour;
  - c. the focus is on activities that have a low risk of COVID-19 virus transmission;
  - d. no person is present as a spectator, unless the presence of the person is necessary in order to provide care to a participant;
  - e. a participant only trains or practices with the post-secondary institution with which the participant is enrolled, or with respect to which the participant is a confirmed recruit, as permitted by and in accordance with the requirements of the body which governs the varsity sport.
2. No person may permit an inside place be used for, or may provide, or may participate in varsity sport in an inside place, unless the conditions in section 1 are met.
3. A person may permit an outside place, other than a private residence or vacation accommodation, to be used for, or may provide or may participate in varsity sport in an outside place, if the following conditions are met:
  - a. no more than 50 persons participate in the varsity sport, including coaches, managers, trainers, and any other person involved in an official capacity;

- b. no person is present as a spectator, unless the presence of the person is necessary in order to provide care to a participant.
- 4. No person may permit an outside place to be used for, or may provide or participate in varsity sport in an outside place, unless the conditions in section 3 are met.
- 5. No person may be present as a spectator at varsity sport, in either an inside or an outside place, unless the presence of the person is necessary in order to provide care to a participant.

## **G. GROUP SPORT**

- 1. A person may permit an inside place, other than a private residence or vacation accommodation, to be used for, or may provide, or may participate in group sport in an inside place, if the following conditions are met:
  - a. only two persons participate;
  - b. the participants maintain a distance of three metres from one another while engaged in the group sport, unless the participants reside in the same private residence;
  - c. there are no spectators, unless the presence of a spectator is necessary in order to provide care to a participant
- 2. No person may permit an inside place be used for, or may provide, or may participate in group sport in an inside place, unless the conditions in section 1 are met.
- 3. A person may permit an outside place, other than a private residence or vacation accommodation, to be used for, or may provide, or may participate in group sport in an outside place, if the following conditions are met:
  - a. no more than 50 persons participate in the group sport, including coaches, managers, trainers, and any other person involved in an official capacity;
  - b. no person is present as a spectator, unless the presence of the person is necessary in order to provide care to a participant.
- 4. No person may permit an outside place to be used for, or may provide or participate in group sport in an outside place, unless the conditions in section 3 are met.
- 5. No person may be present as a spectator at group sport, in either an inside or an outside place, unless the presence of the person is necessary in order to provide care to a participant.

## H. TRAVEL FOR SPORT

1. No person may travel for children and youth team sport or group team sport, including for training, practice, games or tournaments.
2. Section 1 does not apply to travel by a person to the person's home club at which the person regularly trains or practices.
3. Despite section 2, a person to whom section 2 applies may not travel for individual sport, or to the person's home club sports facility, in contravention of an order restricting travel within the Province made under the authority of the *Emergency Program Act*.

## I. HIGH-PERFORMANCE ATHLETES

1. Parts, E, F, G, and H do not apply to high-performance athletes.
2. A person who is a high-performance athlete who was training in the Province as of November 19, 2020 may train, practice, compete and travel for that purpose if the person follows the COVID-19 safety protocols of the provincial or national sports organization with which the person is affiliated.
3. Despite section 2, a person to whom section 2 applies may not travel for the purpose of training, practising or competing in contravention of an order restricting travel within the Province made under the authority of the *Emergency Program Act*.

## J. EXERCISE

In this Part

**“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;

**“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.

1. 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.
2. No person may permit a place to be used for exercise except as permitted in section 1.
3. No person may provide exercise except as permitted in section 1.
4. No person may participate in exercise except as permitted in section 1.
5. 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 Indoor Exercise Requirements, as amended from time to time, posted on my website (<https://www2.gov.bc.ca/gov/content/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer/current-health-topics/covid-19-novel-coronavirus>).
6. 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 Indoor Exercise Requirements, as amended from time to time, posted on my website (<https://www2.gov.bc.ca/gov/content/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer/current-health-topics/covid-19-novel-coronavirus>).
7. A person who provides individual exercise outdoors, or one on one exercise with a trainer outdoors, must comply with the following conditions:
  - a. ensure that a participant maintains a distance of two metres from other participants who are exercising outdoors;
  - b. ensure that a participant does not congregate with other participants who are exercising outdoors, before, during or after exercising;
  - c. clean and disinfect shared equipment between each use.
  - d. not permit anyone to be present as a spectator, unless the presence of the person is necessary in order to provide care to a participant.
8. A person who participates in individual exercise outdoors, or one on one exercise with a trainer outdoors, must
  - a. maintain a distance of two metres from other participants who are exercising outdoors,

- b. not congregate with other persons who are exercising outdoors, before, during or after exercising.
9. A person who provides outdoor group exercise must comply with the following conditions:
- a. Ensure that no more than 50 persons participate in the group exercise, including leaders, trainers, and any other person involved in an official capacity;
  - b. ensure that the participants maintain a distance of two metres from other participants when exercising,
  - c. ensure that the participants do not congregate with other participants, before, during or after exercising.
  - d. clean and disinfect shared equipment between each use
  - e. not permit anyone to be present as a spectator, unless the presence of the person is necessary in order to provide care to a participant.
10. A person who participates in outdoor group exercise must
- a. maintain a distance of two metres from other participants, and
  - b. not congregate with other participants, before, during or after exercising
11. No person who is participating in exercise outdoors, other than an owner, operator or member of staff, may enter a place at which exercise is provided, except to use washroom facilities.
12. No person may permit a place to be used for, may provide, or may participate in exercise indoors, unless the Indoor Exercise Requirements, or the conditions which apply to indoor group low intensity exercise in this Part, are met.
13. No person may permit a place to be used for, may provide, or may participate in exercise outdoors, unless the conditions which apply to exercise outdoors in this Part are met.
14. No person may be present as a spectator at exercise, either indoors or outdoors, unless the presence of the person is necessary in order to provide care to a participant.

#### **K. DRIVE-THROUGH, DRIVE-IN AND DRIVE-BY 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, including to view a display or performance, or to drop off or pick up items, including food, toys, books or diplomas.

2. A person may permit a place, other than a private residence or vacation accommodation, to be used for, or may provide, a drive-by event.
3. 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.
4. A person may participate in a drive- through, drive-by or drive-in event.

## **L. 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
    - iii. 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.

## **M. RETAIL BUSINESSES**

### **In this Part**

“**accommodated safely**” means that in the part of the place to which the public has access, there are five square metres of unencumbered space available for each person present, including patrons and staff members.

1. A person may permit a place other than a residence or vacation accommodation to be used for a retail business to which the public has access, and a person may be present in a retail business, if the following conditions are met:
  - a. The owner must calculate the maximum number of patrons who can be accommodated safely and must document this number in the COVID-19 safety plan;
  - b. Despite section 1. a., if the part of the place to which the public has access consists of less than five square metres of unencumbered space, the maximum number of patrons who can be accommodated safely is one, and the owner must document this number in the COVID-19 safety plan;
  - c. The owner must ensure that the number of patrons present does not exceed the maximum number who can be accommodated safely, as documented in the COVID-19 safety plan;
  - d. A person must not enter a retail business if advised by the owner or a staff member that the person cannot be accommodated safely;
  - e. A patron must leave a retail business if requested to do so by the owner or a staff member, on the basis that the person cannot be accommodated safely;
  - f. An owner must take measures, where practical, such as the placement of two metre distance indicators and the posting or erection of signs, to guide patrons who are waiting to enter a retail business, or waiting for any other purpose inside a retail business, in maintaining a two metre distance from other patrons in order to prevent the congregation of patrons in one spot;
  - g. Where practical, an owner must clearly mark entrances and exits and use one- way signage or arrows on the floor to guide patrons in moving in one direction;
  - h. Where practical, an owner must post or erect signs advising patrons to move in one direction, keep moving, maintain a distance of two metres from other patrons, avoid congregation, and avoid congestion at the end of aisles; and
  - i. An owner must make hand sanitation options readily available for patrons.

2. A person must not permit a place to be used, or use a place for, a retail business unless the conditions in this Part are met.
3. No person may be present as a patron in a retail business, unless the conditions in this Part are met.

## **N. EPISODIC MARKETS**

### **In this Part**

**“accommodated safely”** means that there are five square metres of unencumbered space available for each person present, including patrons and vendors.

1. A person may permit a place, other than a private residence or vacation accommodation, to be used for, or may manage, an episodic market, subject to the conditions in this part.
2. The owner of a place at which an indoor episodic market is to be held must calculate the maximum number of patrons who can be accommodated safely, and must document this number in the COVID-19 safety plan.
3. A person must not enter an indoor episodic market if advised by the owner, manager or a staff member that the person cannot be accommodated safely.
4. A person must leave an indoor episodic market if advised by the owner, manager or a staff member that the person cannot be accommodated safely.
5. A manager of an indoor episodic market must
  - a. 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;
  - b. take measures, such as the placement of two metre distance indicators, the posting or erection of signs, or the use of arrows or markers on the floor, to guide patrons in maintaining a two metre distance from other patrons when waiting to enter a market and in areas where line-ups may occur, such as washrooms;
  - c. post or erect signs advising patrons to move in one direction, keep moving, maintain a distance of two metres from other patrons, and not congregate in one spot;

- d. arrange the placement of vendors' booths two metres apart, or install physical barriers between booths which block the transmission of droplets between vendors;
  - e. arrange the placement of vendors' booths in such a way as to facilitate the movement of patrons in one direction;
  - f. ensure that there is a distance of two metres between vendors and patrons or install physical barriers between vendors and patrons which block the transmission of droplets, or, if neither of the foregoing is practical, require vendors to wear a face covering;
  - g. provide facilities with running water, soap and paper towels for hand washing and drying purposes or provide hand sanitation supplies;
  - h. place hand sanitation supplies in spots that are readily available to patrons and post or erect signs reminding patrons to regularly wash their hands or use hand sanitizer;
  - i. if there are tables with chairs, arrange the tables and chairs so that there are two metres between the patrons seated at one table and the patrons seated at another table;
  - j. post or erect signs advising that there must be no more than six patrons seated at a table;
  - k. ensure that each day a vendor participates in an episodic market the vendor has carried out a health check and confirmed with the manager that the vendor has passed the health check;
  - l. if a manager is not satisfied that a vendor has carried out and passed the daily health check, the manager must not permit the vendor to be present at the episodic market;
  - m. not permit a product other than food for human consumption, flowers, plants, seed and compost to be sold;
  - n. not permit a service to be sold or provided.
6. The manager of an outdoor episodic market must take steps to avoid the market becoming crowded, and for this purpose must

- a. control the number of patrons present in order to ensure that there is sufficient space available to enable patrons to maintain a distance of two metres from other patrons at all times;
- b. arrange the layout of the market so as to prevent the congregation of patrons;
- c. arrange the placement of vendors' booths so that they are two metres apart ,or install physical barriers between booths which block the transmission of droplets between vendors;
- d. arrange the placement of vendors' booths in such a way as to facilitate the movement of patrons in one direction;
- e. either ensure that there is a distance of two metres between vendors and patrons, or install physical barriers between vendors and patrons which block the transmission of droplets, or, if neither of the foregoing is practical, require vendors to wear a face covering;
- f. provide facilities with running water, soap and paper towels for hand washing and drying purposes or provide hand sanitation supplies;
- g. place hand sanitation supplies in spots that are readily available to patrons and post or erect signs reminding patrons to regularly wash their hands or use hand sanitizer;
- h. if there are picnic tables or tables with chairs, arrange the picnic tables, or the tables and chairs, so that there are two metres between the patrons seated at one table and the patrons seated at another table;
- i. post or erect signs advising that there must be no more than six patrons seated at a table;
- j. ensure that each day a vendor participates in an episodic market the vendor has carried out a health check and confirmed with the manager that the vendor has passed the health check;
- k. if a manager is not satisfied that a vendor has carried out and passed the daily health check, the manager must not permit the vendor to be present at the episodic market;
- l. not permit a vendor to sell or provide a personal service;

7. If the manager is not the owner of the place at which an episodic market is held, the owner must be satisfied that the manager is aware of the requirements in the COVID-19 safety plan and section 5 or 6, as applicable, and has the capacity to fulfill them.
8. A vendor at an indoor episodic market may only sell food for human consumption, flowers, plants, seeds or compost.
9. A vendor at an outdoor episodic market may sell food, non-food products, or services other than personal services.
10. A vendor must do a health check before being present at an episodic market and must confirm with the manager that the vendor has passed the daily health check.
11. A vendor who has not done a health check, or not confirmed with the manager that the vendor has passed a health check, or who has not passed a health check, must not be present at an episodic market.
12. A vendor must either ensure that there is a distance of two metres between the vendor and patrons, or that there is a physical barrier between the vendor and patrons which blocks the transmission of droplets, or, if this is not practical, wear a face covering.
13. A vendor who sells food for human consumption must comply with the following requirements:
  - a. not provide samples of food for tasting; and
  - b. only sell food prepared at an episodic market in single-use containers or dishes.
14. A vendor who is a manufacturer of liquor with an on-site retail endorsement on their liquor licence, must comply with the following requirements:
  - a. not provide samples of products for tasting; and
  - b. only sell products in sealed retail containers, such as bottles, cartons, boxes and cans.
15. Despite sections 5 (f), 6 (e) and 12, a vendor is not required to wear a face covering if any of the following applies:
  - a. the vendor is unable to put on or remove a face covering without the assistance of another person;
  - b. the vendor is unable to wear a face covering because of

- i. a psychological, behavioural or health condition, or
- ii. a physical, cognitive or mental impairment;
- c. the face covering is removed temporarily for the purpose of identifying the vendor;
- d. the face covering is removed temporarily to communicate with a person with a disability or diverse ability, where visual cues, facial expressions or lip reading or lip movements are important;
- e. the vendor is eating or drinking and is not involved in a transaction with a patron.

16. A patron must

- a. comply with sections 3 and 4 and signs, directions or measures intended to promote physical distancing and to prevent congregation;
- b. not sit at a table with more than 5 other patrons.

17. No person may permit a place to be used for, or use a place for, or be a patron at, an episodic market unless the conditions in this Part are met.

**O. 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.

This Order does not have an expiration date.

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.

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*.

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](mailto:ProvHlthOffice@gov.bc.ca)

DATED THIS: 28<sup>th</sup> day of May, 2021

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.

### **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];

(2) An order that may be made under this Part may be made in respect of a class of persons or things, and may make different requirements for different persons or things or classes of persons or things or for different geographic areas.

## **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*];