

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

(Pursuant to Sections 30, 31, 32, 39, 54, 67 (2) and 69 *Public Health Act*, S.B.C. 2008)

### ***GATHERINGS AND EVENTS – DECEMBER 24, 2021***

The *Public Health Act* is at:

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

(excerpts enclosed)

- TO: OWNERS AND OPERATORS OF PLACES IN NORTHERN HEALTH**
- TO: PERSONS WHO ORGANIZE EVENTS IN NORTHERN HEALTH**
- TO: PERSONS WHO ATTEND EVENTS IN NORTHERN HEALTH**
- TO: OWNERS AND OCCUPANTS OF PRIVATE RESIDENCES IN NORTHERN HEALTH**
- TO: OWNERS AND OCCUPANTS OF VACATION ACCOMMODATION IN NORTHERN HEALTH**
- TO: OWNERS AND OPERATORS OF RESTAURANTS, COFFEE SHOPS, CAFES, CAFETERIAS, FOOD PRIMARY AND LIQUOR PRIMARY ESTABLISHMENTS, INCLUDING PUBS, BARS, LOUNGES AND NIGHTCLUBS, LIQUOR MANUFACTURING FACILITIES THAT HAVE TASTING ROOMS WITH SEATING OR PRIVATE CLUBS IN NORTHERN HEALTH**
- TO: PATRONS OF RESTAURANTS, COFFEE SHOPS, CAFES, CAFETERIAS, FOOD PRIMARY AND LIQUOR PRIMARY ESTABLISHMENTS, INCLUDING PUBS, BARS, LOUNGES AND NIGHTCLUBS, LIQUOR MANUFACTURING FACILITIES THAT HAVE TASTING ROOMS WITH SEATING OR PRIVATE CLUBS IN NORTHERN HEALTH**
- TO: OWNERS, OPERATORS, LEADERS, AND PATRONS OF PLACES OF WORSHIP IN NORTHERN HEALTH**
- TO: MEDICAL HEALTH OFFICERS**

**WHEREAS:**

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

- A. On March 17, 2020 the Provincial Health Officer, Dr. Bonnie Henry, provided notice under section 52 (2) of the *Public Health Act* that the transmission of the infectious agent SARS-CoV-2, which has caused cases, clusters and outbreaks of a serious communicable disease known as COVID-19 among the population of the Province of British Columbia, constitutes a regional event, as defined in section 51 of the *Public Health Act*;
- B. A person infected with SARS-CoV-2 can infect other people with whom the infected person is in contact;
- C. Social interactions and close contact between people are associated with increases in the transmission of SARS-CoV-2, and increases in the number of people who develop COVID-19 and become seriously ill;
- D. People spending time together indoors increases the risk of the transmission of SARS-CoV-2 in the population, thereby increasing the number of people who develop COVID-19 and become seriously ill;
- E. Gatherings and events in private residences, vacation accommodation, worship services and other places continue to pose a risk of promoting the transmission of SARS-CoV-2 and increasing the number of people who develop COVID-19 and become seriously ill;
- F. Vaccination is safe, highly effective, and the single most important preventive measure a person can take to protect themselves, their families, and other persons with whom they come into contact from infection, severe illness and possible death from COVID-19. In particular:
  - a. the vaccines available in British Columbia are highly effective, providing strong protection across all eligible age groups against infection and especially against severe illness;
  - b. most British Columbians have strong and durable protection from SARS-CoV-2 resulting from the extended interval between dose one and dose two that is being utilized in British Columbia;
  - c. a full course of vaccine provides more effective and durable protection against infection and severe illness than natural immunity from prior COVID-19 infection alone, or natural immunity in combination with a single-dose of vaccine; and
  - d. a full course of vaccine provides highly effective and durable protection from infection

and in particular from severe illness resulting in hospitalization or death from the Delta variant with COVID-19, with illness being mostly milder in vaccinated people who become infected than in unvaccinated people.

- G. Vaccines, which prevent or reduce the risk of infection with SARS-CoV-2, have been and continue to be readily available in British Columbia and while substantial progress has been made in vaccinating the population of British Columbia 12 years of age and older, a portion of the public remains unvaccinated and there are communities where vaccination rates are low;
- H. Communities with low vaccination rates have experienced rapid spread of SARS-CoV-2, causing serious illness and increases in hospitalizations and intensive care admissions, primarily in unvaccinated people. By contrast, communities with high vaccination rates have seen corresponding lower transmission and case rates;
- I. Unvaccinated people are at a significantly greater risk than vaccinated people of being infected with SARS-CoV-2, and those who are infected, experience significantly higher rates of hospitalization, ICU-level care and invasive mechanical ventilation, complications and death when compared with vaccinated people. Unvaccinated people are also at higher risk of transmitting SARS-CoV-2 to other people, including vaccinated people;
- J. People who are vaccinated can be infected with SARS-CoV-2, but experience less severity of illness than unvaccinated people, especially in younger populations. Vaccinated persons who contract COVID-19 are also generally contagious for shorter periods of time, are less symptomatic, and are less likely to transmit SARS-CoV-2, when compared to unvaccinated infected persons;
- K. This situation has been exacerbated over time, first by the arrival of the highly transmissible Delta variant of SARS-CoV-2, which is now circulating in British Columbia and causing significantly more rapid transmission and increased severity of illness, particularly in younger unvaccinated people, than earlier variants, and now by the arrival of the even more transmissible Omicron variant, which is responsible for a surge in infections in the province, and which I expect will very shortly overtake the Delta variant as the dominant strain of SARS-CoV-2 circulating in the province;
- L. Absent vaccination, British Columbia would be in a far more challenging situation than the fragile balance our current immunization rates have provided, but the transmissibility of the Delta and now the Omicron variant means that higher vaccination rates than previously expected are now required to maintain this balance, control transmission, reduce case numbers and serious outcomes, and reduce the burden on the healthcare system, particularly hospital and intensive care admissions;
- M. The recent appearance of the Omicron variant, which is leading to significant surges in infection in other provinces and other parts of the world in addition to British Columbia, underlines the importance of vaccination in protecting the population and in removing the

conditions which foster the development of variants which pose ever greater threats to public health;

- N. The Omicron variant has introduced significant uncertainty into the course of the pandemic, and the rapidly rising infection rates in British Columbia and experience in other places have lead me to conclude that unless measures are put in place immediately to check the spread of Omicron there will be sufficient serious illness among the public to overwhelm the Province's health care system, which is already operating beyond capacity;
- O. Preserving the ability of the public health and health care systems to protect and care for the health needs of the population, including providing care for health needs other than COVID-19, is critical. High incidence of transmission and illness in one or more regions have spill-over effects on health care delivery across the Province, including in critical care and surgical services. Our public health and health care systems are currently experiencing severe stress, and are stretched beyond capacity in their efforts to prevent and respond to illness resulting from the transmission of COVID-19 in the population, primarily among unvaccinated people;
- P. Both the public health and the health care systems are using disproportionate amounts of their resources in their efforts to prevent and respond to the transmission of SARS-CoV-2, and to provide care for those who become ill with COVID-19, primarily unvaccinated people who comprise the majority of hospitalizations and ICU admissions;
- Q. While people who have contracted SARS-CoV-2 may develop some natural immunity for a period of time following infection, the strength and duration of that immunity varies depending on a multitude of factors, including severity of infection. The risk of reinfection and hospitalization is significantly higher in people who remained unvaccinated after contracting SARS-CoV-2 than in those who were vaccinated post-infection. Vaccination, even after infection, remains an important measure to protect against reinfection. It does so by providing a stronger immune response that is known to be effective for a longer period of time and against a wider variety of strains of SARS-CoV-2 that are currently circulation in British Columbia, including the Delta variant;
- R. Vaccination is the single most important preventive measure a member of a community can take to protect themselves and other members of the community, from infection, severe illness and possible death from COVID-19;
- S. People over 70 years of age, and people with chronic health conditions or compromised immune systems, are particularly vulnerable to severe illness and death from COVID-19, even if they are vaccinated;
- T. Included among the members of the community who are more likely to be infected are children aged 5 to 11 years. This is because children in this age group have only recently become eligible for vaccination and it will take some time before the members of this group can be fully vaccinated. Children under the age of 5 will remain unprotected from infection until a vaccine is available for them;

- U. Adults and children who are either particularly vulnerable to infection with SARS-CoV-2 or too young to be immunized depend upon the people with whom they come into contact to protect them from the risk of infection;
- V. Unvaccinated people in close contact with other people can promote the transmission of SARS-CoV-2 and increase the number of people who develop COVID-19 and become seriously ill; in particular, social mingling coupled with the consumption of alcohol, which increases risky behavior, is associated with increases in the transmission of SARS-CoV-2;
- W. Gatherings and events pose a risk of promoting the transmission of SARS-CoV-2, including to and from vaccinated people, and increasing the number of people who develop COVID-19 and become seriously ill and who may die;
- X. Singing, chanting and reading can propel infected material significant distances and increase the risk of the transmission of SARS-CoV-2, particularly among a group of people who are in close contact with one another in an inside place over a period of time;
- Y. Teams of people travelling, playing and socializing together for the purpose of sports tournaments and then returning home has recently proved to be a significant contributor to the transmission of SARS-CoV-2 in the community;
- Z. Programs that require that proof of vaccination be provided have been shown to increase vaccination uptake in populations, thereby reducing the public health risk of COVID-19;
- AA. There are difficulties and risks in accommodating persons who are unvaccinated, since no other measures are nearly as effective as vaccination in reducing the risk of contracting or transmitting SARS-Co-2, and the likelihood of severe illness and death;
- BB. I have considered and continue to consider based on the currently available generally accepted scientific evidence whether other measures, such as natural immunity, PCR testing or rapid antigen testing, are as effective as vaccination in reducing the risk of transmission SARS-Co-2 and or the severity of illness if infected;
- CC. Routine COVID-19 testing of asymptomatic people is not recommended in British Columbia and polymerase chain reaction (PCR) testing capacity is reserved for people who may be ill with COVID-19 to promote public health case identification, follow up and control measures. Asymptomatic testing increases the likelihood of generating false positive tests, which can unnecessarily consume public health resources in following up false positive tests. Similarly, rapid testing, which is followed up with confirmatory PCR testing for positive tests, is reserved for specific settings in which additional layers of protection are needed to protect people at higher risk of serious outcomes of COVID-19, such as in long-term care and assisted living facilities, or in remote communities where obtaining results of PCR testing may be delayed;
- DD. There are clear, objective criteria for determining whether a person has a medical deferral to a COVID-19 vaccination, and very few people fall into this category;

- EE. Various options for establishing vaccine status, including in paper and online format, are readily available to members of the public;
- FF. 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 to public health created by gatherings and events and unvaccinated persons;
- GG. 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, and the right not to be deprived of life, liberty or security of the person, other than in accordance with the principles of fundamental justice. I understand that making decisions about whether to get vaccinated may engage these rights and freedoms. However, these rights and freedoms are not absolute and are subject to such reasonable limits, prescribed by law as can be demonstrably justified in a free and democratic society, which include proportionate, precautionary and evidence-based measures, including vaccination, 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, and balance these rights and interests in a way that is consistent with the protection of public health. I have concluded that the measures which I am putting in place in this Order are proportionate, rational and tailored to address the risk, and are neither arbitrary, overbroad, nor grossly disproportionate in light of the need to protect public health at this time. In my view, any limits on constitutionally protected rights and freedoms arising from this Order, are proportionate and reasonable in the interests of protecting public health and there are no other reasonable alternatives that would provide the same level of protection for the population. 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;
- HH. In addition, I recognize privacy interests and the interests protected by the *Human Rights Code*, and have taken these into consideration when exercising my powers to protect the health interests of members of the public from the risk created by being in contact with unvaccinated persons in gatherings and events, particularly with the arrival of the Omicron

variant in the province;

- II. I am also mindful that the volume of requests for reconsideration of my Orders, and the time and expertise which considering them entails, has become beyond my capacity and that of my office and team of medical health officers to manage, and is using resources which are better directed at assessing and responding to the protection of the public as a whole;
- JJ. 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, the Local Government Act or the Islands Trust Act, or a school board; the distribution of food or other supplies to people in need; health or social services provided to people in need, such as warming or cooling centres; fitness facilities or pools which are located in a workplace for the benefit of workers, in a residential building for the benefit of residents, in a hotel for the benefit of guests; rehabilitation or exercise therapy programs; health care related events, including immunization clinics, COVID-19 testing centres and blood donation clinics; drug and alcohol support group meetings; court sittings wherever they occur; workers at a workplace, including at a social gathering for the workers in their workplace as long as no member of the public is present; work camps; before, during or after school programs for students of public or independent schools (schools) organized by a school; home education or distributed learning activities; educational activities, including a practicum or research, involving students or researchers of post-secondary institutions in any location when provided or arranged by a post-secondary institution; language courses; employment related training; a funeral reception held at a funeral home; the use of any place for local, provincial or federal government purposes; services provided by or on behalf of any level of government, other than events, as defined in the Order, provided inside by or on behalf of a recreation centre or a library; food or liquor serving premises which are located in airports, or at BC Ferries terminals or on BC Ferries;
- KK. Part C, section 17, and Part D, section 20, do not apply to the Province as owner of a place;
- LL. I have reason to believe and do believe that
- (a) the continued presence of unvaccinated people in the population, more so in some age groups and some communities where vaccination rates continue to be low, coupled with the emergence of the highly transmissible Omicron variant, poses a risk to the health of the population, threatens the capacity of the public health and health care systems to address the health care needs of the population, and constitutes a health hazard;
  - (b) in order to protect the health of the public and the health care system it is necessary for me to put in place preventive measures to reduce the risk of the transmission of SARS-CoV-2 at events, which could lead to widespread infection and serious illness and overwhelm the public health and the health care systems;
  - (c) it is in the public interest for me to proceed on a precautionary basis to exercise the powers in sections 30, 31, 32, 39, 54, 56, 67 (2) and 69 of the Public Health Act TO ORDER as

follows:

**RECOGNIZING THAT THERE IS CURRENTLY A HEIGHTENED LEVEL OF RISK OF TRANSMISSION OF COVID-19 IN NORTHERN HEALTH, THIS ORDER IS ISSUED FURTHER TO THE PROVINCIAL HEALTH OFFICER’S GATHERINGS AND EVENTS ORDER, DATED DECEMBER 22, 2021 (THE “PROVINCIAL GATHERINGS AND EVENTS ORDER”), FACE COVERINGS (COVID-19) ORDER, DATED DECEMBER 3, 2021 (THE “PROVINCIAL FACE COVERING ORDER”) AND FOOD AND LIQUOR SERVING PREMISES ORDER, DATED DECEMBER 22, 2021 (THE “PROVINCIAL FOOD AND LIQUOR SERVING PREMISES ORDER”) AS AMENDED FROM TIME TO TIME, AND, ON PUBLICATION OF THIS ORDER ON THE PROVINCIAL HEALTH OFFICER’S WEBSITE, THIS ORDER IS INCORPORATED INTO THE PROVINCIAL GATHERINGS AND EVENTS ORDER.**

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

**THIS ORDER IS LIMITED IN APPLICATION TO THE AFFECTED AREA, NORTHERN HEALTH.**

**THIS ORDER**

- A. REPEALS AND REPLACES MY ORDER MADE ON DECEMBER 9, 2021, WITH RESPECT TO *GATHERINGS AND EVENTS*,**
- B. ENTERS INTO FORCE AT 11:59 PM ON DECEMBER 24, 2021**

**DEFINITIONS:**

**“adult”** means a person 19 years of age or older;

**“COVID-19 safety plan”** means Northern Health Event Covid-19 Safety Plan and refers to an enhanced safety plan for COVID-19, based on the Northern Health’s event COVID-19 safety

plan template ([https://www.northernhealth.ca/sites/northern\\_health/files/health-information/health-topics/coronavirus/documents/covid-19-event-safety-plan.pdf](https://www.northernhealth.ca/sites/northern_health/files/health-information/health-topics/coronavirus/documents/covid-19-event-safety-plan.pdf))

**“event”** means

- (a) a gathering of participants in a private residence or vacation accommodation for a social purpose,
- (b) a gathering of participants in a place for an inside event or an outside event,
- (c) a sports tournament;
- (d) a flow through event
- (e) a worship service

**“exemption”** means a variance issued to a person under the *Public Health Act* on the basis of a medical deferral to a vaccination with respect to an event or type of 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;
- (c) but does not include a clear plastic face shield

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

**“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;

**“inside event”** means

- (a) a gathering of participants in an inside place for one of the following purposes:
  - (i) a form of entertainment involving a performance such as a theatrical production, a concert, a symphony performance, a choral performance, any other type of musical performance or a dance performance;
  - (ii) business, but limited to a lecture or presentation;
  - (iii) a wedding ceremony

- (iv) a wedding reception;
  - (v) a funeral reception not held at a funeral home,
  - (vi) a sponsored or ticketed party;
  - (vii) a gathering for the purpose of acknowledging or celebrating a significant event, such as a birth, a birthday, a coming of age, an upcoming marriage, a promotion, the receipt of an award, a retirement or a celebration of life;
- (b) a gathering of participants in an inside place for one of the following purposes
- (i) a business purpose not described in (a), and including a conference, convention, commercial trade fair or workshop or home show;
  - (ii) gambling;
  - (iii) recreational education or classes, including arts, crafts, music, photography, culture, or travel education or classes
- (c) a gathering of participants in an inside place for the purpose of an adult exercise or fitness activity or class, or an adult dance class, but not including a swimming activity;
- (d) a gathering of participants in an inside place for the purpose of a swimming activity or an adult sports activity;
- (e) a sports event in an inside place;
- (f) a program for children or youth in an inside place;
- (g) a worship service in an inside place;
- (h) a gathering of participants in an inside place for the purpose of celebrating New Year's Eve;
- (i) Does not include a flow through event

**“organizer”** means the person responsible for organizing an event;

**“outside”** does not include in a vehicle containing persons who reside in the same private residence.

**“outside event”** means

(a) an organized gathering of more than 25 participants in an outside place, for one of the following purposes:

- (i) entertainment, including a theatrical production or dance performance;
- (ii) musical, including a concert or symphony performance;
- (iii) business, but limited to a lecture, presentation, or workshop
- (iv) social, including a wedding reception, funeral reception not held at a funeral home, or a sponsored or ticketed party;

(b) an organized gathering of more than 25 participants in an outside place for one of the following purposes:

- (i) a business purpose including a conference, convention, commercial trade fair or home show;
- (ii) choral;
- (iii) gambling;
- (iv) recreational education or classes, including arts, crafts, music, photography, culture, or travel education or classes
- (v) a gathering of any number of participants in an outside place for the purpose of an adult sports activity, an adult exercise or fitness activity or class, or an adult dance class;
- (vi) a sports event in an outside place;

(c) does not include a flow-through event.

**“participant”** means a person present at an event including a spectator, but does not include an organizer, event staff member, official, volunteer, officiant, or any other person who is acting in an official or service capacity, or a paid performer, player or athlete;

**“patron”** means a participant;

**“person”** does not include the Province;

**“photo identification”** means one of the following:

- (a) a photo BC Services Card within the meaning of the Identification Card regulation;

- (b) a temporary or permanent driver’s licence, issued by a government of a province of Canada;
- (c) a certificate of Indian Status;
- (d) a Métis Nation British Columbia citizenship and identification card;
- (e) a passport attesting to citizenship or other national status, issued by a government of any jurisdiction and including a photograph of the holder;
- (f) another form of identification, issued by a government of any jurisdiction, including a photograph of the holder;
- (g) a military identification card that is issued by a government of any jurisdiction, which includes a photograph of the holder;

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

**“place”** means a venue, other than a private residence or vacation accommodation, and includes a hotel ballroom or conference room, a banquet hall, conference hall, auditorium, recreation centre, theatre, movie theatre, multi-movie theatre complex, casino, work-out gym, exercise or dance facility or studio, recreational facility arena, stadium, or a tent;

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

**“program for children or youth”** means a structured educational program not provided by a school, including music, art, drama, dance, recreational, sport, exercise, or social activity and provided primarily for persons under 22 years of age, but not including parenting programs or breast feeding programs;

**“proof of exemption”** means

- (a) in the case of a person who is more than 18 years of age, photo identification and an exemption certificate,
- (b) in the case of a person who is 18 years of age or younger, an exemption certificate;

**“proof of vaccination”** means

(a) in the case of a person who is more than 18 years of age, photo identification and a vaccine card;

(b) in the case of a person who is 18 years of age or younger, a vaccine card;

**“sports tournament”** means a single or multi-day gathering of three or more sports teams, who come together outside regular league play for the purpose of the teams playing against multiple other teams, but does not include

(a) a gathering where team members compete on an individual basis against members of other teams, or

(b) a gathering where the result will decide if a team will advance to play in a national or international competition;

**“tent”** includes a marquee;

**“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, patio, garden or yard, in which a person is residing, but which is not the person’s primary residence;

**“vaccinated”** means to have received all doses of a vaccine or a combination of vaccines, but not including a booster dose, as recommended by

(a) the provincial health officer, with respect to vaccines approved for use in Canada by the department of the federal government responsible for regulating drugs, or

(b) the World Health Organization, with respect to vaccines approved by the World Health Organization but not approved for use in Canada;

**“vaccine”** means a vaccine intended for use in humans against SARS-CoV-2;

**“vaccine card”** means proof in one of the following forms that the holder is vaccinated:

(a) electronic proof or a printed copy of an electronic proof,

(i) issued by the government in the form of a QR code, accessible through the Health Gateway online platform, and

(ii) showing the name of the holder;

- (b) proof in writing, issued by the government for the purpose of showing proof of vaccination in accordance with orders of the provincial health officer made under the *Public Health Act*;
- (c) proof, whether electronic or in writing, issued
  - (i) by the government of Canada or of a province of Canada, and
  - (ii) for the purpose of showing proof of vaccination in accordance with an order made in the exercise of a statutory power with respect to the protection of public health or the facilitation of international travel;
- (d) in the case on an international visitor,
  - (i) proof, whether electronic or in writing, relied upon to enter Canada, and
  - (ii) the person's passport or photo identification

**“variance”** means the *Variance of Gatherings and Events & Food and Liquor Serving Premises Orders to Suspend Reconsideration re Proof of Vaccination – November 12, 2021*.

**“worship service”** includes bible study, choir and other gathering for the purpose of worship. It does not include a wedding, baptism, or funeral.

## **A. EVENTS**

1. A person must not permit a private residence, vacation accommodation or a place to be used for an event, or host, organize, work or volunteer at, be a participant in or a spectator at or be otherwise present at an event, except in compliance with this Order.
2. A person must not permit a place to be used for, organize, work or volunteer at, participate in, be a spectator at or be otherwise present at a sports tournament.
3. For certainty,
  - (a) an event held in a tent with one or more sides is an inside event; and
  - (b) an event held in a tent without any sides is an outside event.
4. Nothing in this Order prevents a high- performance athlete from training, travelling or competing in sport in accordance with the athlete's respective provincial or national sports organization and Canadian Sport Institute Pacific COVID-19 safety protocols, and none of the provisions of this Order apply to a high performance athlete when so engaged.

## **B. EVENTS AT PRIVATE RESIDENCES AND VACATION ACCOMMODATION**

1. An occupant may host an event in a private residence or vacation accommodation, if the provisions of this Part are complied with.
2. In addition to the occupants, no more than 10 other persons, including visitors and event staff, or the occupants of one other private residence or vacation accommodation who live communally and event staff, whichever is the greater number of people, may attend an event inside a private residence or vacation accommodation.
3. In addition to the occupants, no more than 25 other persons, including visitors and event staff, or the occupants of one other private residence or vacation accommodation who live communally and event staff, whichever is the greater number of people, may attend an event outside at a private residence or vacation accommodation.
4. An occupant must not host an event in or outside at a private residence or vacation accommodation, unless
  - (a) section 2 or 3 is complied with, as appropriate and
  - (b) the occupant is satisfied that all the occupants, visitors over the age of 11 years, and event staff are vaccinated or have an exemption.
5. A person over the age of 11 years must not attend or be event staff at an event in or outside at a private residence or vacation accommodation, unless
  - (a) the person is vaccinated, or has an exemption, and
  - (b) section 2 or 3 is complied with, as appropriate.
6. The owner of vacation accommodation must require any tenant, guest or other person using the vacation accommodation to comply with the requirements in this Part B.

## **C. OUTSIDE EVENTS**

1. A person may permit a place to be used for, or may organize or be present at an outside event, if the provisions of this Part are complied with.
2. There is an organizer.
3. Access to the event is controlled.

4. A person must not permit a place to be used for or must not organize an outside event with a purpose described paragraph (a) of the definition of an “outside event” unless the event is held as a seated outside event.
5. Liquor service must cease at 10:00 pm and not resume until 9:00 am the following day.
6. A person must not participate in an outside event
  - (a) with a purpose described in paragraph (a) of the definition of an “outside event”, unless the event is held as a seated outside event; or
  - (b) held as a standing event, if the purpose of the event is described in paragraph (a) of the definition of “outside event”.
7. If the event is described in paragraph (a) of the definition of “outside event”
  - (a) there must be a seat available for each participant;
  - (b) No more than 50% of the seated operating capacity of a place, excluding event staff, are present for a seated outside event.
  - (c) participants must be seated throughout the place in such a way as to use all available space;
  - (d) For venues with no specified operating capacity, participants must be seated throughout the place in such a way as to use all available space and provide 2 metres separation between participants not from the same household.
  - (e) participants must be seated throughout the event, except
    - (i) to use a food or drink station;
    - (ii) to use washroom facilities;
    - (iii) to move to another seat;
    - (iv) to provide assistance to another person who requires care or first aid;
    - (v) to leave or return to the premises.
8. If the event is described in paragraph (b) of the definition of “outside event”
  - (a) No more than 50% of the operating capacity of a place, excluding event staff, are present for an outside event.
  - (b) For those places that do not have an official operating capacity, spectators maintain a distance of two metres from one another, unless they reside together

9. If there is a food or drink station,
  - (a) hand washing facilities or alcohol-based sanitizers are within easy reach of the station;
  - (b) signs reminding participants to wash or sanitize their hands before touching self-serve food, drink or other items, are posted at the self-serve station; and
  - (c) high touch surfaces at the station, and utensils that are used for self-serve, are frequently cleaned and sanitized.
10. Hand sanitation supplies are readily available to participants.
11. Toilet facilities with running water, soap and paper towels for hand washing and drying purposes, or hand sanitation supplies, are available for participants.
12. The organizer monitors the number of participants present, and ensures that the number of participants present does not exceed 50 % of the maximum capacity of the venue. If they are not seated, the organizer ensures that participants maintain a distance of two metres from one another.
13. A participant must not attend an event at which there are more participants present than are permitted in this Part, and must not enter a place, or must leave a place, if so directed by the organizer or a member of staff.
14. A participant must comply with the requirements in this Part, and with measures, or guidance or directions from the organizer or a member of staff, intended to avoid the congregation of participants.
15. If an event is held in part of a place which is completely separated from the rest of the place, additional persons who are not attending the event may be present in other parts of the place.
16. If there is more than one area in which events may be held in a place, there may be an event in each of the areas.
17. If the organizer is not the owner or occupant of the place in which an outside event is held, the owner or occupant must be satisfied that the organizer is aware of the conditions and requirements in this Part, and has the capacity to fulfill them.
18. COVID-19 safety Plan required, available upon request by enforcement officers

#### **D. INSIDE EVENTS**

1. A person may permit a place to be used for or may organize or be present at an inside event, if the provisions of this Part and Part I (Proof of vaccination) are complied with.
2. A person must not permit a place to be used for or must not organize an inside event with a purpose described in paragraph (a) (iv) to (vii), (c) or (h) of the definition of an “inside event”.
3. A person must not permit a place to be used for or must not organize an inside event with a purpose described in paragraph (a) (i) to (iii), (e), (g) of the definition of an “inside event” unless the event is held as a seated inside event.
4. A person must not participate in an inside event
  - (a) with a purpose described in paragraph (a) (i) to (iii), (e), (g) of the definition of an “inside event”, unless the event is held as a seated inside event; or
  - (b) held as a standing event, if the purpose of the event is described in paragraph (a) (i) to (iii), (e), (g) of the definition of “inside event.
5. A person must not participate in an inside event
  - (a) with a purpose described in paragraph (a) (iv) to (vii), (c) or (h) of the definition of an “inside event”;
  - (b) held as a standing event, if the purpose of the event is described in paragraph (a) (i) to (iii) of the definition of “inside event”.
6. An adult must not participate in exercise or fitness in a workout gym or fitness facility on either an individual or group basis.
7. No more than 50% of the seated capacity of the gambling area of a casino, excluding event staff, may be used.
8. Up to 50% of the seated operating capacity of a place may be used for the purpose of a seated inside event.
9. No more than 50% of the standing capacity of a place, excluding event staff, may be used for a standing event.
10. Proof of vaccination required in accordance with Section I (Proof of vaccination)
11. There is an organizer.
12. Access to the event is controlled.

13. Liquor service must cease at 10:00 pm and not resume until 9:00 am the following day.
14. If the event is described in paragraph (a) (i) to (iii), (e), (g) of the definition of “inside event”
  - (a) there must be a seat available for each participant;
  - (b) participants must be seated throughout the place in such a way as to use all available space;
  - (c) no more than 6 participants may sit at a table;
  - (d) participants must be seated throughout the event, except
    - (i) to use a food or drink station;
    - (ii) to use washroom facilities;
    - (iii) to move to another seat;
    - (iv) to provide assistance to another person who requires care or first aid;
    - (v) to leave or return to the premises.
15. If there is a food or drink station,
  - (a) hand washing facilities or alcohol-based sanitizers are within easy reach of the station;
  - (b) signs reminding participants to wash or sanitize their hands before touching self-serve food, drink or other items, are posted at the self-serve station; and
  - (c) high touch surfaces at the station, and utensils that are used for self-serve, are frequently cleaned and sanitized.
16. Hand sanitation supplies are readily available to participants.
17. Toilet facilities with running water, soap and paper towels for hand washing and drying purposes or hand sanitation supplies are available for participants.
18. Subject to further direction from me, posted on the Provincial Health Officer’s website, dance floors are closed with physical barriers or occupied with tables, unless they are being used for a dance performance.
19. A participant must comply with the requirements in this Part and in Part I, and with measures, or guidance or directions from the organizer or a member of staff, intended to avoid the congregation of participants.

20. Subject to further direction from me, posted on the Provincial Health Officer's website, participants do not dance, unless they are performing at an event, registered participants in and attending at a dance class at a dance studio, or a child or youth participating in a program for children or youth.
21. If there is more than one area in a place in which events may be held, there may be an event in each of the areas.
22. An organizer must ensure that participants comply with the face covering requirements in the *Face Coverings (COVID-19) Order*.
23. If the organizer is not the owner or occupant of the place in which an inside event is held, the owner or occupant must be satisfied that the organizer is aware of the conditions and requirements in this Part and Part I, and has the capacity to fulfill them.
24. COVID-19 safety plan required, available upon request by enforcement officers.

#### **E. FLOW THROUGH EVENTS**

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

#### **F. WORSHIP SERVICES**

1. Patrons individually may attend a place of worship for the purpose of prayer or quiet reflection
2. A person may permit a place to be used for, may organize or be present at a worship service if the provisions of this Part are complied with.

3. A faith community may use up to 50% of the seated capacity of a place for a worship service if,
  - (a) the officiant and all participants over the age of 11 years are vaccinated;
  - (b) a COVID-19 safety plan is available upon request by enforcement officers.
4. A person must not permit a place of worship to be used for, or organize, lead or participate in, a worship service inside or outside, unless the officiant and all participants over the age of 11 years are vaccinated
5. Virtual worship service or drive-in service may be provided.
  - (a) If a drive-in service is held, patrons must only attend with members of their household and remain in the vehicle for the duration of the service.
6. A participant must not gather with other participants during, before or after a virtual worship service.

**G. OWNERS AND OPERATORS OF RESTAURANTS, COFFEE SHOPS, CAFES, CAFETERIAS, FOOD PRIMARY AND LIQUOR PRIMARY ESTABLISHMENTS, INCLUDING PUBS, BARS, LOUNGES, LIQUOR MANUFACTURING FACILITIES THAT HAVE TASTING ROOMS WITH SEATING OR PRIVATE CLUBS**

1. Despite any lesser restrictions under the Provincial Food and Liquor Serving Premises Order, a premises as defined in this order, must not provide food or drink services inside except in compliance with Part C (Proof of Vaccination) of the Provincial Food and Liquor Serving Premises Order
  - (a) Definition of premises in this order includes unlicensed restaurants that don't offer table service. For example, fast food, coffee shops, food courts, food trucks and takeout-only place.
2. A premises may provide food or drink takeout, or delivery services without requiring proof of vaccination, subject to the following conditions:
  - (a) A patron may only be inside the premises for the purposes of ordering, purchasing or collecting food or drink for takeout or delivery.
  - (b) A patron and staff member must be able to maintain a distance of two metres from one another, unless there is a physical barrier between them which blocks the transmission of droplets.

- (c) A patron must maintain a distance of two metres from other patrons and from staff members, unless there is a physical barrier between them.
- 3. Premises which are licensed to serve liquor, and which do not have full meal service, must be closed.
- 4. Liquor manufacturing facilities with tasting rooms without full meal service, may stay open, but liquor service must cease at 10:00 pm and not resume until 9:00 am the following day.
- 5. If a full meal service is provided, premises may stay open, but liquor service must cease at 10:00 pm and not resume until 9:00 am the following day.

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

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

#### **I. PROOF OF VACCINATION**

- 1. This Part applies to inside events, except worship services.
- 2. This Part does not apply to
  - (a) a person under 12 years of age, or
  - (b) a person 12 to 21 years of age who is participating in a program for children or youth.
- 3. The following requirements apply with respect to an inside event:
  - (a) An organizer must obtain
    - (i) proof that a participant is vaccinated by way of proof of vaccination, or
    - (ii) proof that a participant has an exemption by way of proof of exemption.
  - (b) A participant must provide an organizer with
    - (i) proof of being vaccinated by way of proof of vaccination, or

- (ii) proof of having an exemption by way of proof of exemption.
  - (c) An organizer must not permit a participant who has not provided the organizer with
    - (i) proof of being vaccinated by way of proof of vaccination, or
    - (ii) proof of having an exemption by way of proof of exemption,
      - to enter or remain in a place for the purpose of an event or to participate in an event.
  - (d) A participant who has not provided an organizer with
    - (i) proof of being vaccinated by way of proof of vaccination,
    - (ii) or proof of having an exemption by way of proof of exemption,
      - must not enter or remain in a place for the purpose of an event or participate in an event.
  - (e) If an event takes place on more than one day, the requirements in this section apply on each of those days.
4. Commencing at 12:01 AM on December 31, 2021, an organizer must scan the QR code on a vaccine card in order to determine whether a participant is vaccinated.
  5. An organizer must not scan the QR code on a vaccine card with any tool other than a BC Vaccine Card Verifier App.
  6. Subject to section 7, an organizer must not retain proof of vaccination or proof of exemption provided by a participant, or use it for any purpose other than to confirm that a participant has been vaccinated or has an exemption, as required by this Order.
  7. Despite section 6, with the written consent of a participant, an organizer may keep a record of the fact that the participant has provided proof of vaccination or proof of exemption as required by this Part, and the organizer may rely upon this record to satisfy the requirements in this Part with respect to future participation by the participant in an event at the same place.
  8. A person, including a parent, must be vaccinated, if the person is
    - (a) leading, supervising or assisting with a program for children or youth on a volunteer basis, including if the person receives an honorarium for doing so, or
    - (b) required to be present with a child or youth at a program for children or youth.

9. A person, including a parent, who is not vaccinated must not
  - (a) lead, supervise or assist with a program for children or youth on a volunteer basis, including if the person receives an honorarium for doing so, or
  - (b) be present with a child or youth at a program for children or youth.
10. Section 3 applies with respect to a person to whom section 8 applies.
11. For certainty, neither section 8 nor 9 applies to a person who is employed to lead, supervise or assist with a program for children or youth.

This Order expires at 11:59 PM on January 31, 2022.

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 Act, I will not be accepting requests for reconsideration of this Order. For clarity, requests for reconsideration from proof of vaccination requirements under the Provincial Gathering and Events Order may be made as specified in the Provincial Gathering and Events 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. Jong Kim, Chief Medical Health Officer  
600-299 Victoria Street, Prince George, BC V2L 5B8  
Email: Jong.Kim@northernhealth.ca

DATED THIS: 24<sup>th</sup> day of December 2021



SIGNED:  
Dr. Jong Kim, MD, MSC, FRCPC  
Chief Medical Health Officer  
Northern Health

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.

### **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.

### **General emergency powers**

- 54** (1) A health officer may, in an emergency, do one or more of the following:
- (h) not reconsider an order under section 43 [*reconsideration of orders*], not review an order under section 44 [*review of orders*] or not reassess an order under section 45 [*mandatory reassessment of orders*];

### **Offences**

- 99** (1) A person who contravenes any of the following provisions commits an offence:
- (k) section 42 [*failure to comply with an order of a health officer*], except in respect of an order made under section 29 (2) (e) to (g) [*orders respecting examinations, diagnostic examinations or preventive measures*];