



VIA EMAIL

Ref. 621140

June 30, 2021

The Honourable Raj Chouhan
Speaker of the Legislative Assembly
Parliament Buildings
Victoria BC V8V 1X4
Email: speaker@leg.bc.ca

Dear Mr. Speaker:

Please find attached a report regarding Ministerial Order 273/2021 — the Protective Measures (COVID-19) Order No. 2 made under s. 10(1) of the *Emergency Program Act* and repealing M013/2021 — the Protective Measures (COVID-19) Order, effective June 28, 2021.

The provisions set out the enforcement scheme to support the Provincial Health Officer's Gatherings and Events Order and Food and Liquor Serving Premises Order.

Members may direct any questions to me in respect of this report and the effects of the attached Ministerial Order.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Farnworth".

Mike Farnworth
Minister of Public Safety
and Solicitor General

Attachment

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE MINISTER OF PUBLIC SAFETY AND
SOLICITOR GENERAL

Emergency Program Act

Ministerial Order No. M273

WHEREAS a declaration of a state of emergency throughout the whole of the Province of British Columbia was declared on March 18, 2020 because of the COVID-19 pandemic;

AND WHEREAS enforcement of protective measures remains necessary to protect public safety and alleviate the effects of the COVID-19 pandemic;

AND WHEREAS section 10 (1) of the *Emergency Program Act* provides that I may do all acts and implement all procedures that I consider necessary to prevent, respond to or alleviate the effects of any emergency or disaster;

I, Mike Farnworth, Minister of Public Safety and Solicitor General, order that, effective June 30, 2021,

- (a) the Protective Measures (COVID-19) Order made by Ministerial Order 13/2021 is repealed, and
- (b) the attached Protective Measures (COVID-19) Order No. 2 is made.

June 28, 2021

Date



Minister of Public Safety and Solicitor General

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Emergency Program Act*, R.S.B.C. 1996, c. 111, s. 10

Other: M073/2020; M013/2021; OC 366/2021

PROTECTIVE MEASURES (COVID-19) ORDER NO. 2

Definitions

1 In this order:

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

“**event**” means an in-person gathering for a purpose, in any place, and includes an event as defined in the Gatherings and Events Order;

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

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

“**gathering**” means 2 or more individuals who are gathered in person;

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

“**non-compliant gathering or event**” has the meaning set out in section 2;

“**perimeter seating**” has the same meaning as in the Gatherings and Events Order;

“**perimeter seating bus**” has the same meaning as in the Gatherings and Events Order;

“**patron**”,

(a) in relation to the Food and Liquor Serving Premises Order, has the same meaning as in the Food and Liquor Serving Premises Order, and

(b) in relation to the Gatherings and Events Order, has the same meaning as in the Gatherings and Events Order;

“**place**” has the same meaning as “a place” in the Gatherings and Events Order;

“**private residence**” has the same meaning as in the Gatherings and Events Order;

“**provincial health officer**” means the provincial health officer appointed under the *Public Health Act*;

“**vacation accommodation**” has the same meaning as in the Gatherings and Events Order.

Non-compliant gathering or event

2 For the purposes of this order, a gathering or event is non-compliant if, except as permitted under the Gatherings and Events Order,

(a) the gathering or event is prohibited by the Gatherings and Events Order,

(b) the gathering or event contravenes the conditions that apply under the Gatherings and Events Order, including in relation to

(i) a drive-in,

- (ii) a perimeter seating vehicle or perimeter seating bus, or
- (iii) a place used for sport, or
- (c) the attendance of the gathering or event at any place exceeds the number of patrons who are permitted to be present under the Gatherings and Events Order, including in a vacation accommodation or a private residence.

Food and liquor serving premises

- 3 (1) A person must not operate food and liquor serving premises in contravention of the Food and Liquor Serving Premises Order.
- (2) A patron must comply with the applicable conditions set out in the Food and Liquor Serving Premises Order.
- (3) It is not a contravention of subsection (2) if a patron only fails to comply with the measures, guidance or directions from owners, operators or staff.

Gatherings and events

- 4 (1) A person must not organize or host a non-compliant gathering or event, including, for certainty, in a private residence or vacation accommodation.
- (2) A person must not permit a place to be used for a non-compliant gathering or event.
- (3) A person must not promote, or encourage another person to attend, a non-compliant gathering or event.
- (4) A patron must not attend a non-compliant gathering or event.
- (5) When attending a gathering or event that is permitted under the Gatherings and Events Order, a patron must comply with the applicable conditions set out in the Gatherings and Events Order.
- (6) It is not a contravention of subsection (5) if a patron only fails to comply with the measures, guidance or directions from owners, operators, providers, organizers or staff.

Specific protective measures

- 5 (1) In this section, “**episodic market**”, “**passenger**” and “**retail business**” have the same meaning as in the Gatherings and Events Order.
- (2) This section applies if the Gatherings and Events Order sets out prohibitions or conditions relating to the specific places, matters or circumstances referred to in this section.
- (3) A person must not operate, or permit to be operated,
 - (a) a perimeter seating vehicle or a perimeter seating bus,
 - (b) a retail business, or
 - (c) an episodic marketin a manner that contravenes the applicable prohibitions or conditions under the Gatherings and Events Order.

- (4) A patron must not
 - (a) be a passenger in a perimeter seating vehicle or a perimeter seating bus,
 - (b) attend, enter or remain in a retail business, or
 - (c) attend, enter or remain in an episodic marketif doing so would contravene the applicable prohibitions under the Gatherings and Events Order.
- (5) When present at a place set out in subsection (4) in circumstances that are not prohibited, a patron must comply with the applicable conditions set out in the Gatherings and Events Order.
- (6) In circumstances in which travel is not permitted under the Gatherings and Events Order, a person must not engage in that travel.

General compliance matters

- 6 (1) A person must comply with a direction given by an enforcement officer under this order, including a direction to disperse.
- (2) A person must not engage in abusive or belligerent behaviour towards another person in relation to the other person's efforts
 - (a) to comply with this order, the Food and Liquor Serving Premises Order or the Gatherings and Events Order, or
 - (b) to respond to, prevent or correct contraventions of this order, the Food and Liquor Serving Premises Order or the Gatherings and Events Order.

Enforcement information to minister

- 7 A law enforcement agency and a local government must provide the minister with information in its possession, other than personal information, that the minister requests respecting the enforcement of this order by the law enforcement agency or the local government.

Provisions requiring compliance with *Liquor Control and Licensing Act*

- 8 This order does not apply to the provisions of the Food and Liquor Serving Premises Order or the Gatherings and Events Order that require compliance with the *Liquor Control and Licensing Act* or regulations made under that Act, or any directives or guidance provided by the Liquor and Cannabis Regulation Branch in accordance with that Act, as described in those orders.