



## **ORDER OF THE PROVINCIAL HEALTH OFFICER**

### ***GATHERINGS AND EVENTS***

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

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 AND PERSONS WHO ORGANIZE OR ATTEND EVENTS AT VACATION ACCOMODATION OR OTHER PLACES**

#### **WHEREAS:**

1. On March 17, 2020 I provided notice under section 52 (2) of the *Public Health Act* that the transmission of the infectious agent SARS-CoV-2, which has caused cases and outbreaks of a serious communicable disease known as COVID-19 among the population of the Province of British Columbia, constitutes a regional event as defined in section 51 of the *Public Health Act*;
2. The SARS-CoV-2 virus, an infectious agent, can cause outbreaks of COVID-19;
3. A person infected with SARS-CoV-2 can infect other people with whom the infected person is in direct contact, through droplets in the air, or from fluid containing SARS-CoV-2 left on surfaces;
4. The gathering together of people indoors or outdoors for the purpose of attending an event can promote the transmission of SARS-CoV-2 and increase the number of people who develop COVID-19;
5. For certainty, this Order does not apply to workers at a worksite when engaged in their work activities, workers living at a work camp; students, teachers or instructors at a school or post-secondary educational institution when engaged in educational activities; customers in a mall or retail establishment when engaged in shopping activities or seeking services; individuals attending an episodic vending market; individuals in a recreation centre, campground or any other place when not attending an event or to premises subject to the

**Restaurants, Coffee Shops, Cafes, Cafeterias and Licensed Premises, including Pubs, Bars, Lounges, Nightclubs and Tasting Rooms Order.**

6. For further certainty, this Order applies to meetings or conferences held in hotels or anywhere else.
7. 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) because the risk of outbreaks resulting from the gathering of people and attendance at events extends beyond the authority of one or more medical health officers and coordinated action is needed to protect the public from contracting COVID-19, 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 JULY 27, 2020 WITH RESPECT TO GATHERINGS AND EVENTS**

**Definitions in this Order:**

“**event**” refers to anything which gathers people together whether on a one-time, regular or irregular basis, including a party, worship service, ceremony or celebration of any type, reception, wedding, funeral, celebration of life, musical, theatrical or dance entertainment or performance, live band performance, disc jockey performance, strip dancing, comedic act, art show, magic show, puppet show, fashion show, book signing, reading, recitation, display, movie, film; meeting, conference, lecture, talk, educational presentation (except in a school or post-secondary educational institution); auction, fund raising benefit, contest, quiz, game, rally, festival, presentation, demonstration, or sporting or other physical activity, exhibition and fair;

“**organizer**” means the person responsible for organizing an event and the person who acts as host at an event;

“**owner**” includes an occupier or operator or person otherwise responsible for a place;

“**patron**” means an individual who attends an event but does not include staff;

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

“**a place**” may be inside or outside, and does not include vacation accommodation;

**“vacation accommodation ”** means a house, townhouse, cottage, cabin, apartment, condominium, mobile home, recreational vehicle, hotel suite, tent, yurt, houseboat or any other type of living accommodation and associated deck, garden or yard, when used for vacation purposes by the owner, tenant, guest or any other person;

1. A maximum of five individuals may attend a social gathering or an event in vacation accommodation, in addition to the occupants.
2. The owner of vacation accommodation must require any tenant, guest or other person using or occupying the vacation accommodation to comply with the requirement in section 1.
3. Subject to section 8, the gathering of more than fifty patrons at a place for the purpose of an event is prohibited.
4. An owner or operator of a place may permit up to fifty patrons to attend an event in a place if the following conditions are met:
  - a. there is an organizer of the event;
  - b. if the organizer is not the owner or operator of the place the organizer must provide the owner or operator with the first and last names and telephone number, or email address, of the patrons who attend the event;
  - c. access to the event is controlled;
  - d. the number of patrons is closely monitored;
  - e. there is sufficient space available to permit the patrons to maintain a distance of two metres from one another;
  - f. the patrons maintain a distance of two metres from one another when standing or sitting, unless they belong to the same party;
  - g. if there are tables provided for the use of patrons, no more than six patrons sit at a table, even if they belong to the same party, and there are at least two metres between the backs of the chairs at one table and the backs of the chairs at another table, unless the chairs are separated by a physical barrier;
  - h. if live performance is provided, or there is a presenter or a presider, a physical barrier must be installed between the performer, presenter or presider and the patrons which blocks the transmission of droplets from the performer, presenter or presider, or there must be at least a three metre separation between the performer, presenter or the presider and the patrons.

- i. hand sanitation supplies are readily available to patrons;
  - j. there are washroom facilities available with running water, soap and a sanitary means for drying hands for hand washing purposes or hand sanitation supplies.
5. The organizer must ensure that the conditions in section 4 are met.
6. The organizer must
  - a. collect the first and last names and telephone number, or email address, of every patron who attends an event or of every driver of a vehicle present at a drive-in event; and
  - 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.
7. If the organizer is not the owner or operator, the owner or operator must
  - a. satisfy themselves that the organizer is aware of the requirements in sections 4, 5 and 6 and, if applicable, section 8, and has the capacity to fulfill them, and
  - b. retain the names of and contact information for the patrons provided by the organizer 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.
8. If the event is a drive in, the owner or operator may permit more than fifty patrons to be present, if the following conditions, as well as the conditions in section 4, are met:
  - a. patrons only attend in a vehicle;
  - b. no more than fifty vehicles are present at the drive in;
  - c. patrons are informed that they must stay in their vehicles except to use washroom facilities, and when outside their vehicles they must maintain a distance of two metres from other patrons, and this is monitored;
  - d. no food or drink is sold.

This Order does not have an expiration date.

You are required under section 42 of the *Public Health Act* to comply with this Order. Failure to comply with this Order is an offence under section 99 (1) (k) of the *Public Health Act*.

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

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

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

If you fail to comply with this Order, I have the authority to take enforcement action against you under Part 4, Division 6 of the *Public Health Act*.

You may contact me at:

Dr. Bonnie Henry, Provincial Health Officer  
4th Floor, 1515 Blanshard Street  
PO Box 9648 STN PROV GOVT, Victoria BC V8W 9P4  
Fax: (250) 952-1570

DATED THIS: 7 day of August 2020

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

DELIVERY BY: Posting to the BC Government website, the BC Centre for Disease Control website and by email.

Enclosure: Excerpts of *Public Health Act*

## ENCLOSURE

### Excerpts of the *PUBLIC HEALTH ACT*

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#### *Public Health Act [SBC 2008] c. 28*

#### **Definitions**

**1** In this Act:

**"health hazard"** means

- (a) a condition, a thing or an activity that
  - (i) endangers, or is likely to endanger, public health, or
  - (ii) interferes, or is likely to interfere, with the suppression of infectious agents or hazardous agents, or
- (b) a prescribed condition, thing or activity, including a prescribed condition, thing or activity that
  - (i) is associated with injury or illness, or
  - (ii) fails to meet a prescribed standard in relation to health, injury or illness;

#### **When orders respecting health hazards and contraventions may be made**

**30** (1) A health officer may issue an order under this Division only if the health officer reasonably believes that

- (a) a health hazard exists,
- (b) a condition, a thing or an activity presents a significant risk of causing a health hazard,
- (c) a person has contravened a provision of the Act or a regulation made under it, or

(d) a person has contravened a term or condition of a licence or permit held by the person under this Act.

(2) For greater certainty, subsection (1) (a) to (c) applies even if the person subject to the order is complying with all terms and conditions of a licence, a permit, an approval or another authorization issued under this or any other enactment.

### **General powers respecting health hazards and contraventions**

**31** (1) If the circumstances described in section 30 [*when orders respecting health hazards and contraventions may be made*] apply, a health officer may order a person to do anything that the health officer reasonably believes is necessary for any of the following purposes:

(a) to determine whether a health hazard exists;

(b) to prevent or stop a health hazard, or mitigate the harm or prevent further harm from a health hazard;

(c) to bring the person into compliance with the Act or a regulation made under it;

(d) to bring the person into compliance with a term or condition of a licence or permit held by that person under this Act.

(2) A health officer may issue an order under subsection (1) to any of the following persons:

(a) a person whose action or omission

(i) is causing or has caused a health hazard, or

(ii) is not in compliance with the Act or a regulation made under it, or a term or condition of the person's licence or permit;

(b) a person who has custody or control of a thing, or control of a condition, that

(i) is a health hazard or is causing or has caused a health hazard, or

(ii) is not in compliance with the Act or a regulation made under it, or a term or condition of the person's licence or permit;

(c) the owner or occupier of a place where

(i) a health hazard is located, or

(ii) an activity is occurring that is not in compliance with the Act or a regulation made under it, or a term or condition of the licence or permit of the person doing the activity.

### **Specific powers respecting health hazards and contraventions**

**32** (1) An order may be made under this section only

(a) if the circumstances described in section 30 [*when orders respecting health hazards and contraventions may be made*] apply, and

(b) for the purposes set out in section 31 (1) [*general powers respecting health hazards and contraventions*].

(2) Without limiting section 31, a health officer may order a person to do one or more of the following:

(a) have a thing examined, disinfected, decontaminated, altered or destroyed, including

(i) by a specified person, or under the supervision or instructions of a specified person,

(ii) moving the thing to a specified place, and

(iii) taking samples of the thing, or permitting samples of the thing to be taken;

(b) in respect of a place,

(i) leave the place,

(ii) not enter the place,

- (iii) do specific work, including removing or altering things found in the place, and altering or locking the place to restrict or prevent entry to the place,
  - (iv) neither deal with a thing in or on the place nor dispose of a thing from the place, or deal with or dispose of the thing only in accordance with a specified procedure, and
  - (v) if the person has control of the place, assist in evacuating the place or examining persons found in the place, or taking preventive measures in respect of the place or persons found in the place;
- (c) stop operating, or not operate, a thing;
  - (d) keep a thing in a specified place or in accordance with a specified procedure;
  - (e) prevent persons from accessing a thing;
  - (f) not dispose of, alter or destroy a thing, or dispose of, alter or destroy a thing only in accordance with a specified procedure;
  - (g) provide to the health officer or a specified person information, records, samples or other matters relevant to a thing's possible infection with an infectious agent or contamination with a hazardous agent, including information respecting persons who may have been exposed to an infectious agent or hazardous agent by the thing;
  - (h) wear a type of clothing or personal protective equipment, or change, remove or alter clothing or personal protective equipment, to protect the health and safety of persons;
  - (i) use a type of equipment or implement a process, or remove equipment or alter equipment or processes, to protect the health and safety of persons;
  - (j) provide evidence of complying with the order, including

(i) getting a certificate of compliance from a medical practitioner, nurse practitioner or specified person, and

(ii) providing to a health officer any relevant record;

(k) take a prescribed action.

(3) If a health officer orders a thing to be destroyed, the health officer must give the person having custody or control of the thing reasonable time to request reconsideration and review of the order under sections 43 and 44 unless

(a) the person consents in writing to the destruction of the thing, or

(b) Part 5 [*Emergency Powers*] applies.

### **May make written agreements**

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

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

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

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

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

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

## Contents of orders

**39** (3) An order may be made in respect of a class of persons.

## Duty to comply with orders

**42** (1) A person named or described in an order made under this Part must comply with the order.

(2) Subsection (1) applies regardless of whether the person leaves the geographic area for which the health officer who made the order is designated.

## Reconsideration of orders

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

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

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

(i) meet the objective of the order, and

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

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

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

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

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

(i) is not relevant, or

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

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

(c) confirm, rescind or vary the order.

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

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

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

(7) For the purposes of this section,

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

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

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

## Review of orders

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

- (2) A request for a review may be made,
- (a) in the case of an order made by a medical health officer, to the provincial health officer, or
  - (b) in the case of an order made by an environmental health officer, to a medical health officer having authority in the geographic area for which the environmental health officer is designated.
- (3) If a review is requested, the review is to be based on the record.
- (4) If a review is requested, the reviewer may do one or more of the following:
- (a) delay the date the order is to take effect or suspend the order, if satisfied that doing so would not be detrimental to public health;
  - (b) confirm, vary or rescind the order;
  - (c) refer the matter back to the person who made the order, with or without directions.
- (5) A reviewer must provide written reasons for an action taken under subsection (4) (b) or (c), and a person may not request further review of an order.

## Offences

**99** (1) A person who contravenes any of the following provisions commits an offence:

...

(k) section 42 [*failure to comply with an order of a health officer*], except in respect of an order made under section 29 (2) (e) to (g) [*orders respecting examinations, diagnostic examinations or preventive measures*];