



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

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 BANQUET HALLS**
- TO: OWNERS AND OPERATORS OF VACATION ACCOMMODATION**
- TO: OCCUPANTS OF VACATION ACCOMMODATION AND GUESTS**
- TO: OWNERS AND OCCUPANTS OF PRIVATE RESIDENCES AND GUESTS**
- TO: OWNERS AND OPERATORS OF PLACES, INCLUDING PREMISES SUBJECT TO THE *FOOD AND LIQUOR SERVING PREMISES ORDER***
- TO: PERSONS WHO ORGANIZE EVENTS**
- TO: PERSONS WHO ATTEND EVENTS**
- TO: MEDICAL HEALTH OFFICERS**

WHEREAS:

1. On March 17, 2020 I provided notice under section 52 (2) of the *Public Health Act* that the transmission of the infectious agent SARS-CoV-2, which has caused cases and outbreaks of a serious communicable disease known as COVID-19 among the population of the Province of British Columbia, constitutes a regional event as defined in section 51 of the *Public Health Act*;
2. The SARS-CoV-2 virus, an infectious agent, can cause outbreaks of COVID-19;
3. A person infected with SARS-CoV-2 can infect other people with whom the infected person is in direct contact, through droplets in the air, or from fluid containing SARS-CoV-2 left on surfaces;

4. The gathering of people in close contact with one another can promote the transmission of SARS-CoV-2 and increase the number of people who develop COVID-19 and become seriously ill;
5. Social mingling coupled with the consumption of alcohol which increases risky behavior, and/or the presence of loud background sound which causes people to move closer together to be heard or to speak more forcefully, is associated with significant increases in the transmission of SARS-CoV-2 and increases the number of people who develop COVID-19 and become seriously ill;
6. With schools and post-secondary institutions operating and the change of seasons bringing cooler weather, people are interacting more and spending more time indoors which increases the risk of the transmission of SARS-CoV-2 in the population thereby increasing the number of people who develop COVID-19 and become seriously ill;
7. Seasonal and other celebrations in private residences have resulted in the transmission of SARS-CoV-2 and increases in the number of people who develop COVID-19 and become seriously ill;
8. For certainty, this Order does not apply to health care related events such as immunization clinics, health authority COVID-19 testing centres and blood donation clinics; court sittings wherever they occur; 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; individuals attending regularly scheduled classes or practices in a recreation centre, pool or fitness facility; customers in a mall or retail establishment when engaged in shopping activities or seeking services; individuals attending an episodic vending market such as a Farmers Market or a Community Market which is subject to the *Vending Markets Order*; individuals in a campground or any other place when not attending an event; or the use of any place for municipal, provincial or federal election purposes.
9. For further certainty, this Order applies to private residences, private clubs and meetings or conferences held in hotels or any other place.
10. 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 OCTOBER 9, 2020 WITH RESPECT TO *GATHERINGS AND EVENTS* AND CONFIRMS MY ORAL ORDER OF OCTOBER 26, 2020 LIMITING THE NUMBER OF PERSONS IN ADDITION TO THE OCCUPANTS WHO MAY GATHER IN A PRIVATE RESIDENCE

Definitions in this Order:

“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;

“event” refers to anything which gathers people together whether on a one-time, regular or irregular basis, including a gathering in vacation accommodation, a private residence, banquet hall or other place, 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, competition, quiz, game, rally, festival, presentation, demonstration, athletic, sporting or other physical activity, exhibition, market or fair, including a trade fair, agricultural fair, seasonal fair or episodic indoor event that has as its primary purpose the sale of merchandise or services e.g. Christmas craft markets, home shows, antique fairs and the like and for certainty includes a gathering proceeding or following another event;

“guest” means a person who attends an event in vacation accommodation or 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 or operator or person otherwise responsible for a place;

“patron” means a person who attends an event, including a guest and an occupant for the purposes of Part B, but does not include staff in a place subject to the *Food and Liquor Serving Premises* order, event staff, volunteers, vendors, exhibitors, performers, presenters, the members of a team engaged in an event, team managers, coaches, persons such as referees, time keepers or score keepers, and staff associated with any of the foregoing;

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

“**a place**” includes areas both inside and outside, and premises not ordinarily open to the public, but does not include a private residence, vacation accommodation or a banquet hall;

“**occupant**” means an individual who occupies vacation accommodation or resides in a private residence;

“**private event**” means an event only open to individuals who are known to, and invited by name by, the person by whom, or on whose behalf, the event is organized;

“**private residence**” includes areas both inside and outside;

“**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;

A. BANQUET HALLS:

1. The holding of an event in a banquet hall *[see definition above]* is prohibited.
2. For certainty, this does not include the use of banquet halls for the purposes of holding municipal, provincial or federal elections, or health care related events such as immunization clinics, health authority COVID-19 testing centres or blood donation clinics.

B. VACATION ACCOMMODATION AND PRIVATE RESIDENCES

1. The gathering of more than six guests in addition to the occupants in vacation accommodation *[see definition above]* or a private residence *[see definition above]* for the purposes of an event is prohibited.
2. Subject to the maximum number in section 1, a guest may only attend an event in vacation accommodation or a private residence if there is space available inside to permit all individuals who do not reside together to maintain a distance of two metres from one another.
3. The owner of vacation accommodation must require any tenant, guest or other person using or occupying the vacation accommodation to comply with section 1.
4. Occupants and guests must comply with sections 1 and section 2.

C. PLACES NOT SUBJECT TO THE *FOOD AND LIQUOR SERVING PREMISES ORDER*

1. Subject to section 15, the gathering of more than fifty patrons at a place [*see definition above*] for the purpose of an event is prohibited.
2. Up to fifty patrons may attend an event in a place if the following conditions are met:
 - a. there is an organizer of the event;
 - b. access to the event is controlled;
 - c. the number of patrons is closely monitored;
 - d. there is sufficient space available to permit the patrons to maintain a distance of two metres from one another;
 - e. the patrons maintain a distance of two metres from one another when standing or sitting, unless they belong to the same party;
 - f. measures are put in place to prevent the congregation of patrons outside the place, such as by taking reservations and requesting patrons to remain in their cars or elsewhere until notified by telephone or an App that there is room for them;
 - g. the place is assessed for areas where patrons may congregate, and measures are put in place to avoid congregation;
 - h. physical devices, markers or other methods are used to guide and assist patrons in maintaining a distance of two metres from other patrons, if they are not seated;
 - i. if there are tables provided for the use of patrons, no more than six patrons 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;
 - j. if live performance is provided, or there is a presenter or a presider, there is a physical barrier between the performer, presenter or presider and the patrons which blocks the transmission of droplets from the performer, presenter or presider, or there is at least a three metre separation between the performer, presenter or presider and the patrons;
 - k. patrons must not engage in Karaoke or dance on the premises;
 - l. jam and open mic sessions must not be held on the premises;
 - m. 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.
 - n. hand sanitation supplies are readily available to patrons;
 - o. washroom facilities with running water, soap and paper towels for hand washing and drying purposes, or hand sanitation supplies, are available.
3. Subject to a maximum number of fifty patrons, the owner of a place in which events are hosted must calculate the maximum number of patrons who can be accommodated safely during an event, taking into consideration the requirements of this order and must document this number in the safety plan with respect to events.
4. The organizer must monitor the number of patrons present during an event and ensure that the number of patrons present does not exceed the maximum number documented in the safety plan with respect to events.
5. If an event is in a part of 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 on the premises under the 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.
6. If there are one or more separate premises in a place, there may be an event in each of the premises as long as
 - a. patrons attending an event do not have contact with patrons attending an event in other premises in the place, or with individuals who are in the place but not in the premises in which the event is being held;
 - b. there is a separate entrance to each of the premises in which an event is being held; and
 - c. there are separate washrooms for each of the premises.
7. During an event, patrons who leave the place in which an event is being held must not be replaced by other patrons.
8. Following an event, and during an appropriate interval of time before any subsequent event commences, a place must be cleaned, sanitized and ventilated while there are no

patrons present. There must be a sufficient period of time between events to permit a place to be cleaned, sanitized and ventilated without any patrons being present and to ensure that patrons leaving one event do not have contact with patrons arriving for a subsequent event. Patrons must disperse immediately after an event and must not congregate with patrons who are leaving the event or arriving for a subsequent event.

9. Liquor service must stop at 10:00 pm;
10. At an event at which liquor is served the event must conclude and patrons vacate the premises by 11:00 pm.
11. There must be no liquor consumed on the premises by any person, including patrons, owners, operators, organizers or staff after 11:00 pm.
12. At an event at which liquor is served
 - a. the obligations under sections 61 (2) of the *Liquor Control and Licensing Act* must be complied with,
 - b. the directives and guidance provided by the Liquor and Cannabis Regulation Branch to ensure that patrons do not over order, overconsume or binge drink must be followed (see [Liquor and Cannabis Regulation Branch website](#)), and
 - c. the authority under section 61 (3) of the *Liquor Control and Licensing Act* must be exercised when appropriate
13. The organizer must ensure that the conditions, requirements and obligations in sections 1, 2 and 4 to 12 are met.
14. 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.
15. If the event is a drive in, the organizer may permit more than fifty patrons to be present, if the following conditions, as well as the requirements in section 14, 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.
16. If the organizer is not the owner or operator, the owner or operator must satisfy themselves that the organizer is aware of the requirements in sections 1, 2 and 4 to 13 or, if applicable, section 15, and has the capacity to fulfill them.
17. Patrons must comply with
- a. the limitation on the number of patrons permitted to gather in section 1,
 - b. the distancing and other requirements in sections 2 (e) and (i), 11 and 15 (a) and (c), and
 - c. measures, and guidance and directions from owners, operators, organizers or staff, designed to avoid the gathering of more than the permitted number of patrons or the congregation of patrons.

D. PLACES SUBJECT TO THE *FOOD AND LIQUOR SERVING PREMISES* ORDER

1. The gathering of more than fifty patrons at a place [*see definition above*] which is subject to the *Food and Liquor Serving Premises* order for the purpose of an event is prohibited.
2. Subject to a maximum number of fifty patrons, the owner of food and liquor serving premises in which events are hosted must calculate the maximum number of patrons who can be accommodated safely during an event, taking into consideration the requirements of this order and must document this number in the safety plan with respect to events.
3. The organizer must monitor the number of patrons present during an event and ensure that the number of patrons present does not exceed the maximum number documented in the safety plan with respect to events.
4. If the event is a private event, Part C applies.
5. If the event is open to the public the following conditions apply:
 - a. sections 2 (a), (b), (j) and (m); and 7 to 12 of Part C apply;
 - b. patrons must be able to maintain a distance of two metres from other patrons, unless they are separated by physical barriers;

- c. if patrons remain on the premises, other than tasting rooms with a liquor manufacturer licence, after being served or serving themselves, there must be sufficient seating for them, whether at tables, booths or counters, and patrons must be seated;
- d. in licensed premises, other than cafeterias, private clubs or tasting rooms with a liquor manufacturer licence, patrons must be assigned to a table, booth or counter and shown to their seats and patrons must stay in the seat assigned to them and must not move from table to table;
- e. liquor may only be served to patrons who are seated, other than in cafeterias, private clubs or tasting rooms with a liquor manufacturer licence;
- f. patrons must remain seated in all premises, other than cafeterias, private clubs or tasting rooms with a liquor manufacturer's licence, except to use a self-serve food or non-alcoholic drink station, use washroom facilities or leave the premises;
- g. there must be a sufficient number of staff at premises, other than cafeterias, private clubs or tasting rooms with a liquor manufacturer's licence, to ensure that patrons remain seated;
- h. there must be a sufficient number of staff at premises, other than cafeterias, private clubs or tasting rooms with a liquor manufacturer's licence, to ensure that patrons do not congregate in areas of the premises;
- i. patrons who are not in the same party must be seated two metres apart from one another, unless they are separated by a physical barrier;
- j. there must be no more than six patrons seated at a table or booth, even if they belong to the same party;
- k. there must be a distance of two metres between the backs of the seats of patrons seated at adjacent tables or booths, even if members of the same party are seated at adjacent tables or booths, unless the adjacent tables or booths are separated by physical barriers;
- l. there must be two metres between patrons seated at a counter, unless the patrons are in the same party or they are separated by physical barriers;
- m. if a party of patrons is seated at a counter, there must be no more than six members of the party seated less than two metres apart from one another, unless they are separated by a physical barrier from other members of the party who are seated adjacent to them at the counter;

- n. measures must be put in place to prevent the congregation of patrons outside the premises, such as by taking reservations and requesting patrons to remain in their cars or elsewhere until notified by telephone or an App that there is seating available for them on the premises;
 - o. the premises must be assessed for places where patrons may congregate, and measures put in place to avoid congregation;
 - p. physical devices, markers or other methods to guide and assist patrons in maintaining a distance of two metres from other patrons if they are not seated must be used.
 - q. the premises must be monitored, and patrons reminded to maintain a distance of two metres from one another.
 - r. if there are physical barriers between tables or booths or seats at a counter, the tops and bottoms of the physical barriers must be positioned so that the physical barriers block the transmission of droplets produced by breathing, talking, coughing or sneezing between patrons who are seated at adjacent tables, booths or seats at a counter;
 - s. dance floors must be closed with physical barriers or occupied with tables;
 - t. patrons must not sing, engage in Karaoke or dance on the premises;
 - u. jam and open mic sessions must not be held on the premises;
 - v. background music and any other background sounds, such as from televisions or other electronic sound producing devices, must be no louder than the volume of normal conversation;
 - w. if background music is provided by a live performer or performers or a disc jockey, a physical barrier must be installed between the performers or disc jockey and the patrons which blocks the transmission of droplets produced by performers or disc jockey, or there must be at least a three metre separation between performers and patrons;
6. The organizer must ensure that the conditions in section 5 are met.
 7. If the organizer is not the owner or operator, the owner or operator must be satisfied that the organizer is aware of the requirements which apply to the event and has the capacity to fulfill them.
 8. Patrons must comply with
 - a. the limitation on the number of patrons permitted to gather in section 1,

- b. the distancing and other requirements in sections 5 (d), (f), (i), (j) (k), (l), (m), and (t) and sections 10 and 11 in Part C, and
- c. measures, and guidance and directions from owners, operators, organizers or staff, designed to avoid the gathering of more than the permitted number of patrons or the congregation of patrons.

E. 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 or not additional or more restrictive steps need to be taken to reduce the risk arising from people gathering together, **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, with respect to gatherings and events in the geographic area of the province, or a 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 a medical health officer order 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 conditions than this Order applies in the geographic area of the province, or a 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.

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 the me when this Order was issued,
2. Have a proposal that was not presented to me when this Order was issued but, if implemented, would
 - (a) meet the objective of the order, and

(b) be suitable as the basis of a written agreement under section 38 [may make written agreements]

3. Require more time to comply with the order.

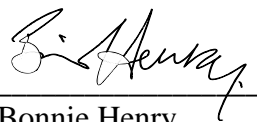
Under section 43 (6) an Order is not suspended during the period of reconsideration unless the health officer agrees, in writing, to suspend it.

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

You may contact me at:

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

DATED THIS: 30th day of October 2020

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

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

Enclosure: Excerpts of the *Public Health Act* and the *Liquor Control and Licensing Act*.

ENCLOSURE

Excerpts of the *Public Health Act* [SBC 2008] c. 28

Definitions

1 In this Act:

"health hazard" means

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

When orders respecting health hazards and contraventions may be made

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

- (a) a health hazard exists,
- (b) a condition, a thing or an activity presents a significant risk of causing a health hazard,
- (c) a person has contravened a provision of the Act or a regulation made under it, or
- (d) a person has contravened a term or condition of a licence or permit held by the person under this Act.

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

General powers respecting health hazards and contraventions

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

- (a) to determine whether a health hazard exists;
- (b) to prevent or stop a health hazard, or mitigate the harm or prevent further harm from a health hazard;
- (c) to bring the person into compliance with the Act or a regulation made under it;
- (d) to bring the person into compliance with a term or condition of a licence or permit held by that person under this Act.

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

- (a) a person whose action or omission
 - (i) is causing or has caused a health hazard, or
 - (ii) is not in compliance with the Act or a regulation made under it, or a term or condition of the person's licence or permit;
- (b) a person who has custody or control of a thing, or control of a condition, that
 - (i) is a health hazard or is causing or has caused a health hazard, or
 - (ii) is not in compliance with the Act or a regulation made under it, or a term or condition of the person's licence or permit;
- (c) the owner or occupier of a place where
 - (i) a health hazard is located, or
 - (ii) an activity is occurring that is not in compliance with the Act or a regulation made under it, or a term or condition of the licence or permit of the person doing the activity.

Specific powers respecting health hazards and contraventions

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

- (a) if the circumstances described in section 30 [*when orders respecting health hazards and contraventions may be made*] apply, and
- (b) for the purposes set out in section 31 (1) [*general powers respecting health hazards and contraventions*].

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

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

(i) use a type of equipment or implement a process, or remove equipment or alter equipment or processes, to protect the health and safety of persons;

(j) provide evidence of complying with the order, including

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

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

(k) take a prescribed action.

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

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

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

May make written agreements

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

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

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

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

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

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

Contents of orders

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

Duty to comply with orders

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

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

Reconsideration of orders

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

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

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

(i) meet the objective of the order, and

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

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

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

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

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

(i) is not relevant, or

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

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

(c) confirm, rescind or vary the order.

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

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

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

(7) For the purposes of this section,

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

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

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

Review of orders

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

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

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

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

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

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

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

(b) confirm, vary or rescind the order;

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

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

Offences

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

...

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

Excerpts of the *Liquor Control and Licensing Act* [SBC 2015] Chapter 19

Conduct at event site or in establishment, service area or liquor store

61 (2) A licensee or permittee or an employee of either must not

(a) sell or serve liquor to an intoxicated person or a person showing signs of intoxication, or

(b) allow

(i) a person in a service area to become intoxicated,

(ii) an intoxicated person to enter or remain in a service area,

(3) A licensee or permittee or an employee of either may,

(a) if he or she believes a person is intoxicated,

(i) request that the person leave a service area, or

(ii) forbid the person from entering a service area,