

Compare Results

Old File:

PHO September 10 2021.pdf

19 pages (417 KB)

2021-09-11, 8:37:18 AM

versus

New File:

October 25 PHO.pdf

20 pages (421 KB)

2021-10-26, 11:52:10 AM

Total Changes

95

Text only comparison

Content

64 Replacements

24 Insertions

7 Deletions

Styling and Annotations

0 Styling

0 Annotations

[Go to First Change \(page 1\)](#)

Summary of Comments on Acr207410291756823587170.tmp

This page contains no comments



ORDER OF THE PROVINCIAL HEALTH OFFICER

(Pursuant to Sections 30, 31, 32, 39, 54, 66, 67 (2) and 69 *Public Health Act*, S.B.C. 2008)

***GATHERINGS AND EVENTS* OCTOBER 25, 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






TO: PERSONS WHO ORGANIZE EVENTS

TO: PERSONS WHO ATTEND EVENTS

TO: MEDICAL HEALTH OFFICERS

WHEREAS:

- A. On March 17, 2020, I provided notice under section 52 (2) of the *Public Health Act* that the transmission of the infectious agent SARS-CoV-2, which has caused cases and outbreaks of a serious communicable disease known as COVID-19 among the population of the Province of British Columbia, constitutes a regional event as defined in section 51 of the *Public Health Act*;
- B. A person infected with SARS-CoV-2 can infect other people with whom the infected person is in contact;
- C. Vaccines, which prevent or reduce the risk of infection with SARS-CoV-2, have been and continue to be made available in British Columbia;
- D. While substantial progress has been made in vaccinating the population of British Columbia 12 years of age and older, a significant portion of the public is unvaccinated, which is resulting in increases in cases, hospitalizations, and intensive care admissions, primarily in unvaccinated people, although it is also causing illness in vaccinated people. This situation has been exacerbated by the presence of the highly transmissible Delta variant of SARS-CoV-2 in British Columbia.
- E. Unvaccinated persons are at much greater risk than vaccinated person of being infected with SARS-CoV-2, of experiencing higher rates of complications and death, and of transmitting SARS-CoV-2 to other persons, including vaccinated persons;

	Number: 1	Author: Text Inserted	Subject: Text	Date: Indeterminate
<hr/>				
"56,"				
	Number: 2	Author: Text Replaced	Subject: Text	Date: Indeterminate
<hr/>				
[Old]: "-- SEPTEMBER 10,"				
[New]: "OCTOBER 25,"				
	Number: 3	Author: Text Replaced	Subject: Text	Date: Indeterminate
<hr/>				
[Old]: "higher"				
[New]: "much greater"				
	Number: 4	Author: Text Replaced	Subject: Text	Date: Indeterminate
<hr/>				
[Old]: "persons"				
[New]: "person"				
	Number: 5	Author: Text Replaced	Subject: Text	Date: Indeterminate
<hr/>				
[Old]: "SARS-CoV-2 and of transmitting SARS-CoV-2 to other persons."				
[New]: "SARS-CoV-2, of experiencing higher rates of complications and death, and of transmitting SARS-CoV-2 to other persons, including vaccinated persons;"				

- F. People who are vaccinated can be infected with SARS-CoV-2 and can transmit SARS-CoV-2, although this is much less likely than in the case of unvaccinated people.
- G. 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, and increases in the number of people who develop COVID-19 and become seriously ill;
- H. Vaccination is safe, very 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;
- I. The 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;
- J. 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-CoV2, and to provide care for those who become ill with COVID-19;
- K. Preserving the ability of the public health and health care systems to protect and care for the health needs of the population is critical;
- L. Various options for establishing vaccine status, including in paper and online format, are readily available to members of the public;
- M. 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.
- N. 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;
- O. 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;
- P. Gatherings and events which involve large numbers of people 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;
- Q. 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

Number: 1 Author: Text Replaced Subject: Text Date: Indeterminate

[Old]: "Evidence is emerging that even people"
[New]: "People"

Number: 2 Author: Text Inserted Subject: Text Date: Indeterminate

"G. 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 SARSCoV-2, and increases in the number of people who develop COVID-19 and become seriously ill; H. Vaccination is safe, very 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; I. The 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; J. 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-CoV2, and to provide care for those who become ill with COVID-19; K. Preserving the ability of the public health and health care systems to protect and care for the health needs of the population is critical;"

Number: 3 Author: Text Inserted Subject: Text Date: Indeterminate

"N. 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; O. 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;"

Number: 4 Author: Text Inserted Subject: Text Date: Indeterminate

"2"

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;

- R. I further recognize that constitutionally-protected interests include the rights and freedoms guaranteed by the *Canadian Charter of Rights and Freedoms*, including specifically freedom of religion and conscience, freedom of thought, belief, opinion and expression, freedom of peaceful assembly and freedom of association. These freedoms, and the other rights protected by the *Charter*, are not, however, absolute and are subject to reasonable limits, prescribed by law as can be demonstrably justified in a free and democratic society. These limits include proportionate, precautionary and evidence-based restrictions to prevent loss of life, serious illness and disruption of our health system and society. When exercising my powers to protect the health of the public from the risks posed by COVID-19, I am aware of my obligation to choose measures that limit the *Charter* rights and freedoms of British Columbians less intrusively, where this is consistent with public health principles. In consequence, I am not prohibiting outdoor assemblies for the purpose of communicating a position on a matter of public interest or controversy, subject to my expectation that persons organizing or attending such an assembly will take the steps and put in place the measures recommended in the guidelines posted on my website in order to limit the risk of transmission of COVID-19.
1. In addition, I recognize 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;
- T. After weighing the health interests of participants and staff at gatherings and events, against the interests of persons who are not vaccinated for reasons other than medical deferral, and taking into account the importance of protecting the health of participants and staff, the stress under which the public health and health care systems are currently operating, and the impact this is having on the provision of health care to the population, the burden which responding to more clusters and outbreaks of COVID-19 would put on the public health system, the burden which responding to more patients with serious illness would place upon an already overburdened health care system, and the risk inherent in accommodating persons who are not vaccinated, I have decided not to consider a request for an exemption by way of a variance under section 43 of the *Public Health Act*, other than on the basis of a medical deferral to vaccination.
- U. 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; swimming pools, unless the location of an event; 2 fitness facilities which are located in a workplace for the benefit of workers, in a

Number: 1 Author: Text Replaced Subject: Text Date: Indeterminate

[Old]: "L. 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, and school boards when holding a meeting or public hearing without members of the public attending in person; the"

[New]: "S. In addition, I recognize 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; T. After weighing the health interests of participants and staff at gatherings and events, against the interests of persons who are not vaccinated for reasons other than medical deferral, and taking into account the importance of protecting the health of participants and staff , the stress under which the public health and health care systems are currently operating, and the impact this is having on the provision of health care to the population, the burden which responding to more clusters and outbreaks of COVID-19 would put on the public health system, the burden which responding to more patients with serious illness would place upon an already overburdened health care system, and the risk inherent in accommodating persons who are not vaccinated, I have decided not to consider a request for an exemption by way of a variance under section 43 of the Public Health Act, other than on the basis of a medical deferral to vaccination. U. 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"

Number: 2 Author: Text Replaced Subject: Text Date: Indeterminate

[Old]: "skating rinks when not being used for adult sport; fitness facilities which are part"

[New]: "fitness facilities which are located in a workplace for the benefit of workers, in a"

Number: 3 Author: Text Replaced Subject: Text Date: Indeterminate

[Old]: "2"

[New]: "3"

residential building for the benefit of residents, in a hotel for the benefit of guests; rehabilitation or exercise therapy programs; worship services; 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 when engaged in their work activities, including staff meetings; work camps; before, during or after school programs for students of public or independent schools (schools); educational activities for students of schools or post-secondary institutions in any location when provided by a school or post-secondary institution; language courses; employment related training; the use of any place for local, provincial or federal government purposes; services provided by or on behalf of any level of government;

47. Part B, section 15, and Part C, section 14, do not apply to the Province as owner of a place.

W. I have reason to believe and do believe that

- a. the continued presence of large numbers of unvaccinated people in the population, particularly in some age groups and some communities where vaccination rates continue to be low, continues to pose a risk to the health of the population, and constitutes a health hazard. This is because unvaccinated people can be the source of viral transmission to other unvaccinated people, and also to vaccinated people who are not completely immune consequent to their vaccination, either because of a reduced immune response or only having had one dose of vaccine. These infections can result in serious illness, hospitalization, intensive care unit admission for care and death.
- b. it is in the public interest for me to exercise the powers in sections 30, 31, 32, 39, 54, 66, 67 (2) and 69 of the *Public Health Act* **TO ORDER** as follows:

THIS ORDER REPEALS AND REPLACES MY ORDER OF SEPTEMBER 10, 2021 WITH RESPECT TO GATHERINGS AND EVENTS







DEFINITIONS:

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

“event” means a gathering of persons for a purpose;

“inside event” means

- (a) An organized seated gathering of more than 50 participants in an inside place for entertainment, choral, musical, gambling or business purposes, or arts or crafts education or classes, and includes a concert, theatrical production, dance or symphony performance, lecture, presentation, workshop, wedding reception, or funeral reception not held at a funeral home;

	Number: 1	Author: Text Replaced	Subject: Text	Date: Indeterminate
[Old]: "of a hotel or similar establishment;"				
[New]: "residential building for the benefit of residents, in a hotel for the benefit of guests;"				
	Number: 2	Author: Text Replaced	Subject: Text	Date: Indeterminate
[Old]: "before"				
[New]: "before, during"				
	Number: 3	Author: Text Replaced	Subject: Text	Date: Indeterminate
[Old]: "institutions; teachers or instructors at a school or a postsecondary educational institution when engaged in educational activities with their students in any location;"				
[New]: "institutions in any location when provided by a school or post-secondary institution;"				
	Number: 4	Author: Text Inserted	Subject: Text	Date: Indeterminate
"V. Part B, section 15, and Part C, section 14, do not apply to the Province as owner of a place. W."				
	Number: 5	Author: Text Inserted	Subject: Text	Date: Indeterminate
"the"				
	Number: 6	Author: Text Replaced	Subject: Text	Date: Indeterminate
[Old]: "dose."				
[New]: "dose of vaccine."				
	Number: 7	Author: Text Inserted	Subject: Text	Date: Indeterminate
"56,"				
	Number: 8	Author: Text Replaced	Subject: Text	Date: Indeterminate
[Old]: "JULY 7,"				
[New]: "SEPTEMBER 10,"				
	Number: 9	Author: Text Replaced	Subject: Text	Date: Indeterminate
[Old]: ""event" means a seated in-person"				
[New]: ""adult" means a person 19 years of age or older; "event" means a gathering of persons for a purpose; "inside event" means (a) An organized seated gathering of more than 50 participants in an inside place for entertainment, choral, musical, gambling or business purposes, or arts or crafts education or classes, and includes a concert, theatrical production, dance or symphony performance, lecture, presentation, workshop, wedding reception, or funeral reception not held at a funeral home;"				
	Number: 10	Author: Text Inserted	Subject: Text	Date: Indeterminate
"4"				

- 1b) An organized standing gathering of more than 50 participants in an inside place for social, recreational or business purposes, including the unseated portion of a conference, convention, commercial trade fair, home show or sponsored ticketed party;
- (c) An organized gathering of any number of participants in an inside place for the purpose of an adult sports activity, an adult exercise or fitness activity or class, or an adult dance class;
- (d) A sports event in an inside place;
- (e) A program for children or youth in an inside place;

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

“outside event” means an organized gathering of participants in an outside place with seating provided for spectators;

“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;

4 photo identification 3 means one of the following:

- 5) a photo BC Services Card within the meaning of the Identification Card regulation;
- 6) a temporary or permanent driver’s licence, issued by a government of a province of Canada;
- 7) 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;
- 8) United States military identification card;

9 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, 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, vacation accommodation, 10 a tent;

-
- 1** Number: 1 Author: Text Replaced Subject: Text Date: Indeterminate
[Old]: "gathering in a place with seating; "organizer" means the person responsible for organizing an event; "participant" means a person who attends an event, but does not include an organizer, event staff member, official, performer, player, athlete, officiant, or any other person who is acting in an official or service capacity;"
[New]: "(b) An organized standing gathering of more than 50 participants in an inside place for social, recreational or business purposes, including the unseated portion of a conference, convention, commercial trade fair, home show or sponsored ticketed party; (c) An organized gathering of any number of participants in an inside place for the purpose of an adult sports activity, an adult exercise or fitness activity or class, or an adult dance class; (d) A sports event in an inside place; (e) A program for children or youth in an inside place; "organizer" means the person responsible for organizing an event; "outside event" means an organized gathering of participants in an outside place with seating provided for spectators; "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;"
-
- 2** Number: 2 Author: Text Deleted Subject: Text Date: Indeterminate
"physical barrier" means a barrier which is designed, installed and maintained in accordance with WorkSafeBC guidance at <https://www.worksafebc.com/en/resources/healthsafety/information-sheets/covid-19-health-safety-designing-effective-barriers?lang=en>;"
-
- 1** Number: 3 Author: Text Replaced Subject: Text Date: Indeterminate
[Old]: ""program for children or youth" means"
[New]: "means one of the following:"

Font "TimesNewRomanPS-BoldMT" changed to "TimesNewRomanPSMT".
-
- 1** Number: 4 Author: Text Inserted Subject: Text Date: Indeterminate
"photo identification"
-
- 1** Number: 5 Author: Text Inserted Subject: Text Date: Indeterminate
"a) a photo BC Services Card within the meaning of the Identification Card regulation;"
-
- 1** Number: 6 Author: Text Replaced Subject: Text Date: Indeterminate
[Old]: "a structured educational program, including home education or distributed learning, music, art, drama, dance, recreational, sport, exercise, or social activity supervised by an adult and provided for persons under 22 years of age;"
[New]: "b) a temporary or permanent driver's licence, issued by a government of a province of Canada;"

Font "TimesNewRomanPSMT" changed to "Times".
-
- 1** Number: 7 Author: Text Inserted Subject: Text Date: Indeterminate
"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;"
-
- 1** Number: 8 Author: Text Inserted Subject: Text Date: Indeterminate
"g) United States military identification card;"
-
- 1** Number: 9 Author: Text Inserted Subject: Text Date: Indeterminate
"physical barrier" means a barrier which is designed, installed and maintained in accordance with WorkSafeBC guidance at <https://www.worksafebc.com/en/resources/healthsafety/information-sheets/covid-19-health-safety-designing-effective-barriers?lang=en>;"
-
- 1** Number: 10 Author: Text Replaced Subject: Text Date: Indeterminate
[Old]: "tent"
[New]: "or a tent;"
-
- 1** Number: 11 Author: Text Replaced Subject: Text Date: Indeterminate
[Old]: "3"
[New]: "5"

1program for children or youth” means a structured educational program, including home education or distributed learning, music, art, drama, dance, recreational, sport, exercise, or social activity and provided primarily for persons under 22 years of age;

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

2vaccinated” means to have received one or two doses of a vaccine.

3vaccine” means a World Health Organization approved vaccine for use against the infectious agent SARS-CoV-2;

“vaccine card” means the following:

- a) in the case of a person who is more than 18 years of age, photo identification and proof in one of the following forms that the holder is vaccinated:
 - i. electronic proof or a printed copy of an electronic proof
 - (A) issued by the government in the form of a QR code, accessible through the “BC Services Card” electronic online platform, and
 - (B) showing the name of the holder;
 - ii. proof in writing, issued by the government for the purpose of showing proof of vaccination in accordance with orders made under the *Public Health Act*;
 - iii. a type of proof, whether electronic or in writing, that is issued
 - (A) by the government of Canada or of a province of Canada, and
 - (B) 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;
- b) in the case of a person who is 12 to 18 years of age, proof in a form referred to in paragraph a) (i), (ii) or (iii).

A. EVENTS

1. A person must not permit a place to be used for, organize or be present at an event, except in compliance with this Order.

Number: 1 Author: Text Replaced Subject: Text Date: Indeterminate

[Old]: "or a premises as defined in the Food and Liquor Serving Premises Order;"

[New]: "'program for children or youth" means a structured educational program, including home education or distributed learning, music, art, drama, dance, recreational, sport, exercise, or social activity and provided primarily for persons under 22 years of age;"

Font "TimesNewRomanPSMT" changed to "TimesNewRomanPS-BoldMT".

Number: 2 Author: Text Inserted Subject: Text Date: Indeterminate

"vaccinated" means to have received one or two doses of a vaccine."

Number: 3 Author: Text Inserted Subject: Text Date: Indeterminate

"vaccine" means a World Health Organization approved vaccine for use against the infectious agent SARS-CoV-2; "vaccine card" means the following: a) in the case of a person who is more than 18 years of age, photo identification and proof in one of the following forms that the holder is vaccinated: i. electronic proof or a printed copy of an electronic proof (A) issued by the government in the form of a QR code, accessible through the "BC Services Card" electronic online platform, and (B) showing the name of the holder; ii. proof in writing, issued by the government for the purpose of showing proof of vaccination in accordance with orders made under the Public Health Act; iii. a type of proof, whether electronic or in writing, that is issued (A) by the government of Canada or of a province of Canada, and (B) 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; b) in the case of a person who is 12 to 18 years of age, proof in a form referred to in paragraph a) (i), (ii) or (iii)."

Number: 4 Author: Text Replaced Subject: Text Date: Indeterminate


[Old]: "4"


[New]: "6"


2. 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.


B. 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. No more than 5,000 persons, or 50% of the seated operating capacity of a place, excluding event staff, whichever number is greater, are present.
3. There is an organizer.
4. Access to the event is controlled.
5. There is seating available for each participant.
6. Participants are seated throughout the place in such a way as to use all available space.
7. 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.
8. Hand sanitation supplies are readily available to participants.
9. Toilet facilities with running water, soap and paper towels for hand washing and drying purposes, or hand sanitation supplies, are available for participants.
10. The organizer monitors the number of persons present, and ensures that the number of persons present does not exceed the maximum number permitted for the event.
11. A participant must not attend an event at which there are more persons 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.


	Number: 1	Author: Text Replaced	Subject: Text	Date: Indeterminate
[Old]: "An"				
[New]: "For certainty, a. an"				


	Number: 2	Author: Text Replaced	Subject: Text	Date: Indeterminate
[Old]: "event. 3. An"				
[New]: "event; and b. an"				

	Number: 3	Author: Text Deleted	Subject: Text	Date: Indeterminate
"and Part D"				

	Number: 4	Author: Text Replaced	Subject: Text	Date: Indeterminate
[Old]: "Subject to further direction from me, posted on my website, no"				
[New]: "No"				

	Number: 5	Author: Text Replaced	Subject: Text	Date: Indeterminate
[Old]: "an outside"				
[New]: "the"				










	Number: 6	Author: Text Deleted	Subject: Text	Date: Indeterminate
"outside"				

	Number: 7	Author: Text Replaced	Subject: Text	Date: Indeterminate
[Old]: "5"				
[New]: "7"				

12. 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.
13. 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.
14. 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.
15. 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.

C. 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 D are complied with.
2. Up to 100% of the seated operating capacity of a place may be used for the purpose of a seated inside event, and up to 100% of the standing operating capacity of a place may be used for the purpose of a standing inside event.
3. There is an organizer.
4. Access to the event is controlled.
5. Subject to section 6, if the event is described in paragraph (a), (c), (d) or (e) of the definition of “inside event”
 - (a) There is seating available for each participant, and each participant is provided with a seat.
 - (b) Participants are seated throughout the place in such a way as to use all available space.
6. Despite section 5, if the event is described in paragraphs (c), (d) or (e) of the definition of “inside event”, section 5 only applies to participants who are spectators.
7. 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

	Number: 1 Author: Text Replaced	Subject: Text	Date: Indeterminate
[Old]: "Part and Part D," [New]: "Part,"			
	Number: 2 Author: Text Replaced	Subject: Text	Date: Indeterminate
[Old]: "operator" [New]: "occupant"			
	Number: 3 Author: Text Replaced	Subject: Text	Date: Indeterminate
[Old]: "operator" [New]: "occupant"			
	Number: 4 Author: Text Replaced	Subject: Text	Date: Indeterminate
[Old]: "Part and Part D, and" [New]: "Part, and"			
	Number: 5 Author: Text Replaced	Subject: Text	Date: Indeterminate
[Old]: "Subject to further direction from me posted on my website, no more than 50 persons, or 50% of the seated operating capacity of the place, excluding event staff, whichever number is greater, are present." [New]: "Up to 100% of the seated operating capacity of a place may be used for the purpose of a seated inside event, and up to 100% of the standing operating capacity of a place may be uses for the purpose of a standing inside event."			
	Number: 6 Author: Text Replaced	Subject: Text	Date: Indeterminate
[Old]: "There is seating available for each participant, and each participant is assigned to a seat or a table. 6." [New]: "Subject to section 6, if the event is described in paragraph (a), (c), (d) or (e) of the definition of "inside event" (a) There is seating available for each participant, and each participant is provided with a seat. (b)"			
	Number: 7 Author: Text Replaced	Subject: Text	Date: Indeterminate
[Old]: "Participants stay in the seat to which they are assigned, and do not move from seat to seat. 8. Participants at an event, other than a program for children or youth, remain seated, unless movement, such as getting up to speak at a meeting, or to read, is necessary for the purpose of the event, or in order to a. be served at a serving counter, obtain a meal or snack in a take-away container, or use a self-serve food or drink station, b. use washroom facilities, c. provide assistance to another person who requires care or first aid, or d. leave or return to the place." [New]: "Despite section 5, if the event is described in paragraphs (c), (d) or (e) of the definition of " inside event", section 5 only applies to participants who are spectators."			
	Number: 8 Author: Text Deleted	Subject: Text	Date: Indeterminate
"12. There are a sufficient number of staff to ensure that a. participants remain seated, and"			
	Number: 9 Author: Text Replaced	Subject: Text	Date: Indeterminate
[Old]: "6" [New]: "8"			


- c. high touch surfaces at the station, and utensils that are used for self-serve, are frequently cleaned and sanitized.
8. Hand sanitation supplies are readily available to participants.
 9. Toilet facilities with running water, soap and paper towels for hand washing and drying purposes or hand sanitation supplies are available for participants.
 10. Subject to further direction from me, posted on my website, dance floors are closed with physical barriers or occupied with tables, unless they are being used for a dance performance.
 11. A participant must comply with the requirements in this Part and in Part D, and with measures, or guidance or directions from the organizer or a member of staff, intended to avoid the congregation of participants.
 12. Subject to further direction from me, posted on my website, participants do not dance, unless they are registered participants in and attending at a dance class at a dance studio or a recreation facility, or a child or youth participating in a program for children or youth.
 13. 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.
 14. 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 D, and has the capacity to fulfill them.


D. PROOF OF VACCINATION


1. This Part applies to inside events, and sections 7 and 8 apply to a program for children or youth, whether held inside or outside.
2. This Part does not apply to
 - i. a person under 12 years of age, or
 - ii. a person 12 to 21 years of age who is participating in a program for children or youth or in a sports event.


10 The following requirements apply with respect to an inside event:


- a. An organizer must obtain proof in the form of a vaccine card that a participant has received two doses of vaccine.
- b. A participant must provide an organizer with proof in the form of a vaccine card of having received two doses of vaccine.


 Number: 1 Author: Text Deleted Subject: Text Date: Indeterminate
"b. participants do not congregate in parts of the place."


 Number: 2 Author: Text Replaced Subject: Text Date: Indeterminate
[Old]: "14. Subject to further direction from me, posted on my website, participants do not dance. 15. The organizer monitors the number of persons present, and ensures that the number of persons present does not exceed the maximum number permitted for an inside event. 16. A participant must not attend an inside event at which there are more persons 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. 17. A participant must comply with the requirements in this Part and Part D, and with measures, or guidance or directions from the organizer or a member of staff, intended to avoid the congregation of participants. 18. 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."
[New]: "11. A participant must comply with the requirements in this Part and in Part D, and with measures, or guidance or directions from the organizer or a member of staff, intended to avoid the congregation of participants. 12. Subject to further direction from me, posted on my website, participants do not dance, unless they are registered participants in and attending at a dance class at a dance studio or a recreation facility, or a child or youth participating in a program for children or youth."


 Number: 3 Author: Text Replaced Subject: Text Date: Indeterminate
[Old]: "operator"
[New]: "occupant"


 Number: 4 Author: Text Replaced Subject: Text Date: Indeterminate
[Old]: "operator"
[New]: "occupant"


 Number: 5 Author: Text Replaced Subject: Text Date: Indeterminate
[Old]: "D"
[New]: "D,"

 Number: 6 Author: Text Replaced Subject: Text Date: Indeterminate
[Old]: "c. but does not include a program for children or youth, or a meeting of 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, at which members of the public attend in person; "organizer" includes a person in charge of a place at which an event is held; "photo identification" means one of the following: a) a photo BC Services Card within the meaning of the Identification Card regulation; b) a driver's licence, issued by a government of a province of Canada and including a photograph of the holder; 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; "post-secondary institution" includes an entity that provides any of the following programs: (a) an educational or training program provided under (i) the College and Institute Act, (ii) the Royal Roads University Act, (iii) the Thompson Rivers University Act, (iv) the University Act, (v) the Private Training Act, or (vi) the Chartered Professional Accountants Act; (b) a program provided in accordance with a consent given under the Degree Authorization Act; (c) a theological education or training program provided under an Act; "vaccine" means a World Health Organization approved vaccine for use against the infectious agent SARS-CoV-2; "vaccine card" means the following: a) in the case of a person who is more than 18 years of age, photo identification and proof in one of the following forms that the holder is vaccinated:"
[New]: "program for children or youth, whether held inside or outside. 2. This Part does not apply to i. a person under 12 years of age,"

 Number: 7 Author: Text Replaced Subject: Text Date: Indeterminate
[Old]: "does not apply to a person under 12 years of age. 2. In this Part "event" means a. a gathering of more than 50 participants in an inside place for social, entertainment, dancing, choral, musical, recreational, gambling, arts or crafts, or business and includes a ticketed sports activity, concert, theatrical production, dance or symphony performance, festival, conference, convention, trade fair, home show, workshop, wedding reception, funeral reception not at a funeral home, and a sponsored, ticketed party; b. a gathering of participants in an inside place for the purpose of an adult sports activity, or an exercise, fitness or dance activity or class;"
[New]: "applies to inside events, and sections 7 and 8 apply to a"

 Number: 8 Author: Text Deleted Subject: Text Date: Indeterminate
"7"

 Number: 9 Author: Text Replaced Subject: Text Date: Indeterminate
[Old]: "i. electronic proof or a printed copy of an electronic proof (A) issued by the government in the form of a QR code, accessible through the "BC Services Card" electronic online platform, and (B) showing the name of the holder; ii. proof in writing, issued by the government for the purpose of showing proof of vaccination in accordance with orders made under the Public Health Act; iii. a type of proof, whether electronic or in writing, that is issued (A) by the government of Canada or of a province of Canada, and (B) 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; b) in the case of a person who is 12 to 18 years of age, proof in a form referred to in paragraph a) (i), (ii) or (iii). "vaccinated" means to have received a one or two doses of a vaccine. 3. Commencing on September 13, 2021, and ending on October 23, 2021, and subject to a direction posted on my website by the medical health officer requiring that a person must have received two doses of vaccine before entering a place, or a class of place, in the geographic area of the Province for which the medical health officer is designated, the following requirements come into effect with respect to an event: a. An organizer must obtain proof in the form of a vaccine card that a participant has received at least one dose of vaccine. b. A participant must provide an organizer with proof in the form of a vaccine card of having received a least one dose of vaccine. c. An organizer must not permit a participant, who has not provided the organizer with proof in the form of a vaccine card of having received at least one dose of vaccine, to enter or remain in a place for the purpose of an event. d. A participant who has not provided an organizer with proof in the form of a vaccine card of having received at least one dose of vaccine must not enter or remain in a place for the purpose of an event"
[New]: "or ii. a person 12 to 21 years of age who is participating in a program for children or youth or in a sports"

 Number: 10 Author: Text Replaced Subject: Text Date: Indeterminate
[Old]: "e. Despite the requirements in section 3 (a) to (d), between September 13, 2021 and September 26, 2021, a participant may provide the paper record of vaccination which the participant received at the time of vaccination from the person administering the vaccination, and photo identification, as proof that the participant has received at least one dose of vaccine. f. If an event takes place on more than one day, the requirements in this section apply on each of those

- c. high touch surfaces at the station, and utensils that are used for self-serve, are frequently cleaned and sanitized.
8. Hand sanitation supplies are readily available to participants.
9. Toilet facilities with running water, soap and paper towels for hand washing and drying purposes or hand sanitation supplies are available for participants.
10. Subject to further direction from me, posted on my website, dance floors are closed with physical barriers or occupied with tables, unless they are being used for a dance performance.
11. A participant must comply with the requirements in this Part and in Part D, and with measures, or guidance or directions from the organizer or a member of staff, intended to avoid the congregation of participants.
12. Subject to further direction from me, posted on my website, participants do not dance, unless they are registered participants in and attending at a dance class at a dance studio or a recreation facility, or a child or youth participating in a program for children or youth.
13. 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.
14. 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 D, and has the capacity to fulfill them.

D. PROOF OF VACCINATION

1. This Part applies to inside events, and sections 7 and 8 apply to a program for children or youth, whether held inside or outside.
2. This Part does not apply to
 - i. a person under 12 years of age, or
 - ii. a person 12 to 21 years of age who is participating in a program for children or youth or in a sports event.
3. The following requirements apply with respect to an inside event:
 - a. An organizer must obtain proof in the form of a vaccine card that a participant has received two doses of vaccine.
 - b. A participant must provide an organizer with proof in the form of a vaccine card of having received two doses of vaccine.

days. 4. Commencing on October 24, 2021, the following requirements come into effect and replace the requirements in section 3 with respect to an

[New]: "3. The following requirements apply with respect to an inside"

 Number: 11 Author: Text Inserted Subject: Text Date: Indeterminate

"g"

- c. An organizer must not permit a participant who has not provided the organizer with proof in the form of a vaccine card of having received two doses of vaccine to enter or remain a place for the purpose of an event or to participate in an event.
 - d. A participant who has not provided an organizer with proof in the form of a vaccine card of having received two doses of vaccine 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. An operator must not scan the QR code on a vaccine card with any tool other than a BC Vaccine Card Verifier App.
 5. Subject to section 4, an organizer must not retain proof of vaccination or identification provided by a participant, or use it for any purpose other than to confirm that a participant has been vaccinated, as required by this Order.
 6. Despite section 5, with the written consent of a participant, an organizer may keep a record of the fact that the participant has provided proof of being vaccinated in compliance with this Part until this Order expires or is repealed, 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.
 6. An adult must have received two doses of vaccine if the adult is leading, supervising or assisting with a program for children or youth, whether the program takes place inside or outside.
 8. An adult who had not received two doses of vaccine must not lead, supervise or assist with a program for children or youth, whether the program takes place inside or outside.

E. DELEGATION OF AUTHORITY TO THE MEDICAL HEALTH OFFICER TO CONSIDER AND MAKE A DECISION WITH RESPECT TO A REQUEST FOR RECONSIDERATION MADE UNDER SECTION 43 RELATING TO AN EVENT OR PLACE OR A REQUEST FOR AN EXEMPTION ON A MEDICAL BASIS

Under the authority vested in me by section 69 of the *Public Health Act*, I delegate my authority under section 43 of the *Public Health Act* to the medical health officer for the geographic region of the Province in which an event occurs or will occur, or a place is located, in order to receive, consider, and make a decision with respect to a request for reconsideration of the application of this Order to the event or the place, and to the medical health officer for the geographic region in which a person resides, to receive,

Number: 1 Author: Text Inserted Subject: Text Date: Indeterminate
"an event or to participate in"

Number: 2 Author: Text Inserted Subject: Text Date: Indeterminate
"an event or participate in"

Number: 3 Author: Text Replaced Subject: Text Date: Indeterminate
[Old]: "card, or paper record of vaccination,"
[New]: "card"

Number: 4 Author: Text Replaced Subject: Text Date: Indeterminate
[Old]: "7,"
[New]: "6,"

Number: 5 Author: Text Replaced Subject: Text Date: Indeterminate
[Old]: "6,"
[New]: "5,"

Number: 6 Author: Text Replaced Subject: Text Date: Indeterminate
[Old]: "E. DELEGATION OF AUTHORITY TO THE MEDICAL HEALTH OFFICER TO CONSIDER AND MAKE A DECISION WITH RESPECT TO A REQUEST FOR RECONSIDERATION MADE UNDER SECTION 43 WITH RESPECT TO THIS ORDER Under the authority vested in me by section 69 of the Public Health Act, I delegate my authority under section 43 of the Public Health Act to the medical health officer for the geographic region of the Province in which a person resides, an event occurs,"
[New]: "7. An adult must have received two doses of vaccine if the adult is leading, supervising or assisting with a program for children or youth, whether the program takes place inside or outside. 8. An adult who had not received two doses of vaccine must not lead, supervise or assist with a program for children or youth, whether the program takes place inside or outside. E. DELEGATION OF AUTHORITY TO THE MEDICAL HEALTH OFFICER TO CONSIDER AND MAKE A DECISION WITH RESPECT TO A REQUEST FOR RECONSIDERATION MADE UNDER SECTION 43 RELATING TO AN EVENT OR PLACE OR A REQUEST FOR AN EXEMPTION ON A MEDICAL BASIS Under the authority vested in me by section 69 of the Public Health Act, I delegate my authority under section 43 of the Public Health Act to the medical health officer for the geographic region of the Province in which an event occurs or will occur,"

Font "Times,Bold" changed to "TimesNewRomanPSMT".

Number: 7 Author: Text Inserted Subject: Text Date: Indeterminate
"to the event or the place, and to the medical health officer for the geographic region in which a person resides, to receive,"

Consider and make a decision with respect to a request from the person seeking a medical exemption.

F. SPECIFICATION AND DESIGNATION OF THE MEDICAL HEALTH OFFICER TO RECEIVE A NOTICE UNDER SECTION 56 (2) OF THE PUBLIC HEALTH ACT AND TO ISSUE AN INSTRUCTION

Under the authority vested in me by section 56 of the *Public Health Act*, I designate the medical health officer to receive a written notice from a medical or nurse practitioner under section 56 (2) with respect to a person residing in the geographic region of the Province for which the medical health officer is designated, and designate the medical health officer to issue an instruction to the person in response to the notice, if reasonably practical.

G. RELATED MEDICAL HEALTH OFFICERS ORDERS

Recognizing that the risk differs in different regions of the province, and that medical health officers are in the best position to assess local circumstances and to determine whether additional or more restrictive steps need to be taken to reduce the risk of the transmission of COVID-19, **I FURTHER ORDER:**

1. A medical health officer may issue a direction provided for in Part D or an order further to this Order, for the purpose of having the provisions of the direction or the order incorporated into this Order. A direction or order may add further prohibitions, or impose more restrictive limitations or conditions, in the whole or part of the geographic area of the Province for which the medical health officer is designated and, subject to section 2, the provisions of the direction or order are incorporated into this Order when posted on my website. For certainty, a contravention of a direction or order of a medical health officer issued further to this Order, and posted on my website, is a contravention of this Order.
2. While it is in force, a provision in a direction or order made by a medical health officer further to this Order and posted on my website, which adds further prohibitions or imposes more restrictive limitations or requirements than this Order, applies in the whole or part of the geographic area of the Province for which the medical health officer is designated, despite the provisions of this Order.

This Order expires at 12:01 A.M. on January 31, 2022.

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*.

Number: 1 Author: Text Replaced Subject: Text Date: Indeterminate

[Old]: "to that person, that event, or to that place. F."

[New]: "consider and make a decision with respect to a request from the person seeking a medical exemption. F. SPECIFICATION AND DESIGNATION OF THE MEDICAL HEALTH OFFICER TO RECEIVE A NOTICE UNDER SECTION 56 (2) OF THE PUBLIC HEALTH ACT AND TO ISSUE AN INSTRUCTION Under the authority vested in me by section 56 of the Public Health Act, I designate the medical health officer to receive a written notice from a medical or nurse practitioner under section 56 (2) with respect to a person residing in the geographic region of the Province for which the medical health officer is designated, and designate the medical health officer to issue an instruction to the person in response to the notice, if reasonably practical. G."

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*.

Pursuant to section 43 of the *Public Health Act*, you may request a medical health officer [see below] to reconsider this Order if you:

- (a) have additional relevant information that was not reasonably available to me or another health officer when the order was issued or varied,
- (b) have a proposal that was not presented to me or another 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) require more time to comply with the order.


A request for reconsideration [2] from a person seeking an exemption from the requirement to be vaccinated or to provide proof of vaccination will only be considered if you are making a request on the basis of a medical deferral to a vaccination. The request must be made on the basis that the health of the person would be seriously jeopardized if the person were to comply with Order, and must follow the guidelines posted on the Provincial Health Officer's website (<https://www2.gov.bc.ca/gov/content/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer/current-health-topics/covid-19-novel-coronavirus>).


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 a review of this Order.


A request under section 43 may be submitted to the Provincial Health Officer at HOExemptions@gov.bc.ca with the subject line "Request for Reconsideration about Proof of Vaccination".


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


 Number: 1 Author: Text Inserted Subject: Text Date: Indeterminate
"see below]"

 Number: 2 Author: Text Replaced Subject: Text Date: Indeterminate
[Old]: "of this Order on the basis of a medical contraindication made by a person to whom the Order applies must include a signed and dated statement from a medical practitioner, based upon a current assessment, that the health of the person would be seriously jeopardized if the person were to receive a first or second dose of vaccine, and a signed and dated copy of each portion of the person's health record relevant to this statement."
[New]: "from a person seeking an exemption from the requirement to be vaccinated or to provide proof of vaccination will only be considered if you are making a request on the basis of a medical deferral to a vaccination. The request must be made on the basis that the health of the person would be seriously jeopardized if the person were to comply with Order, and must follow the guidelines posted on the Provincial Health Officer's website (<https://www2.gov.bc.ca/gov/content/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer/current-health-topics/covid-19-novel-coronavirus>). 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 a review of this Order."

 Number: 3 Author: Text Replaced Subject: Text Date: Indeterminate
[Old]: "ProvHlthOffice@gov.bc.ca"
[New]: "PHOExemptions@gov.bc.ca"

 Number: 4 Author: Text Inserted Subject: Text Date: Indeterminate
"12"

DATED THIS: 15th day of October 2021

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

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

Enclosure: Excerpts of the *Public Health Act*.

1 Number: 1 Author: Text Replaced [Old]: "10" [New]: "25"	Subject: Text	Date: Indeterminate
1 Number: 2 Author: Text Replaced [Old]: "September" [New]: "October"	Subject: Text	Date: Indeterminate
1 Number: 3 Author: Text Replaced [Old]: "12" [New]: "13"	Subject: Text	Date: Indeterminate

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.

 Number: 1 Author: Text Replaced Subject: Text Date: Indeterminate
[Old]: "13"
[New]: "14"

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.

Number: 1 Author: Text Replaced Subject: Text Date: Indeterminate
[Old]: "14"
[New]: "15"

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;

 Number: 1 Author: Text Replaced Subject: Text Date: Indeterminate
[Old]: "15"
[New]: "16"

- (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.

 Number: 1 Author: Text Replaced Subject: Text Date: Indeterminate
[Old]: "16"
[New]: "17"

(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.

 Number: 1 Author: Text Replaced Subject: Text Date: Indeterminate
[Old]: "17"
[New]: "18"

(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*];




Emergency preventive measures







56 (1) The provincial health officer or a medical health officer may, in an emergency, order a person to take preventive measures within the meaning of section 16 [*preventive measures*], including ordering a person to take preventive measures that the person could otherwise avoid by making an objection under that section.

(2) If the provincial health officer or a medical health officer makes an order under this section, a person to whom the order applies must comply with the order unless the person delivers to a person specified by the provincial health officer or medical health officer, in person or by registered mail,

(a) a written notice from a medical practitioner stating that the health of the person who must comply would be seriously jeopardized if the person did comply, and

(b) a copy of each portion of that person's health record relevant to the statement in paragraph (a), signed and dated by the medical practitioner.

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-  Number: 1 Author: Text Inserted Subject: Text Date: Indeterminate
"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];"
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-  Number: 2 Author: Text Replaced Subject: Text Date: Indeterminate
[Old]: "(a) act"
[New]: "(h)"
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-  Number: 3 Author: Text Replaced Subject: Text Date: Indeterminate
[Old]: "in a shorter or longer time period than is otherwise required; (b) not provide a notice that is otherwise required; (c) do orally what must otherwise be done in writing; (d) in respect of a licence or permit over which"
[New]: "Emergency preventive measures 56 (1)The provincial health officer or a medical health officer may, in an emergency, order a person to take preventive measures within the meaning of section 16 [preventive measures], including ordering a person to take preventive measures that the person could otherwise avoid by making an objection under that section."

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-  Number: 4 Author: Text Inserted Subject: Text Date: Indeterminate
"(2)"
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-  Number: 5 Author: Text Replaced Subject: Text Date: Indeterminate
[Old]: "has authority under section 55 [acting outside designated terms during emergencies] or the regulations, suspend or vary the licence or permit without providing an opportunity to dispute the action; (e) specify in an order a facility, place, person or procedure other than as required under section 63 [power to establish directives and standards], unless an order under that section specifies that the order applies in an emergency; (f) omit from an order things that are otherwise required; (g) serve an order in any manner; (h)"
[New]: "or a medical health officer makes an order under this section, a person to whom the order applies must comply with the order unless the person delivers to a person specified by the provincial health officer or medical health officer, in person or by registered mail, (a) a written notice"
-
-  Number: 6 Author: Text Inserted Subject: Text Date: Indeterminate
"If the provincial"
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-  Number: 7 Author: Text Deleted Subject: Text Date: Indeterminate
"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];"
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-  Number: 8 Author: Text Replaced Subject: Text Date: Indeterminate
[Old]: "(i) exempt an examiner from providing examination results to an examined person; (j) conduct an inspection at any time, with or without a warrant, including of a private dwelling; (k) collect, use or disclose information, including personal information, (i) that could not otherwise be collected, used or disclosed, or (ii) in"
[New]: "from a medical practitioner stating that the health of the person who must comply would be seriously jeopardized if the person did comply, and (b) a copy of each portion of that person's health record relevant to the statement in paragraph (a), signed and dated by the medical practitioner."
-
-  Number: 9 Author: Text Replaced Subject: Text Date: Indeterminate
[Old]: "18"
[New]: "19"

13) If a person delivers a notice under subsection (2), the person must comply with an instruction of the provincial health officer or a medical health officer, or a person designated by either of them, for the purposes of preventing infection with, or transmission of, an infectious agent or a hazardous agent.

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*];

 Number: 1 Author: Text Replaced Subject: Text Date: Indeterminate

[Old]: "a form or manner other than the form or manner required. (2) An order that may be made under this Part may be made in respect of a class of persons or things, and may make different requirements for different persons or things or classes of persons or things or for different geographic areas."

[New]: "(3) If a person delivers a notice under subsection (2), the person must comply with an instruction of the provincial health officer or a medical health officer, or a person designated by either of them, for the purposes of preventing infection with, or transmission of, an infectious agent or a hazardous agent."

 Number: 2 Author: Text Replaced Subject: Text Date: Indeterminate

[Old]: "19"

[New]: "20"