

**GATHERINGS AND EVENTS**  
**COVID-19 ORDER for INTERIOR HEALTH AUTHORITY**  
**SEPTEMBER 13, 2021**

**ORDER OF THE MEDICAL HEALTH OFFICER**

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

The *Public Health Act* and Regulations are at:

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

- TO: ALL PERSONS WHO ORGANIZE OR ATTEND EVENTS IN INTERIOR HEALTH**
- TO: OWNERS AND OCCUPANTS OF PRIVATE RESIDENCES IN INTERIOR HEALTH**
- TO: OWNERS AND OCCUPANTS OF VACATION ACCOMMODATION IN INTERIOR HEALTH**
- TO: OWNERS AND OPERATORS OF PLACES IN INTERIOR HEALTH**

In the matter of an ORDER made pursuant to Part 4 Division 4 of the *British Columbia Public Health Act*, I, **Dr. Sue Pollock**, Chief Medical Health Officer (Interim), Interior Health Authority, **Kelowna, BC**, am of the opinion that a Public Health Hazard exists in the Interior Health Region for the following reasons:

- A. On March 17, 2020 the Provincial Health Officer, Dr. Bonnie Henry, provided notice under section 52 (2) of the *Public Health Act* that the transmission of the infectious agent SARS-CoV-2, which has caused cases, clusters and outbreaks of a serious communicable disease known as COVID-19 among the population of the Province of British Columbia, constitutes a regional event as defined in section 51 of the *Public Health Act*;
- B. The SARS-CoV-2 virus, an infectious agent, can cause outbreaks of COVID-19 and 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;
- C. Social interactions and close contact between people are associated with increases in the transmission of SARS-CoV-2, and increases in the number of people who develop COVID-19 and become seriously ill;
- D. People spending time together indoors increases the risk of the transmission of SARS-CoV-2 in the population, thereby increasing the number of people who develop COVID-19 and become seriously ill;
- E. Gatherings and events in private residences, vacation accommodation and other places continue to pose a risk of promoting the transmission of SARS-CoV-2 and increasing the number of people who develop COVID-19 and become seriously ill;

- F. Virus variants of concern, which are more transmissible and have the potential to cause more serious illness, including among younger populations, are now present in Canada and the Province, and have heightened the risk to the population;
- G. There has been a recent increase in the number of persons infected with COVID-19, in the Interior Health Authority (hereinafter collectively referred to as the “**Affected Area**” or “Interior Health”);
- H. This increase has resulted in increased cases of COVID-19, clusters of people with COVID-19, outbreaks of COVID-19, the transmission of COVID-19 to surrounding communities, and in particular, in populations who are not yet vaccinated an increase in contracting more serious COVID-19 illness, all of which increases the risk of hospitalizations, intensive care admissions, and deaths;
- I. Vaccines, which prevent or reduce the risk of infection with SARS-CoV-2, have been and continue to be made available in British Columbia, including in the Affected Area;
- J. While substantial progress has been made in vaccinating the population 12 years of age and older of British Columbia in general and of the Affected Area in particular, 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 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 in general, and in the Affected Area in particular;
- K. Unvaccinated persons are at higher risk than vaccinated persons of being infected with SARS-CoV-2 and of transmitting SARS-CoV-2 to other persons;
- L. Evidence is emerging that even 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;
- M. Various options for establishing vaccine status, including in paper and online format, are readily available to members of the public;
- N. Programs that require proof of vaccination be provided have been shown to increase vaccination uptake in populations, thereby reducing the public health risk of COVID-19;
- O. 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;
- P. For certainty, this Order applies to private residences, vacation accommodation and private clubs and organizations;
- 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 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 created by gatherings and events;

- 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 of Rights and Freedoms of residents of and visitors to the Interior Health Region 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;
- S. This Order does not apply to a council, board, or trust committee of a local authority as defined under the Community Charter, or the *Local Government Act* when holding a meeting or public hearing without members of the public attending in person; the distribution of food or other supplies to people in need; health or social services provided to people in need, such as cooling centres and emergency reception centres; worship services, health care related events such as immunization clinics, COVID-19 testing centres and blood donation clinics; court sittings wherever they occur; workers at a workplace when engaged in their work activities; workers living at a work camp; students, teachers or instructors at a school, or a post-secondary educational institution when engaged in educational activities; public pools and public skating rinks when not associated with an event; customers in a service business; a volunteer work party engaged in gardening, vegetation removal, trail building or a similar outside activity; the use of any place for local government, provincial or federal election purpose; or a rehabilitation or an exercise therapy program; outdoor temporary markets (Farmers Markets); and

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 under the *Public Health Act*. This is because unvaccinated people can be a 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. These infections can result in serious illness, hospitalization, intensive care unit admission for care and death.
- b. There is an immediate and urgent need for focused action in the Affected Area to reduce the rate of transmission of COVID-19, and that 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:

**RECOGNIZING THAT THERE IS CURRENTLY A HEIGHTENED LEVEL OF RISK OF TRANSMISSION OF COVID-19 IN THE AFFECTED AREA, THIS ORDER IS ISSUED FURTHER TO SECTION F.1 OF THE PROVINCIAL HEALTH OFFICER'S GATHERINGS AND EVENTS ORDER, DATED SEPTEMBER 10, 2021 (THE "PROVINCIAL GATHERINGS AND EVENTS ORDER"), AND,**

**ON PUBLICATION OF THIS ORDER ON THE PROVINCIAL HEALTH OFFICER'S WEBSITE, THIS ORDER IS INCORPORATED INTO THE PROVINCIAL GATHERINGS AND EVENTS ORDER.**

**A CONTRAVENTION OF THIS ORDER IS A CONTRAVENTION OF THE PROVINCIAL GATHERINGS AND EVENTS ORDER.**

**TO THE EXTENT THAT THE PROVISIONS OF THIS ORDER ARE INCONSISTENT WITH THE PROVISIONS OF THE PROVINCIAL GATHERINGS AND EVENTS ORDER, THE PROVISIONS OF THIS ORDER SUPERSEDE THE INCONSISTENT PROVISIONS OF THE PROVINCIAL GATHERINGS AND EVENTS ORDER FOR THE AFFECTED AREA.**

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

**THIS ORDER REPEALS AND REPLACES INTERIOR HEALTH'S GATHERING AND EVENTS ORDER OF AUGUST 20, 2021.**

### **Definitions**

1 In this order:

**“event”** refers to an in-person gathering of people in any place whether private or public, inside or outside, organized or not, on a one-time, regular or irregular basis. Only those events listed under section S above are exempt from this Order;

**“lifecycle event”** means a wedding ceremony, baptism, funeral, medical assistance in dying, and Jewish divorce court proceedings;

**“occupant”** means an individual who occupies vacation accommodation or resides in 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, operator or person otherwise responsible for a place;

**“participant”** means a person, including a child or youth, 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;

**“patron”** means a participant;

**“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”** includes areas both inside and outside, an area open to the public and an area not open to the public, a banquet hall, private residence, vacation accommodation, a perimeter seating vehicle or a perimeter seating bus;

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

**“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 supervised by an adult and provided 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 associated deck, garden or yard, in which the owner, tenant, guest or any other person is residing, but which is not the person’s primary residence.

#### **A. PRIVATE RESIDENCES AND VACATION ACCOMMODATION**

1. A person who is not an occupant must not be present at a private residence or vacation accommodation, except as provided for in this Part.
2. An occupant must not be present at an event at a private residence or vacation accommodation, if there is a person present who is not an occupant, except as provided for in this Part.
3. An occupant may organize or host, and a person may attend, an event or social gathering, including a lifecycle event, inside a private residence or vacation accommodation at which:
  - a. the occupants of one other private residence or vacation accommodation, and any event staff, are present in addition to the occupants; or
  - b. up to a maximum of five people, including any event staff, are present in addition to the occupants; and
  - c. in either case, those in attendance, wear a mask, or are protected by physical barrier or two metres distancing.
4. An occupant may organize or host, and a person may attend, an event outside a private residence or vacation accommodation, including on a deck or patio, at which up to fifty people, including any event staff, are present in addition to the occupants, if the following conditions are met:
  - a. hand sanitation supplies are readily available;
  - b. no person who is attending the event and who is not an occupant goes inside, except for the purpose of using the washroom facilities, or the kitchen in the case of event staff; and
  - c. those in attendance, wear a mask, or are protected by physical barrier or two metres distancing.
5. The owner of vacation accommodation must require any tenant, guest or other person using the vacation accommodation to comply with the requirement in section 1(3) and 1(4).
6. A person must not organize, host or attend an event held inside or outside a private residence or vacation accommodation, except as provided for in this Order.

7. A person who is not an occupant or event staff must not organize or host an event at a private residence or vacation accommodation.
8. Parts C to I of this Order do not apply to private residences and vacation accommodation.

**B. 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.
2. An event held in a tent with one or more sides is an inside event.
3. An event held in a tent without any sides is an outside event.

**C. OUTSIDE EVENTS WITH PROOF OF FULL VACCINATION**

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 and Part I 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 an outside event.
11. A participant must not attend an outside event at which there are more persons present than are permitted in this Part, and must not enter or must leave a place if so directed by the organizer or a member of staff.

12. A participant must comply with the requirements in this Part and Part I, 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 of the place in which an outside event is held, the owner must be satisfied that the organizer is aware of the conditions and requirements in this Part and Part I, and has the capacity to fulfill them.

#### **D. OUTSIDE EVENTS WITHOUT PROOF OF FULL VACCINATION**

1. This Part D covers outside events that do not meet the vaccination requirements of Part I.
2. This Part D expires at midnight on October 23, 2021.
3. A person may permit an outside place, to be used for, and a person may organize, host, officiate at or attend, an outside event, including a lifecycle event, with up to 100 persons present, excluding any event staff, if the following conditions are met:
  - a. the organizers of and participants in the outside event comply with their respective obligations with respect to proof of partial vaccination that are set out in Part D of the [Provincial Gatherings and Events Order](#);
  - b. if they are not seated, participants maintain a distance of two metres from one another, unless they reside together;
  - c. if there is a self-serve snack or non-alcoholic drink station,
    - i. hand washing facilities or alcohol-based sanitizers are within easy reach of the station,
    - ii. signs reminding participants to wash or sanitize their hands before touching self-serve food, drink or other items, and to maintain a two metre distance from other participants, 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,
  - d. measures are taken to prevent congregation at snack or non-alcoholic drink stations, and at washroom facilities;
  - e. participants do not congregate at food or non-alcoholic drink stations, or at washroom facilities;
  - f. hand sanitation supplies are readily available; and
  - g. participants do not move into a fully enclosed structure at the place.

4. A person must not permit a place to be used for, or organize, host, officiate at or attend an outside event, unless the conditions in this Part are met.

**E. INSIDE EVENTS WITH PROOF OF FULL VACCINATION**

1. A person may permit a place to be used for, or may organize or be present at an inside event, if the provisions of this Part and Part I are complied with.
2. No more than 50 persons, or 50% of the seated operating capacity of the 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, and each participant is assigned to a seat or a table.
6. Participants are seated throughout the place in such a way as to use all available space.
7. 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 at a service or ceremony, 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.
9. If there is a food or drink station:
  - a. hand washing facilities or alcohol-based sanitizers are within easy reach of the station;
  - b. signs reminding participants to wash or sanitize their hands before touching self-serve food, drink or other items, are posted at the self-serve station; and
  - c. high touch surfaces at the station, and utensils that are used for self-serve, are frequently cleaned and sanitized.
10. Hand sanitation supplies are readily available to participants.
11. Toilet facilities with running water, soap and paper towels for hand washing and drying purposes or hand sanitation supplies are available for participants.



12. There are a sufficient number of staff to ensure that:
  - a. participants remain seated, and
  - b. participants do not congregate in parts of the place.
13. Dance floors are closed with physical barriers or occupied with tables, unless they are being used for a dance performance.
14. 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 I, 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.
19. 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.
20. If the organizer is not the owner of the place in which an inside event is held, the owner must be satisfied that the organizer is aware of the conditions and requirements in this Part and Part I, and has the capacity to fulfill them.

#### **F. INSIDE EVENTS WITHOUT PROOF OF FULL VACCINATION**

1. This Part F covers inside events that do not meet the vaccination requirements of Part I.
2. This Part F expires at midnight on October 23, 2021.
3. A person may permit an inside place to be used for, and a person may organize, host, officiate at or attend an inside event, including a lifecycle event, if the following conditions are met:
  - a. the organizers of and participants in the inside event comply with their respective obligations with respect to proof of partial vaccination that are set out in Part D of the [Provincial Gatherings and Events Order](#);
  - b. no more than fifty persons, excluding any event staff, or a lesser number who can be accommodated safely as provided for in section 4 are present;
  - c. there is a COVID-19 safety plan;
  - d. there is an organizer;

- e. measures are put in place to prevent the congregation of participants outside the place;
  - f. the place is assessed for areas where participants may congregate, and measures are put in place to avoid congregation;
  - g. physical devices, markers or other methods are used to guide and assist participants in maintaining a distance of two metres from other participants, if they are not seated;
  - h. if there is a self-serve snack or non-alcoholic drink station,
    - i. hand washing facilities or alcohol-based sanitizers are within easy reach of the station,
    - ii. signs reminding participants to wash or sanitize their hands before touching self-serve food, drink or other items, and to maintain a two metre distance from other participants, 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;
  - i. hand sanitation supplies are readily available to participants; and
  - j. washroom facilities with running water, soap and paper towels for hand washing and drying purposes, or hand sanitation supplies, are available.
4. Subject to the maximum number of fifty, the owner of an inside place in which an event is to be held must calculate the maximum number of persons who can be accommodated safely at the event, taking into consideration the requirements of this Part, and must document this number in the COVID-19 safety plan.
5. The organizer must monitor the number of persons present and ensure that the number of persons present does not exceed the maximum number documented in the COVID-19 safety plan.
6. The organizer must:
- a. collect the first and last names and telephone number, or email address, of every participant at an event;
  - 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; and
  - c. destroy the information after thirty days.
7. A person must not attend an inside event described in section 3 at which the number of persons present is greater than the number permitted under section 4 for the event.
8. If an event is in a part of an inside place which is completely separated from the rest of the place,
- a. there may be additional persons present in other parts of the place who are not attending the event, if the total number of persons present in the entire place does not exceed the maximum number of persons permitted in the entire place under the COVID-19 safety plan; and

- b. participants at an event in one part of a place do not have contact with participants at an event in another part of the place, except to the extent that this is unavoidable in washroom facilities.
9. If there is more than one premises in an inside place, there may be an event in each of the premises, if the following conditions are met:
  - a. participants at an event do not have contact with participants at an event in another premises in the place, except to the extent that this is unavoidable in washroom facilities; and
  - b. there is a separate entrance and exit for each of the premises in which an event is being held.
10. Following an event, and during an appropriate interval of time before another event commences, an owner must ensure that:
  - a. the place is cleaned, sanitized and ventilated while there are no participants present;
  - b. there is a sufficient period of time between events to permit a place to be cleaned, sanitized and ventilated without any participants being present; and
  - c. participants leaving one event, do not have contact with participants arriving for a subsequent event.
11. Participants must disperse immediately after an event, and must not congregate with participants who are leaving the event or arriving for a subsequent event.
12. The organizer must ensure that the COVID-19 safety plan is complied with and that the conditions and requirements in this Part are met.
13. If the organizer is not the owner of the inside place in which an event is held, the owner must be satisfied that the organizer is aware of the conditions and requirements in this Part and has the capacity to fulfill them.
14. Participants must not congregate or sing or dance or engage in karaoke at an event, and must comply with the limit on the number of persons permitted at the event which they are attending, and the distancing and other requirements in this Part.
15. Dance floors must be closed with physical barriers or occupied with tables.
16. A person must not permit a place to be used for, or organize, host, officiate at, or attend an inside event, unless the conditions in this Part are met.

## **G. FLOW THROUGH EVENTS**

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

1. All flow through events require a COVID-19 safety plan and must follow the [Provincial Gatherings and Events Order](#).

2. Outdoor flow through events must limit capacity to avoid overcrowding and congregation.
3. Indoor flow through events are limited to 50% capacity of the venue, this does not include vendors, volunteers or organizers and the capacity limit must be included in the COVID-19 safety plan.
4. Vendors must sanitize their booth or display, organizers must ensure common surfaces are sanitized every 2 hours throughout the indoor or outdoor event.
5. All vendors and patrons must wear masks or face coverings at indoor flow through events and mask are highly recommended at outdoor flow through events.

#### **H. GROUP HIGH INTENSITY EXERCISE**

1. In this Part:

**“group high intensity exercise”** means two or more individuals from different residences exercising together in a communal space at a high intensity that results in a significant increase in respiration rate while following a set exercise routine, often with an instructor or facilitator, including but not limited to: Spin, HIIT, CrossFit, Zumba, aerobics, boxing and martial arts;

2. Group high intensity indoor exercise is permitted only if all participants/patrons and instructors/facilitators age 12 and over provide proof in accordance with Part I of this Order that they are fully vaccinated.
3. No person may permit a place to be used for group high intensity indoor exercise except as permitted in section 2.
4. No person may provide group high intensity indoor exercise except as permitted in section 2.
5. No person may participate in group high intensity indoor exercise except as permitted in section 2.
6. A person who provides or participates in individual exercise indoors, or one on one exercise with a trainer indoors, or low intensity group exercise indoors at a gym, fitness centre, exercise studio, dance studio, recreation centre, post-secondary institution exercise or gym facility, or other place providing similar services, but not including rehabilitation services provided by a health care provider, must comply with the [Provincial Gatherings and Events Order](#).

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

1. This Part 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, lifecycle event, and a sponsored, ticketed party; and

- 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;
- c. but does not include a program for children or youth.

**“fully vaccinated”** means to have received two doses of a vaccine;

**“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;

**“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 order 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).
3. Commencing on September 13, 2021 the following requirements come into effect with respect to an event in Interior Health:
- a. An organizer must obtain proof in the form of a vaccine card that a participant is fully vaccinated;
  - b. A participant must provide an organizer with proof in the form of a vaccine card of being fully vaccinated;
  - c. An organizer must not permit a participant who has not provided the organizer with proof in the form of a vaccine card of being fully vaccinated to enter or remain in or at a place for the purpose of an event;
  - d. Despite the requirements in section 3(a) to (c), 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, and photo identification, as proof that the participant has been fully vaccinated;
  - e. A participant who has not provided an organizer with proof in the form of a vaccine card of being fully vaccinated must not enter or remain in a place for the purpose of an event; and
  - f. If an event takes place on more than one day, the requirements of this section apply to each of those days.
4. An operator must not scan the QR code on a vaccine card, or paper record of vaccination, with any tool other than the BC Vaccine Card Verifier App.
5. Subject to section 6, 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 fully 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 fully 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.

## **J. GENERAL COMPLIANCE MATTERS**

### **Duty to Comply**

Pursuant to Section 42 of the *Public Health Act*, you have a duty to comply with this order.

### **Right to Review or Reconsideration**

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 *Public Health Act*, I will not be accepting requests for reconsideration of this Order.

### **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*];

### **Duration of the Order**

This ORDER remains in effect until rescinded by myself or another Interior Health Medical Health Officer under section 46 of the *Public Health Act*.

### **Consequences of Failure to Comply**

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*.

Dated this 13<sup>th</sup> day of September, 2021.

Signed:

Dr. Sue Pollock, FRCPC OIC#784  
Interim Chief Medical Health Officer  
Interior Health

DELIVERY BY: Posting to the BC Government, BC Centre for Disease Control and Interior Health Authority websites

Enclosure: Excerpts of the *Public Health Act* and the Protective Measures (COVID-19) Order No. 2 continued under the *COVID-19 Related Measures Act*

## ENCLOSURE

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

#### *Definitions*

##### **1 In this Act:**

"health hazard" means

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

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

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

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

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

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

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

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

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

- (a) a person whose action or omission
  - (i) is causing or has caused a health hazard, or



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

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

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

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

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

- (a) have a thing examined, disinfected, decontaminated, altered or destroyed, including
  - (i) by a specified person, or under the supervision or instructions of a specified person,
  - (ii) moving the thing to a specified place, and
  - (iii) taking samples of the thing, or permitting samples of the thing to be taken;
- (b) in respect of a place,
  - (i) leave the place,
  - (ii) not enter the place,
  - (iii) do specific work, including removing or altering things found in the place, and altering or locking the place to restrict or prevent entry to the place,
  - (iv) neither deal with a thing in or on the place nor dispose of a thing from the place, or deal with or dispose of the thing only in accordance with a specified procedure, and
  - (v) if the person has control of the place, assist in evacuating the place or examining persons found in the place, or taking preventive measures in respect of the place or persons found in the place;
- (c) stop operating, or not operate, a thing;
- (d) keep a thing in a specified place or in accordance with a specified procedure;
- (e) prevent persons from accessing a thing;
- (f) not dispose of, alter or destroy a thing, or dispose of, alter or destroy a thing only in accordance with a specified procedure;

- (g) provide to the health officer or a specified person information, records, samples or other matters relevant to a thing's possible infection with an infectious agent or contamination with a hazardous agent, including information respecting persons who may have been exposed to an infectious agent or hazardous agent by the thing;
- (h) wear a type of clothing or personal protective equipment, or change, remove or alter clothing or personal protective equipment, to protect the health and safety of persons;
- (i) use a type of equipment or implement a process, or remove equipment or alter equipment or processes, to protect the health and safety of persons;
- (j) provide evidence of complying with the order, including
  - (i) getting a certificate of compliance from a medical practitioner, nurse practitioner or specified person, and
  - (ii) providing to a health officer any relevant record;
- (k) take a prescribed action.

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

- (a) the person consents in writing to the destruction of the thing, or
- (b) Part 5 [*Emergency Powers*] applies.

#### **Contents of orders**

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

(6) A health officer who makes an order may vary the order

- (a) at any time on the health officer's own initiative, or
- (b) on the request of a person affected by the order, following a reconsideration under section 43 [*reconsideration of orders*].

#### **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.

#### **General emergency powers**

**54** (1) A health officer may, in an emergency, do one or more of the following:

- (h) not reconsider an order under section 43 [*reconsideration of orders*], not review an order under section 44 [*review of orders*] or not reassess an order under section 45 [*mandatory reassessment of orders*];

#### **Offences**

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

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

## Excerpts of the PROTECTIVE MEASURES (COVID-19) ORDER NO. 2

### Definitions

**1** In this order:

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

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

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

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

### General compliance matters

**6 (1)** A person must comply with a direction given by an enforcement officer under this order, including a direction to disperse.

**(2)** A person must not engage in abusive or belligerent behaviour towards another person in relation to the other person’s efforts

(a) to comply with this order, the Food and Liquor Serving Premises Order or the Gatherings and Events Order, or

(b) to respond to, prevent or correct contraventions of this order, the Food and Liquor Serving Premises Order or the Gatherings and Events Order.