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October 29, 2021

**BULLETIN**

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### **NEW GATHERINGS AND EVENTS PUBLIC HEALTH ORDER**

On October 25, the Provincial Health Officer issued a new Order under the Public Health Act of BC concerning Gatherings and Events (the “October Order”). The October Order replaces the Gatherings and Events Order issued on September 10 (the “September Order”).

The October Order states that no exemptions will be considered other than on the basis of a “medical deferral to vaccination”. A COVID-19 medical deferral is a very limited exemption granted to people who have anaphylaxis to components of both types of vaccine; diagnosis of multisystem inflammatory syndrome, myocarditis or pericarditis; or a serious adverse effect after a first dose.

The October Order states that it does not apply to a council, board or trust committee of a local authority as defined in the *Community Charter*, the *Local Government Act* or the *Island Trusts Act*. The September Order stated that it did not apply to those bodies when they held a meeting without members of the public appearing in person. Under the October Order, capacity limits and proof of vaccine rules do not apply to Council meetings, whether the public is present or not.

The October Order also does not apply to the use of any place for local government purposes or services provided by or on behalf of any level of government.

The October Order does not apply to workers at a workplace when engaged in work activities, including staff meetings. It does not apply to fitness facilities in a workplace for the benefit of workers or to employment related training. It does not apply to swimming pools, unless there is an event; rehabilitation or exercise therapy programs; health care related events; educational activities for students or before, during or after school programs.

Note that the Face Coverings Order is still in place, and there are Regional Orders still in place for Northern, Interior and Fraser Health that have different restrictions than the October Order. Regional Orders remain in place until specifically repealed; where their requirements are more restrictive than the October Order, the more restrictive requirements should be followed by local governments in those regions.

The October Order includes the following parts:

1. Outside Events
2. Inside Events
3. Proof of Vaccination

For the purpose of the first two parts, an “event” is a gathering of persons for a purpose.

A “place” is a venue other than a private residence, and includes a conference room, recreation center, theatre, movie theatre, auditorium, casino, gym, recreation facility arena, exercise or dance facility or studio, tent, vacation accommodation, arena or stadium.

A “participant” is a person present at an event, including a spectator, but does not include an organizer, staff member, volunteer, official, or a paid performer or athlete.

### **Outside Events**

An “outside event” is an organized gathering of participants in an outside place with seating provided for spectators. Standing events held outside are not included in the definition of outside event, and do not have to meet the following requirements.

The October Order sets certain requirements for outside events. Capacity limits are 5000 persons or 50% of the seated operating capacity of the place, excluding staff, whichever is greater. There must be seating for each participant, with participants seated in such a way to use all available space; controlled access; toilets with hand washing facilities; and the designation of an “organizer”, that is, a person who is responsible for organizing the event and enforcing the requirements of the October Order. The organizer must ensure the capacity limits are not exceeded. If there is a food or drink station, there must be handwashing facilities or hand sanitizer within reach of the station; signage; and frequent cleaning and sanitizing.

If an outside event is held in a part of a place that is completely separated from the rest of the place, additional persons can attend other events in other areas of the place.

### **Inside Events**

An “inside event” is defined as an organized seated gathering of more than 50 participants in an inside place for entertainment, choral, musical, gambling or business purposes. It includes a concert, theatrical production, dance or symphony performance, lecture, presentation, workshop, wedding or funeral reception if not held at a funeral home. It also includes an organized standing gathering of more than 50 participants for social, recreational or business purposes. It also includes an adult sports activity or class; a sports event in an inside place; or a program for children or youth in an inside place.

Up to 100% of the seated operating capacity of a place may be used for seated inside events, and up to 100% of the standing operating capacity of a place may be used for standing inside events. Other requirements are similar to the requirements for an outside event.

Dance floors must be closed with physical barriers or occupied by tables at inside events unless there is a dance performance. Participants may not dance unless they are attending a class, or they are a child or youth attending a program for children or youth.

### **Proof of Vaccination**

Children under 12 are exempt from the Proof of Vaccination requirements. Youth between 12 and 21 who are participating in a program for children or youth or a sports event are also exempt.

“Vaccine card” is still defined as a photo identification and also an electronic or written proof of vaccination issued by the BC or federal government, in either printed or electronic form. “Photo identification” is defined as one of a driver’s licence of a province of Canada; a BC Services Card; a certificate of Indian status; a Metis Nation BC citizenship card; a passport; or any other government identification that has a photo. There is no requirement for photo ID for children under 19 years old.

Vaccine cards are required from participants for all inside events. Vaccine cards are not required for attendance at an outside event.

Adults who lead, supervise or assist with programs for children or youth must be vaccinated, whether the program is inside or outside. This includes volunteer coaches for youth sporting activities.

An organizer must not scan a QR code on a vaccine card except with the BC Vaccine Card Verifier App.

An organizer must not retain proof of vaccination or identification. If a participant gives written consent, an organizer can record vaccination status to allow future entry to the same place. Privacy requirements apply to recording this information and we recommend obtaining legal advice if a local government is considering recording the vaccine status of members of the public.

***Pam Costanzo***