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September 28, 2021

**BULLETIN**

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### **NEW COVID-19 ORDER FOR THE INTERIOR HEALTH REGION**

On September 13, 2021, the Chief Medical Health Officer (Interim) for the Interior Health Authority issued a new Order regarding COVID-19, applicable in the Interior Health Region, under the Provincial Health Officer's Gatherings and Events Order dated September 10, 2021, and the BC *Public Health Act* (the "Order").

To the extent that the Order is inconsistent with the provincial Gatherings and Events Order, the provisions of the Order supersede the inconsistent provisions of the provincial Gatherings and Events Order and are to be followed.

There are a number of exemptions from the application of the Order. The 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 Order also does not apply to workers at a workplace when engaged in their work activities, except for group high intensity exercise instructors (as discussed below in Part H). That means there is no requirement that workers be vaccinated (except for group high intensity exercise instructors ) or provide proof of vaccination to their employers, even where a member of the public has to be vaccinated to participate in an event at which a worker works. The Order does not apply to public pools or public skating rinks, when not associated with an event. Customers in a service business are also exempt from the Order. There is also an exemption for 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 purposes is also exempt, as are outdoor temporary markets such as farmers markets.

The Order is divided into ten main parts:

- A. Private Residences and Vacation Accommodation
- B. Events
- C. Outside Events with Proof of Full Vaccination
- D. Outside Events without Proof of Full Vaccination
- E. Inside Events with Proof of Full Vaccination
- F. Inside Events without Proof of Full Vaccination
- G. Flow Through Events
- H. Group High Intensity Exercise

- I. Proof of Vaccination
- J. General Compliance Matters

For the purposes of Parts A to H of the Order, the term “event” is defined as “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”. Throughout the order, the term “lifecycle event” means “a wedding ceremony, baptism, funeral, medical assistance in dying and Jewish divorce court proceedings”. “Place” is defined to include “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”. A “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”.

Under the Order, all events must have an “organizer” that is responsible for organizing the event, and acting as host at the event. The organizer is responsible for enforcing the requirements of the Order and obtaining participants’ proof of vaccination. Where the owner of a place at which an event is held is not the organizer of the event, such as when a local government rents out a facility to a third party who will hold an event, the owner must ensure that the organizer is aware of the conditions and requirements of the Order and has capacity to fulfill them.

Part B of the Order requires a person organizing an event and a person attending an event to comply with the Order.

Part C of the Order regards outside events (as defined above) with proof of full vaccination. It sets a capacity limit of 5000 persons or 50 percent of the seated operating capacity of a place, excluding event staff whichever number is greater. It also requires that access to the event be controlled. Event organizers and participants must comply with the proof of vaccination provisions in Part I of the Order. There must also be seating for each participant. Part C also contains requirements for handwashing / sanitization facilities, signs reminding participants to wash or sanitize their hands, and sanitization of high touch surfaces if there is a food or drink station, as well as toilet facilities, and hand sanitation supplies.

Part D of the Order, which regards outside events (as defined above) without proof of full vaccination, expires on October 23, 2021, which is the same date that the provisions of the provincial Gatherings and Events Order requiring proof of one dose of vaccine expire. The capacity limit for outside events without proof of full vaccination is up to 100 persons, excluding event staff. Organizers of the event, and participants are required to comply with their obligations under the provincial Gatherings and Events Order to obtain / provide proof of having received at least one dose of COVID-19 vaccine. After October 23, 2021, Part C of the Order will apply to all outside events (as defined above) and proof of full vaccination will be required. Participants are required to maintain a distance of two metres from one another if they are not seated, unless they reside together. If there is a self-serve snack or drink station, there must be

handwashing or sanitization facilities within easy reach, and signs reminding participants to wash or sanitize their hands, and high touch surfaces must be frequently cleaned and sanitized. Measures must also be taken to prevent congregation at the snack or drink station, and at washroom facilities. Hand sanitization supplies must also be readily available.

Part E of the Order regarding inside events (as defined above) with proof of full vaccination limits the event capacity to 50 people or 50 percent of the seated operating capacity of the place, excluding event staff, whichever is greater. Access to the event must be controlled. Organizers and participants must comply with the proof of vaccination provisions in Part I of the Order. There must also be seating for each participant, and each participant must be assigned to a seat or a table. Participants at the event, other than a program for children or youth, must remain seated, unless movement is necessary for the purpose of the event, such as getting up to speak at a meeting or to read at a service or ceremony, or in order to obtain food or drink at a serving counter or self-serve food or drink station, to use the washroom, or provide assistance to another person who requires care or first aid. Again, if there is a food or drink station there must be handwashing or sanitization facilities and signs reminding participants to wash or sanitize their hands, and high touch surfaces must be frequently cleaned and sanitized. There are also requirements for toilet facilities. There must also be sufficient staff to ensure that participants remain seated and that participants do not congregate. Dance floors must also be closed with barriers or be occupied with tables. Participants are prohibited from dancing.

Part F of the Order pertains to inside events (as defined above) without proof of full vaccination. It expires on October 23, 2021. Organizers and participants must comply with the requirements in the provincial Gatherings and Events Order and obtain/provide proof that a participant has received at least one dose of a COVID-19 vaccine. After October 23, 2021, Part E will apply to all inside events (as defined above), and proof of full vaccination will be required. Part F also sets a capacity limit of 50 persons excluding event staff, or a lesser number who can be accommodated safely. The owner of an inside place in which the event is to be held must calculate the maximum number of people who can be accommodated safely at the event, and must document that number in the required COVID-19 safety plan. There must also be an assessment of where participants may congregate in the place, and measures must be taken to avoid congregation. There must also be physical devices, markers, or other methods used to assist participants to maintain a distance of two metres from other participants when they are not seated. Again, if there is a self-serve snack or drink station, there must be handwashing or sanitization facilities within easy reach of the station, as well as signs reminding participants to wash or sanitize their hands, and high touch surfaces must be cleaned and sanitized frequently. An organizer must also collect the names and contact information for every participant at the event and retain that information for 30 days in case there is a need for contact tracing, and must destroy the information after 30 days. Part F also contains requirements for sanitization of a place between events. An owner must ensure that after an event, the place is cleaned, sanitized and ventilated while there are no participants present, and before another event starts. Participants are also prohibited from congregating, singing, or dancing at an event. Dance floors must be closed with physical barriers or occupied with tables.

Part G of the Order pertains to “flow through events” which are defined as events in 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”. All flow through events require a COVID-19 safety plan and must follow the provincial Gathering and Events Order, which until October 23, 2021 requires proof of one dose of vaccine. Outdoor flow through events must limit capacity to avoid overcrowding and congregation. Indoor flow through events are limited to 50 percent of the capacity of the venue, excluding vendors, volunteers or organizers, and the capacity limit must be included in the COVID-19 safety plan. Vendors must sanitize their booth or display, and organizers must ensure that common surfaces are sanitized every two hours. All vendors and patrons must wear masks or face coverings at indoor flow through events, and masks are highly recommended at outdoor flow through events.

Part H of the Order regards “group high intensity exercise” which is defined as “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”. Group high intensity exercise is only permitted indoors if all participants and instructors age 12 and over provide proof in accordance with Part I of the Order that they are fully vaccinated. Part H of the Order also provides that 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 or other place providing similar services, but excluding rehabilitation services provided by a health care provider, must comply with the provincial Gatherings and Events Order. Until October 23, 2021, the provincial order requires proof of at least one dose of vaccine for indoor group exercise, and after October 23, 2021 requires proof of full vaccination.

Part I of the Order regards proof of vaccination and the BC vaccine card. It does not apply to persons under 12 years of age. In Part I, “event” includes “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, convention, trade fair, home show, workshop, lifecycle event, and a sponsored, ticketed party”. Gatherings of less than 50 participants for such an indoor event do not require proof of vaccination. An event also includes “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”, but does not include a program for children or youth.

Starting on September 13, 2021, an organizer of an event (whichever definition applies) within the Interior Health Region will have to obtain proof in the form of a “vaccine card” that a participant is “fully vaccinated” before permitting the participant to enter the event. The term “fully vaccinated” means to have received two doses of a COVID-19 vaccine. “Vaccine card” is defined to include for a person who is more than 18 years of age photo identification and either an electronic or a printed copy of a QR code issued by the provincial government. Photo identification is not required for a person who is 12 to 18 years old. An organizer must not scan

the QR code on a vaccine card or a paper record of vaccination with any tool other than the BC Vaccine Card Verifier App, which is available to download to mobile devices through the Apple App store or the Google Play store.

Part I of the Order also provides that an organizer must not retain proof of vaccination or identification provided by a participant, or use it for any other purpose other than to confirm that a participant has been fully vaccinated. However, if a participant gives written consent, an organizer may, until the Order expires, keep a record of the fact that the participant has provided proof of being fully vaccinated and may use that record to allow future entry to an event in the same place. As privacy laws apply to the recording of this information, we recommend that a local government obtain legal advice if it is considering recording the vaccine status of members of the public.

Although the term “event” in Part I of the Order is defined to include only gatherings of participants in an “inside place”, the intent of Part C of the Order appears to be that outside events (as defined at the beginning of the Order) of up to 5000 participants or 50 percent of the seated operating capacity, whichever is greater, may only take place if they meet the requirements of Part I. Under Part D of the Order, until October 23, 2021, outside events (as defined at the beginning of the Order) of up to 100 participants do not have to meet the requirements of Part I, and can instead meet the requirements of Part D of the provincial Gatherings and Events Order, which permits participation in an event on proof of one dose of vaccine until October 23, 2021.

Further, although the term “event” in Part I of the Order is defined to include only gatherings of “more than 50 participants”, the intent of Part E of the Order appears to be that Part I applies to inside events (as defined at the beginning of the Order) even if there are only 50 participants or less. Under Part F of the Order, until October 23, 2021 inside events (as defined at the beginning of the order) may take place without complying with Part I as long as they comply with the proof of partial vaccination provisions in Part D of the provincial Gatherings and Events Order.

Due to ambiguity in the Order regarding the meaning of “event”, we will provide updates about the meaning and implementation of the Order as more information becomes available.

Part J of the Order provides that the Order will remain in effect until it is rescinded by the Interior Medical Health Officer.

***Michelle Blendell***