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ORDER OF THE PROVINCIAL HEALTH OFFICER
(Pursuant to Sections 30, 31, 32, 39 (3), 53, 54 (1) (h), 67 (2) and
69 Public Health Act S.B.C. 2008)

FACE COVERINGS (COVID-19) ±SEPTEMBER 28, 2021

The Public Health Acts at:

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

remain unvaccinated, vaccinated people continue to be likely to be exposed to the SARS CoV-2 virus and to contract COVID-19.

- H. Evidence is emerging that, although to a lesser extent than unvaccinated people, people who are vaccinated can contract the SARS-CoV-2 virus and be a source of transmission of the SARS-CoV-2 virus to others, further perpetuating the transmission chain.
- I. Unvaccinated people are at a much higher risk of serious complications of COVID-19 which can result in hospitalization, admission to intensive care units and death. In addition to serious impacts on the health of a person who contracts COVID-19, high numbers of seriously ill people can overtax the health care system to the extent that the health care system can be compromised in its ability to deliver health care to other seriously ill people, further endangering public health.
- J. With the onset of fall, the province is entering a period of time when people will be gathering indoors more frequently due to cooler weather and the resumption of kindergarten to grade 12 education and postsecondary education. An increase in indoor gatherings and events is anticipated also due to the relaxation of restrictions on gatherings and events which were

- (iii) an office building other than office, cubicle or other room in an office building to which a member of the public has been invited by an operator or worker for the purpose of receiving a service;
- (iv) a hotel,
- (v)

³ S K \ V L F D O n e n b l a n n e r 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+safetydesigningeffectivebarriers?lang=en>

³ S R V W F R Q G D U n e a n S D F H ´

- (a) a building or structure that is operated by a post

Face coverings required in indoor public spaces, school spaces and post-secondary spaces – visitors

- 2 (1) Except as provided under section 3 a visitor must wear a face covering, in accordance with subsection (2), while inside an indoor public space, school space or a post-secondary space.
- (2) A face covering must be worn in a manner that covers the nose and mouth.
- (3) A visitor who is not wearing a face covering as required in subsection (2), must not be inside an indoor public space, school space or post secondary space.

Exemption from use of face covering in indoor public spaces, school spaces and post secondary spaces – visitors

- 3 (1) Section 2 (2) does not apply to:
 - (a) to visitor who is less than 9 years of age;
 - (b) to a visitor who is unable to wear a face covering because:
 - (i) a psychological, behavioural health condition or
 - (ii) a physical, cognitive or mental impairment;
 - (c) to a visitor who is unable to put on or remove a face covering without the assistance of another person;
 - (d) if the face covering is removed temporarily for the purpose, school spaces act (r r)-7(e)

Face coverings required in indoor public spaces operators and workers

- 4 (1) Except as provided under section 5 and 6 an operator or worker must wear a face covering while inside an indoor public space in accordance with subsection (2);
 - (2) Whether provided in an indoor public space or a working area, an operator or worker must wear a face covering
 - (a) when providing a personal service to a client
 - (b) serving a customer in a restaurant, pub, bar or other business that prepares and sells food or drink
 - (c) serving customers in a retail business.
 - (3) A face covering must be worn in a manner that covers the nose and mouth.
 - (4) An operator or worker who does not wear a face covering due to the application of an exemption in section 5 must not provide a face to face service to a visitor unless there is a physical barrier between the operator or worker and the visitor.

Exemption from use of face covering in indoor public spaces operators and workers

- 5 Section 4 (3) does not apply to an operator or worker if:
 - (a) If the operator or worker is unable to wear a face covering because
 - (i) a psychological, behavioural health condition or
 - (ii) a physical, cognitive or mental impairment;
 - (b) if the operator or worker is unable to put on or remove a face covering without the assistance of another person;
 - (c) if the face covering is removed temporarily for the purposes of identifying the operator or worker;
 - (d) while the operator or worker is consuming food or

Exemptions from use of face coverings for post-secondary staff persons

- 8 Section 6(2) does not apply to a postsecondary staff person as follows:
 - (a) If the postsecondary staff person is unable to wear a face covering because

- (a) If the student is unable to wear a face covering because
- (i) a psychological, behavioural or health condition,
 - (ii) a physical, cognitive or mental impairment;

ENCLOSURE

Excerpts of the Public Health Act

(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

- (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 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 the prescribed notice.

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]

(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.

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 [orders respecting examinations, diagnostic