



# VARIANCE OF THE *GATHERINGS AND EVENTS ORDER OF THE PROVINCIAL HEALTH OFFICER*

(Pursuant to Sections 30, 31, 32 and 39 (3) and (6) *Public Health Act*, S.B.C. 2008)

## TO PERMIT

### *OUTSIDE WORSHIP SERVICES – June 6, 2021*

The *Public Health Act* is at:

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

(excerpts enclosed)

#### TO: RELIGIOUS COMMUNITIES

Pursuant to the authority vested in me by section 39 (6) of the *Public Health Act*, I hereby Vary the *Gatherings and Events* order, to provide for outside worship services as follows:

**THIS VARIANCE FORMS PART OF THE *GATHERINGS AND EVENTS ORDER* (the “Order”) AND REPEALS AND REPLACES THE *OUTDOOR WORSHIP SERVICES VARIANCE DATED MAY 26, 2021***

In this Variance the definitions in the Order apply, except where varied below. Some of the definitions below are included for ease of reference.

#### Definitions

"face covering" means either of the following that covers the nose and mouth of a person:

- (a) a medical or non-medical mask;
- (b) a tightly woven fabric;

“health check” means reviewing the entry requirement and key questions at <https://www.worksafebc.com/en/about-us/covid-19-updates/health-and-safety/health-checks> and which are on the poster at <https://www.worksafebc.com/en/resources/health-safety/posters/help-prevent-spread-covid-19-entry-check-workers?lang=en>;

“outside” includes in an open-sided tent, under overhead covering, or in a vehicle containing persons who reside in the same private residence;

“place” is not limited to an outside area which is part of a place of worship;

1. A person may permit a place, other than a private residence or vacation accommodation, to be used for, or may organize or participate in, a worship service which is held outside.
2. No more than fifty persons, including officiants, readers, speakers, soloists and musicians, as well as persons in motor vehicles, may be present.
3. Persons who attend in a motor vehicle must remain in the motor vehicle, except for the purpose of using washroom facilities.
4. Despite section 2, up to four additional people may be present for the purpose of ensuring compliance with the Order.
5. A person organizing a worship service must pre-register all participants for the purposes of controlling attendance and contact tracing, and must
  - a. collect the first and last name, and telephone number or email address, of every person who is present at a worship service,
  - b. retain the information collected for thirty days, and provide it to a medical health officer on request,
  - c. destroy the information after thirty days.
6. A person organizing a worship service must ensure that hand sanitation supplies are readily available for use by participants.
7. Before attending a worship service, a person must carry out a health check.
8. A person who has not passed a health check must not attend a worship service.
9. A participant must maintain a distance of two metres from other participants, unless they live in the same private residence, or all the participants are seated.
10. Despite section 9, participants may stand 1.2 metres apart for ritual congregational prayers, if this is part of their religious practice.
11. A participant must wear a face covering when not at their seat or in their motor vehicle.
12. Despite section 11, a person is not required to wear a face covering during a worship service, if
  - d. under the age of 12 years;
  - e. unable to put on or remove a face covering without the assistance of another person;
  - f. unable to wear a face covering because of
    - i. a psychological, behavioural or health condition, or
    - ii. a physical, cognitive or mental impairment;

- g. the face covering is removed temporarily for the purpose of identifying the person;
  - h. the face covering is removed temporarily to communicate with a person with a disability or diverse ability, where visual cues, facial expressions or lip reading or lip movements are important;
  - i. the face covering is removed temporarily to permit the consumption of food or drink provided during and for the purpose of worship.
13. There must not be a choir at a worship service, but a soloist may sing at a worship service.
  14. A musician, or a musical group, may play at a worship service.
  15. A participant, other than a worship leader or a soloist, must not sing or chant.
  16. Except as provided for in section 17, a participant at a worship service must not pass or share any item, including a collection bag or plate, book or ceremonial object.
  17. Food or drink placed in a sanitary manner in single use containers may be provided during a worship service for worship purposes.
  18. Participants must not gather or socially engage with other participants, during, before or after a worship service, except as permitted in the *Gatherings and Events Order*.
  19. Participants must disperse immediately after a worship service, and must not congregate with other participants who are leaving the service, or arriving to attend a subsequent service.
  20. There may be more than one worship service held in an outside place at the same time, but participants attending different services must not mix with one another before, during or after the worship services.
  21. There may be more than one worship service held in an outside place during the course of a day, but participants must not mix with participants attending an earlier or later service held during the same day.
  22. An outside worship service may be held in the same place at the same time as an inside worship service, but participants attending the outside service must not mix with participants attending the inside service before, during or after the worship services.
  23. Participants attending an outside worship service must not mix with participants attending another worship service, whether held inside or outside, before, during or after the worship service.
  24. The organizers of an outside worship service must ensure that there is sufficient space and time between services to prevent mixing between participants attending different services, whether held inside or outside, and to permit participants attending different services to arrive and leave without mixing with one another.

25. No person may permit a place to be used for, may organize, may lead or may participate in an outside worship service, unless the conditions in this Variance are met.

26. A worship service may include a baptism.

This Variance does not have an expiration date.

You are required under section 42 of the *Public Health Act* to comply with this Variance.

Failure to comply with this Variance is an offence under section 99 (1) (k) of the *Public Health Act*.

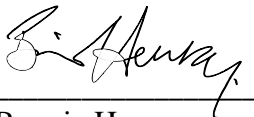
Pursuant to section 54 (1) (h) of the *Public Health Act*, and in accordance with the emergency powers set out in Part 5 of the *Public Health Act*, I will not be accepting requests for reconsideration of this Order.

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*.

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](mailto:ProvHlthOffice@gov.bc.ca)

DATED THIS: 6<sup>th</sup> day of June 2021

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

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

Enclosure: Excerpts of the *Public Health 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*];

(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 (g) [*orders respecting examinations, diagnostic examinations or preventive measures*];