

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF PUBLIC SAFETY AND
SOLICITOR GENERAL

Emergency Program Act

Ministerial Order No. M416

WHEREAS a declaration of a state of emergency throughout the whole of the Province of British Columbia was declared on March 18, 2020 because of the COVID-19 pandemic;

AND WHEREAS additional enforcement measures for the operation of food service and liquor service premises, as well as gatherings and events, are necessary to protect public safety and alleviate the effects of the COVID-19 pandemic;

AND WHEREAS section 10 (1) of the *Emergency Program Act* provides that I may do all acts and implement all procedures that I consider necessary to prevent, respond to or alleviate the effects of any emergency or disaster;

I, Mike Farnworth, Minister of Public Safety and Solicitor General, order that the attached Food and Liquor Premises, Gatherings and Events (COVID-19) Order No. 2 is made.

November 13, 2020

Date



Minister of Public Safety and Solicitor General

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Emergency Program Act*, R.S.B.C. 1996, c. 111, s. 10

Other: MO 73/2020; MO 358/2020; OIC 572/2020

FOOD AND LIQUOR PREMISES, GATHERINGS AND EVENTS (COVID-19) ORDER No. 2

Definitions

- 1 (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 Order**” means the order entitled “Food and Liquor Serving Premises” made by the provincial health officer on September 18, 2020, as amended or replaced from time to time;
 - “**Gatherings and Events Order**” means the order entitled “Gatherings and Events” made by the provincial health officer on September 18, 2020, as amended or replaced from time to time;
 - “**provincial health officer**” means the provincial health officer appointed under the *Public Health Act*.
- (2) To the extent that this order incorporates each of the following orders, the definitions in that order apply:
 - (a) the Food and Liquor Serving Premises Order;
 - (b) the Gatherings and Events Order.

Adoption by reference

- 2 (1) The provisions of the Food and Liquor Serving Premises Order and the Gatherings and Events Order are, with the necessary changes and so far as applicable, deemed to be provisions of this order.
- (2) For certainty, a contravention of the Food and Liquor Serving Premises Order or the Gatherings and Events Order is a contravention of this order.
- (3) Subsections (1) and (2) do not apply to provisions of the Food and Liquor Serving Premises Order or the Gatherings and Events Order that require compliance with the *Liquor Control and Licensing Act* or regulations made under that Act, or any directives or guidance provided by the Liquor and Cannabis Licensing Branch in accordance with that Act, as described in those orders.

Non-compliant gatherings and events

- 3 Sections 4 and 5 apply to the following gatherings and events:
 - (a) a gathering or event that contravenes the Gatherings and Events Order in relation to a maximum number of individuals who may, in addition to the occupants, be present in a vacation accommodation or a private residence;
 - (b) an event, other than compliant drive ins, that contravenes the Gatherings and Events Order in relation to the prohibition of a gathering that exceeds a maximum number of patrons at a place for the purpose of the event;

- (c) an event that contravenes the Gatherings and Events Order by not meeting the conditions set out in that order for a gathering, for the purpose of the event, of up to a maximum number of patrons at a place;
- (d) an event that contravenes the Gatherings and Events Order in relation to the requirements for drive ins under that order or that does not meet the conditions in relation to drive ins set out in that order;
- (e) a gathering or event in an affected area that contravenes the Gatherings and Events Order in relation to the requirements for perimeter seating vehicles or perimeter seating buses under that order or that does not meet the conditions in relation to those vehicles and buses set out in that order.

No promotion or encouragement

- 4** A person must not promote a gathering or event referred to in section 3 or encourage another person to attend such a gathering or event.

Enforcement officers

- 5** A person who attends or promotes a gathering or event referred to in section 3 must comply with any direction given by an enforcement officer, including a direction to disperse.

Abusive or belligerent behaviour

- 6** (1) A person must not engage in abusive or belligerent behaviour towards another person
- (a) at a gathering in a vacation accommodation or a private residence,
 - (b) at an event, or
 - (c) in any premises.
- (2) In this section, “**premises**” includes both inside and outside areas of restaurants, coffee shops, cafes, cafeterias and licensed premises, including pubs, bars, lounges, nightclubs and tasting rooms, in which food services or drink services are provided to patrons.
- (3) For certainty, a reference to a type of establishment in subsection (2) does not affect any restriction or prohibition that applies in respect of the establishment.

Compliance by patrons

- 7** (1) A patron must comply with the applicable requirements and conditions set out in the Food and Liquor Serving Premises Order and the Gatherings and Events Order.
- (2) It is not a contravention of this order if a patron only fails to comply with the measures, guidance or directions from owners, operators, organizers or staff, as referred to in the Food and Liquor Serving Premises Order or the Gatherings and Events Order, as applicable.

Enforcement information to minister

- 8** A law enforcement agency and a local government must provide the minister with information in its possession, other than personal information, that the minister requests respecting the enforcement of this order by the law enforcement agency or the local government.