

Special Measures Order (Alert Level 2)

Made pursuant to Section 28 of the Public Health Protection and Promotion Act

March 27, 2021

TO: All Individuals and businesses operating in Newfoundland and Labrador

WHEREAS:

- A. While a declaration of a public health emergency is in effect, the Chief Medical Officer of Health may do one or more of the special measures authorized under section 28 of the **Public Health Protection and Promotion Act** for the purpose of protecting the health of the population and preventing, remedying or mitigating the effects of the public health emergency;
- B. On March 18, 2020, the Minister of Health and Community Services, on the advice of the Chief Medical Officer of Health, declared:
 - (i) a public health emergency as a result of the COVID-19 pandemic;
 - (ii) the public health emergency is in effect for the entire province of Newfoundland and Labrador; and
 - (iii) the public health emergency is in effect for a period of 14 days effective immediately;
- C. The public health emergency has been extended for 14-day intervals and is currently still in effect.
- D. The Chief Medical Officer of Health, pursuant to subsection 28(2) of the **Public Health Protection and Promotion Act**, may provide notice in any manner that can reasonably be expected to give actual notice;
- E. The Chief Medical Officer of Health, pursuant to section 28 of the **Public Health Protection and Promotion Act**, made Special Measures Order (Alert Level 3) (Newfoundland and Labrador except Avalon Peninsula) effective March 13, 2021, Special Measures Order (Alert Level 4) (Avalon Peninsula) effective March 13, 2021 and Special Measures Order (Personal Care Homes, Long Term Care and Assisted Living Facilities) (Updated) effective March 13, 2021;
- F. The Chief Medical Officer of Health believes that special measures continue to be necessary for the purpose of protecting the health of the population and preventing, remedying or mitigating the effects of the public health emergency; and

- G. The Chief Medical Officer of Health believes, in accordance with section 13 of the **Public Health Protection and Promotion Act**, that the restrictions set out in this Special Measures Order (Alert Level 2) are the least intrusive measures reasonably required in the circumstances to respond to the public health emergency,

Pursuant to section 28 of the **Public Health Protection and Promotion Act**, I, Dr. Janice Fitzgerald, Chief Medical Officer of Health **HEREBY ORDER:**

1. Subject to Order No. 2 and Order No. 3 below, the following businesses may open:
 - (i) gyms and fitness facilities, including yoga studios, swimming pools, indoor tennis and squash facilities;
 - (ii) dance studios;
 - (iii) cinemas;
 - (iv) performance spaces; and
 - (v) arenas.
2. Arenas, gyms and fitness facilities, including yoga studios, swimming pools, indoor tennis, squash facilities and dance studios may operate at an occupancy limited to groups of no more than 50 people per rink surface, playing space or room provided that 2 metres of distance between participants may be maintained. With the exception of 1 person per child as required to assist the child in preparing to participate in a group activity, spectators are not permitted.
3. Cinemas and performance spaces may open provided that physical distancing may be maintained. Occupancy is limited to no more than 50 people per auditorium or room.
4. Businesses that hold a license under the **Liquor Control Act**, whose primary purpose is the consumption of beer, wine, or spirits may open and operate at 50 per cent of the Fire Commissioner's posted capacity provided physical distancing of 2 metres between patrons at adjacent tables may be maintained. Dance floors are prohibited. It is the responsibility of licensees to ensure compliance with this Order within their licensed footprint.
5. Restaurants that hold a license under the **Liquor Control Act** may open for in-person dining at 50 per cent of the Fire Commissioner's posted capacity where physical distancing of 2 metres between patrons seated at adjacent tables may be maintained. Buffets are prohibited. It is the responsibility of licensees to ensure compliance with this Order within their licensed footprint.

6. Restaurants that do not hold a license under the **Liquor Control Act** may open for in-person dining at 50 per cent of the Building Code capacity where physical distancing of 2 metres between patrons seated at adjacent tables may be maintained. Buffets are prohibited.
7. Bingo halls may open provided that physical distancing of 2 metres between patrons seated at adjacent tables may be maintained. Occupancy is limited to no more than 50 people.
8. Wakes are prohibited. Limited visitation is permitted provided physical distancing may be maintained with individuals outside of the household.
9. Gatherings of no more than 50 people are permitted provided the gathering is operated by a recognized business or organization and where physical distancing may be maintained.
10. Funerals, burials, weddings, religious and cultural ceremonies and services are limited to no more than 50 people provided physical distancing may be maintained. For all other gatherings, individuals within the same household are limited to gatherings with the same 20 close and consistent contacts of the household. For greater certainty, this limitation on informal gatherings does not apply to:
 - a. those who work or attend school outside of the home; and
 - b. custody and access orders and arrangements.
11. Retail stores, including those located in shopping malls, may operate at reduced capacity provided physical distancing may be maintained.
12. Visitation to personal care homes is subject to those restrictions as may be communicated by the Office of the Chief Medical Officer from time to time.
13. Campsites are permitted to open for day use and overnight use subject to the Guidelines for Campgrounds General Restrictions as described in detail at www.gov.nl.ca/covid-19.
14. All individuals who are required to self-isolate must:
 - a. remain on their own property;
 - b. stay in their own unit where they are living in a condominium or apartment. These individuals are not permitted in the common spaces in those buildings; and
 - c. not go for a drive, unless it is to receive medical attention.

IT IS FURTHER ORDERED THAT:

1. This Order applies to all individuals and businesses operating in Newfoundland and Labrador.
2. This Special Measures Order (Alert Level 2) is effective as of 12:01 a.m. on March 27, 2021.
3. This Special Measures Order (Alert Level 2) repeals and replaces the following:
 - a. Special Measures Order (Alert Level 3) (Newfoundland and Labrador except Avalon Peninsula) effective 12:01 a.m. on March 13, 2021;
 - b. Special Measures Order (Alert Level 4) (Avalon Peninsula) effective 12:01 a.m. on March 13, 2021; and
 - c. Special Measures Order (Personal Care Homes, Long Term Care and Assisted Living Facilities) (Updated) effective 12:01 a.m. on March 13, 2021.
4. All other Special Measures Orders and Exemption Orders remain in full force and effect.

TAKE NOTICE THAT:

1. Failure to comply with this order may result in an application to the Supreme Court, in accordance with section 42 of the **Public Health Protection and Promotion Act** to enforce the relevant provisions of this Order.
2. A person who is subject to an order made by the Chief Medical Officer of Health may request that the Chief Medical Officer of Health reconsider the order by filing a written request for reconsideration within 7 days after the day on which the order is served on a person. A written request for review or reconsideration of this order shall include:
 - (i) the reasons for the request;
 - (ii) a summary of the facts relevant to the request;
 - (iii) whether the order should be revoked or how it should be varied; and
 - (iv) the contact information of the person making the request and shall be sent to the following address:

The Chief Medical Officer of Health
Department of Health and Community Services
PO Box 8700
St. John's, NL A1B 4J6

3. The Chief Medical Officer of Health shall review this Order no less than once every 5 days while the Order is in effect.
4. This Order remains in effect during any review or reconsideration.
5. Failure to comply with this Order is an offence for which you may be liable on summary conviction in accordance with section 56 of the **Public Health Protection and Promotion Act**.
6. For greater certainty, compliance with this Order is required in addition to and not in substitution for any requirement imposed by or under any applicable law.

Signed at St. John's, Newfoundland and Labrador, this 26th day of March, 2021.



Dr. Janice Fitzgerald
Chief Medical Officer of Health