

**Special Measures Order
(Modified Alert Level 3)**

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

February 7, 2022

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 (Restatement of Amendment No. 10) effective September 9, 2020, Special Measures Order (Modified Alert Level 2) dated December 18, 2021 and Special Measures Order (Province-Wide Alert Level 4) effective January 4, 2022;

- 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 (Modified Alert Level 3) 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:

Sports, arts, fitness and recreational activities

- 1. Arenas, gyms and fitness facilities, including yoga studios, indoor swimming pools, indoor tennis, squash facilities and dance studios may operate at 50 per cent of the venue's capacity, per rink surface, playing space or room, provided that physical distancing may be maintained.
- 2. Notwithstanding Order No. 1 above, amateur sport and recreation activities are limited to team practice and training only. Competition and training with other teams, even within an association, are not permitted.
- 3. Group arts and cultural activities that involve in-person gatherings are limited to practices, rehearsals and performances within their own practice or performance group, with physical distancing maintained where possible between participants. This includes bands, choirs and music classes.

Religious, spiritual and cultural ceremonies

- 4. Funerals, burials, weddings, religious and cultural ceremonies and services are limited to no more than 50 people or 25 per cent of the venue's capacity, whichever is less, provided physical distancing may be maintained.
- 5. Wakes are prohibited. Limited visitation is permitted with members of one household bubble visiting at a time.

Bars and Lounges

- 6. Businesses that hold a license under the **Liquor Control Act**, whose primary purpose is the consumption of beer, wine, or spirits may 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. There is a maximum of 10 people per table.

7. Dance floors are not permitted.
8. Patrons are permitted to eat and drink while seated only.
9. It is the responsibility of licensees to ensure compliance with this Order within their licensed footprint.

Restaurants

10. Restaurants may operate for in-person dining at no more than 50 per cent of the venue's capacity provided physical distancing of 2 metres between patrons seated at adjacent tables may be maintained. There is a maximum of 10 people per table.
11. Patrons are permitted to eat and drink while seated only.
12. Self-serve buffets are prohibited in restaurants and in businesses that serve food.

Other Gatherings

13. Cinemas are limited to no more than 50 people or 25 per cent capacity, whichever is less, per auditorium or room, provided that physical distancing may be maintained.
14. Performance spaces are limited to no more than 50 people or 25 per cent capacity, whichever is less, per auditorium or room, provided that physical distancing may be maintained. Patrons are not permitted to eat or drink.
15. Bingo halls are limited to no more than 50 people or 25 per cent capacity, whichever is less, per room, provided that physical distancing of 2 metres of distance between attendees seated at adjacent tables may be maintained. Patrons are not permitted to eat or drink.
16. For all other indoor gatherings, not otherwise listed, and operated by a recognized business or organization, occupancy is limited to no more than 50 people or 25 per cent of the venue's capacity provided physical distancing may be maintained.
17. Notwithstanding any Order set out in this Special Measures Order, gatherings in large venues including theatres, performing arts venues, community centres, other entertainment venues and sports venues with a capacity of 500 or more may operate at higher than 25 per cent of the venue's capacity where an operating plan has been approved by an Environmental Health Officer with Digital Government and Service NL.

18. 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.
19. Except for ceremonial dances, dancing at formal gatherings is prohibited.

Other Public Spaces

20. All private health care clinics may remain open in accordance with public health guidelines.
21. Retail stores, including those located in shopping malls may operate at reduced capacity, provided physical distancing may be maintained.
22. Personal services establishments including spas, esthetic services, hair salons, body piercing, tattooing and tanning salons may remain open in accordance with public health guidelines.

General

23. Visitation to assisted living facilities, personal care homes and long-term care facilities is subject to those restrictions as may be communicated by the Office of the Chief Medical Officer from time to time.
24. 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.
25. 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 (Modified Alert Level 3) is effective as of 12:01 a.m. NST on February 7, 2022.
3. This Special Measures Order (Modified Alert Level 3) repeals and replaces the following:
 - a. Special Measures Order (Province-Wide Alert Level 4) effective January 4, 2022;
 - b. Special Measures Order (Modified Alert Level 2) dated December 18, 2021; and
 - c. Special Measures Order (Restatement of Amendment No. 10) effective September 9, 2020.
4. All other Special Measures 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 6th day of February 2022.



Dr. Janice Fitzgerald
Chief Medical Officer of Health