

**Special Measures Order (Proof of Vaccination Status – Updated October 21, 2021)  
(Deferral and Definitions Amendment)**

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

December 14, 2021

TO: All individuals, businesses and organizations 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 Acting Chief Medical Officer of Health, Dr. Rosann Seviour, pursuant to section 28 of the **Public Health Protection and Promotion Act**, made Special Measures Order (Proof of Vaccination Status - Updated October 21, 2021) effective October 22, 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 (Proof of Vaccination Status – Updated October 21, 2021) (Deferral and Definitions Amendment) and Special Measures Order (Proof of Vaccination Status – Updated October 21, 2021) 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. The Order No. 1 of the Special Measures Order (Proof of Vaccination Status – Updated October 21, 2021) is hereby repealed and replaced with the following:

**Definitions**

1. In this Order,

- a. “Approved deferral” means a temporary deferral from receiving the COVID-19 vaccine granted by the Chief Medical Officer of Health in accordance with criteria established by the Chief Medical Officer of Health;
- b. “Approved medical exemption” means an exemption from receiving the COVID-19 vaccine granted in accordance with the guidelines issued by the College of Physicians and Surgeons of Newfoundland and Labrador by:
  - i. A medical practitioner licensed under the **Medical Act, 2011**;  
or
  - ii. A nurse practitioner licensed under the **Registered Nurses Act, 2008**;
- c. “Approved verifier application” means the NLVaxVerify application, used by businesses and organizations, as approved by the Government of Newfoundland and Labrador;
- d. “Fully vaccinated” means an individual has received
  - i. the full series of a COVID-19 vaccine authorized by Health Canada or a combination of COVID-19 vaccines authorized by Health Canada at least 14 days before providing proof of vaccination;

- ii. the full series of a COVID-19 vaccine authorized by the World Health Organization at least 14 days before providing proof of vaccination;
  - iii. one or two doses of a COVID-19 vaccine not authorized by Health Canada or the World Health Organization followed by one dose of a COVID-19 mRNA vaccine authorized by Health Canada at least 14 days before providing proof of vaccination;
  - iv. an approved deferral; or
  - v. an approved medical exemption.
- e. "Proof of identity" means:
- i. for individuals under the age of 19 years, an official document issued by a government, public body or educational institution which includes an individual's name and date of birth; or
  - ii. for individuals 19 years of age or older, an official document issued by a government, public body or educational institution which includes an individual's name, date of birth and photograph; or in the absence of photo identification, means 2 documents that include an individual's name and, at least one of which includes the individual's date of birth;
- f. "Proof of vaccination" means an official document in a physical or electronic form that confirms that a person is fully vaccinated and includes the following:
- i. Electronic QR Code using the NLVaxPass application, as downloaded by individuals, or saved to a mobile device;
  - ii. Physical copy of QR Code;
  - iii. Physical copy of a COVID-19 vaccination record issued in Newfoundland and Labrador;
  - iv. Physical or electronic copy of an official vaccination record issued outside of Newfoundland and Labrador;
  - v. Proof, on a form approved by the Government of Newfoundland and Labrador, that an individual has received an approved medical exemption; or

- vi. Proof, on a form approved by the Chief Medical Officer of Health, that an individual has received an approved deferral; and
- g. “Unvaccinated” means an individual who has not received any dose of COVID-19 vaccine approved by Health Canada or the World Health Organization and, for the purpose of this Order, includes an individual who is not fully vaccinated.

**IT IS FURTHER ORDERED THAT:**

1. This Special Measures Order (Proof of Vaccination Status – Updated October 21, 2021) (Deferral and Definitions Amendment) is effective as of 12:01 on December 15, 2021.
2. All other Orders contained in the Special Measures Order (Proof of Vaccination Status – Updated October 21, 2021) remain in full force and effect.
3. 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 14th day of December, 2021.



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Dr. Janice Fitzgerald  
Chief Medical Officer of Health