

## Special Measures Order (Province-Wide Alert Level 3)

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

December 23, 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:
  - a. a public health emergency as a result of the COVID-19 pandemic;
  - b. the public health emergency is in effect for the entire province of Newfoundland and Labrador; and
  - c. 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 (Re-Opening – Step 2 – Modified Gatherings) effective November 13, 2021, Special Measures Order (Modified Alert Level 2) dated December 18, 2021 and Special Measures Order (Alert Level 3) (Towns and Communities in the Central Region) effective December 20, 2021;
- F. The Chief Medical Officer of Health believes that further special measures are 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 (Province-Wide 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, 1, Dr. Janice Fitzgerald, Chief Medical Officer of Health HEREBY ORDER:**

Notwithstanding Special Measures Order (Re-Opening – Step 2 – Modified Gatherings) and Special Measures Order (Modified Alert Level 2),

1. The following businesses are ordered to close:
  - a. cinemas;
  - b. performance spaces; and
  - c. businesses that hold a license under the **Liquor Control Act** whose primary purpose is the consumption of beer, wine, or spirits.
2. Subject to Orders 3 and 4 herein, the following businesses may remain open:
  - a. gyms and fitness facilities, including yoga studios, swimming pools, tennis and squash facilities;
  - b. dance studios; and
  - c. arenas

provided that capacity is limited to no more than 100 people or 50 per cent of the venue's capacity, whichever is less, per room or ice surface, provided that physical distancing between households can be maintained.

3. All group, team sport and recreation activities where children, youth and/or adults gather in-person and where close proximity is required are suspended, except for amateur sport and recreation activities where activities are limited to team practice and training only. Competition and training with other teams, even within an association are not permitted. For greater certainty, this does not include individual activities such as walking tracks, gyms or lessons involving members of the same household.
4. Group arts and cultural activities that involve in-person gatherings where close proximity is required, are suspended. This includes bands, choirs, dance and music classes. Performances and lessons involving members of the same household are permitted.

5. Restaurants may remain open for in-person dining at 50 per cent capacity where physical distancing of 2 metres between patrons seated at adjacent tables may be maintained. Buffets are prohibited.
6. Bingo halls are ordered to close.
7. Wakes are prohibited. Limited visitation is permitted provided physical distancing may be maintained with individuals outside of the household.
8. Funerals, burials, weddings, religious and cultural ceremonies and services are limited to:
  - a. no more than 100 people or 50 per cent of the venue's capacity provided physical distancing may be maintained where the proof of vaccination for persons entering their premises or participating in their services is verified in accordance with Special Measures Order (Proof of Vaccination Status – Updated October 21, 2021), as amended; or
  - b. no more than 25 per cent of the venue's capacity provided physical distancing may be maintained where the proof of vaccination for persons entering their premises or participating in their services is not verified in accordance with Special Measures Order (Proof of Vaccination Status – Updated October 21, 2021), as amended.
9. 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.
10. All private health care clinics may remain open in accordance with public health guidelines.
11. Retail stores, including those located in shopping malls, may remain open at reduced capacity provided physical distancing may be maintained.
12. Personal services establishments including spas, esthetic services, hair salons, body piercing, tattooing and tanning salons may remain open in accordance with public health guidelines.
13. All individuals who are required to self-isolate or quarantine 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 (Province-Wide Alert Level 3) is effective as of 12:01 a.m. on December 23, 2021.
3. This Special Measures Order (Province-Wide Alert Level 3) repeals and replaces the Special Measures Order (Alert Level 3) (Towns and Communities in the Central Region) effective December 20, 2021.
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 22<sup>nd</sup> day of December, 2021.



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Dr. Janice Fitzgerald  
Chief Medical Officer of Health