

**Special Measures Order  
(Re-Opening – Step 2 – Modified Gatherings)**

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

November 13, 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 (Re-Opening – Step 2 - Updated) effective August 10, 2021;
- F. The Chief Medical Officer of Health believes that while 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, the gatherings restrictions set out in the Special Measures Order (Re-Opening – Step

2 - Updated) are no longer required in the circumstances to respond to 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 (Re-Opening – Step 2 – Modified Gatherings) 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:**

Participants in sports 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 an occupancy limited to groups of no more than 500 people, per rink surface, playing space or room provided that 2 metres of distance between participants may be maintained.

Gatherings where there is no eating or drinking

2. Where held by a recognized business or organization, indoor and outdoor gatherings may occur at 100 per cent of a facility's or venue's capacity without physical distancing between attendees, while seated, provided that:
  - a. Eating and drinking are not permitted in the facility or venue;
  - b. Names and contact information of all individuals in attendance must be collected and retained for 14 days for the purpose of providing to public health officials for contact tracing where requested; and
  - c. Physical distancing of 2 metres between attendees is maintained in common areas including line-ups to the box office, ticket counter and washrooms.

Gatherings where there is eating or drinking

3. Where held by a recognized business or organization, indoor and outdoor gatherings may occur without any specific occupancy limit and without physical distancing between attendees, where eating and drinking is permitted, provided that:
  - a. Eating and drinking only occurs in the seated areas;

- b. Attendees are separated into groupings of no more than 200 people in one distinct seating area, provided that 2 metres of distance between groupings may be maintained in the seating areas;
- c. Names and contact information of all individuals in attendance must be collected and retained for 14 days for the purpose of providing to public health officials for contact tracing where requested; and
- d. Physical distancing of 2 metres between attendees is maintained in common areas including line-ups to the box office, ticket counter, concessions, and washrooms.

Gatherings where reduced capacity and physical distancing are still required

- 4. Where a business or organization does not comply with the requirements in Order No. 2 or Order No. 3 above, the following restrictions shall apply:
  - a. For arenas, gyms and fitness facilities, including yoga studios, indoor swimming pools, indoor tennis, squash facilities and dance studios, the number of spectators is limited to 500 per rink, space or room provided that 2 metres of distance between spectators may be maintained;
  - b. For cinemas and performance spaces, the occupancy is limited to no more than 500 spectators or attendees, per auditorium or room provided that physical distancing may be maintained;
  - c. For bingo halls, the occupancy is limited to no more than 500 people provided that physical distancing of 2 metres of distance between attendees seated at adjacent tables may be maintained; and
  - d. For funerals, burials, weddings, religious and cultural ceremonies and services are limited to no more than 500 people, provided physical distancing may be maintained.
- 5. For all other gatherings not listed in Order No. 4 above, where a business or organization does not comply with the requirements in Order No. 2 or Order No. 3 above, gatherings are limited to no more than 500 people indoors and no more than 500 people outdoors, where physical distancing may be maintained.
- 6. Notwithstanding Order No. 4 and Order No. 5 above, gatherings in large venues including theatres and performing arts venues, community centres, other entertainment venues and sports venues, with a capacity of 500 people or more, may operate at a capacity higher than 500 where an operating plan has been approved by an Environmental Health Officer with Digital Government and Service NL.

Gatherings to which Order No. 2 and Order No.3 do not apply

For greater certainty, Order No. 2 and Order No. 3 do not apply to the businesses, organizations and activities addressed in Orders No. 7 through 10 below.

7. Businesses that hold a license under the **Liquor Control Act**, whose primary purpose is the consumption of beer, wine, or spirits may operate at 100 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 permitted. It is the responsibility of licensees to ensure compliance with this Order within their licensed footprint.
8. Wakes held outside of a funeral home or place of worship are limited to the number of people that the space can accommodate while maintaining physical distancing. Limited visitation is permitted provided physical distancing may be maintained with individuals outside of the household up to a maximum of 50 people in a room at a time.
9. Gatherings in a person's home or property are limited to the number of people that the space can accommodate while maintaining physical distancing.
10. Retail stores, including those located in shopping malls may operate without any specific occupancy limit provided physical distancing may be maintained.
11. Self-serve buffets are prohibited in restaurants and in businesses that serve food.
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](http://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 (Re-Opening – Step 2 – Modified Gatherings) is effective as of 12:01 a.m. on November 13, 2021.
3. This Special Measures Order (Re-Opening – Step 2 – Modified Gatherings) repeals and replaces the Special Measures Order (Re-Opening – Step 2 - Updated) effective August 10, 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 12<sup>th</sup> day of November, 2021.



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Dr. Janice Fitzgerald  
Chief Medical Officer of Health