

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF PUBLIC SAFETY AND
SOLICITOR GENERAL

Emergency Program Act

Ministerial Order No. M012

WHEREAS a declaration of a state of emergency throughout the whole of the Province of British Columbia was declared on March 18, 2020 because of the COVID-19 pandemic;

AND WHEREAS face coverings, when used in addition to other protective measures such as maintaining physical distance and using barriers, help to prevent, respond to or alleviate the effects of the COVID-19 pandemic;

AND WHEREAS the persistence of the COVID-19 pandemic warrants a coordinated provincial approach to the use of face coverings in indoor public spaces;

AND WHEREAS it is not possible for some persons to wear face coverings and I have taken that into consideration in this order;

AND WHEREAS section 10 (1) of the *Emergency Program Act* provides that I may do all acts and implement all procedures that I consider necessary to prevent, respond to or alleviate the effects of any emergency or disaster;

I, Mike Farnworth, Minister of Public Safety and Solicitor General, order that the attached Face Coverings (COVID-19) Order is made.

January 8, 2021

Date



Minister of Public Safety and Solicitor General

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Emergency Program Act*, R.S.B.C. 1996, c. 111, s. 10

Other: MO 73/2020; MO 425/2020; OIC 1/2021

FACE COVERINGS (COVID-19) ORDER

Definitions

1 In this order:

“enforcement officer” has the same meaning as in the Violation Ticket Administration and Fines Regulation with respect to a person in a designated class of persons with the authority to issue a ticket in relation to the provisions of this order;

“face covering” means either of the following that covers the nose and mouth of a person:

- (a) a medical or non-medical mask;
- (b) a tightly woven fabric;

“indoor public space” has the meaning given in section 2 (2);

“operator”, in relation to an indoor public space, means

- (a) an owner or operator of the indoor public space, or
- (b) an employee or person acting on behalf of an owner or operator of the indoor public space;

“visitor” means a person who visits an indoor public space, but does not include the operator of the indoor public space.

Interpretation – indoor public spaces

2 (1) In this section:

“health profession” has the same meaning as in the *Health Professions Act*;

“health professional” means a person who practises a health profession;

“hotel” includes a motel, inn, bed and breakfast, hostel or other place in which rooms are maintained for the accommodation of the public;

“indoor common area” means the indoor area of a building that is provided for the common use of all occupants and invitees of the building, including lobbies, hallways, public bathrooms and elevators;

“perimeter seating” has the same meaning as in the Passenger Transportation Regulation;

“perimeter seating bus” has the same meaning as in the Passenger Transportation Regulation;

“personal service” means a service provided by a person to or on the body of another person, and includes services provided at a barbershop, beauty parlour, health spa, massage parlour, nail salon, tattoo shop, sauna or steam bath;

“post-secondary institution” includes an entity that provides any of the following programs:

- (a) an educational or training program provided under
 - (i) the *College and Institute Act*,
 - (ii) the *Royal Roads University Act*,
 - (iii) the *Thompson Rivers University Act*,
 - (iv) the *University Act*, or

- (v) the *Private Training Act*;
 - (b) a program provided in accordance with a consent given under the *Degree Authorization Act*;
 - (c) a theological education or training program provided under an Act;
 - “public transportation vehicle”** includes a bus, train or ferry;
 - “retail business”** means a business that sells retail goods, including a grocery store, clothing store, liquor or cannabis store, or sporting goods store;
 - “service business”** means a business that provides a service, including
 - (a) dry cleaning or laundry services,
 - (b) insurance services,
 - (c) banking services,
 - (d) funeral services,
 - (e) personal services,
 - (f) accounting, legal, engineering or other professional services, or
 - (g) the services of a tradesperson;
 - “sport or fitness facility”** means a place used for sport or fitness activities, including a gym, ice arena, pool, gymnastics facility, indoor field, fitness studio or dance studio.
- (2) For the purposes of this order, an indoor public space is any of the following:
- (a) a building or structure that is used as
 - (i) a retail business,
 - (ii) a service business,
 - (iii) a restaurant, pub, bar or other business that prepares and sells food or drink,
 - (iv) a mall or shopping centre,
 - (v) a pharmacy,
 - (vi) a health professional’s office,
 - (vii) a place of public worship,
 - (viii) a sport or fitness facility,
 - (ix) a place in which a non-profit organization provides goods or services to the public,
 - (x) a place that provides cultural, entertainment or recreational services or activities, including a theatre, cinema, concert hall, arcade, billiard hall, museum, gallery or library, or
 - (xi) a conference centre, community hall or other place that hosts public events;
 - (b) the indoor common area of
 - (i) an office building,
 - (ii) a hotel,
 - (iii) a hospital,
 - (iv) a courthouse, or

- (v) a post-secondary institution;
- (c) a taxi, limousine, perimeter seating vehicle, perimeter seating bus, vehicle used for a commercial ride sharing service or other vehicle for hire;
- (d) a public transportation vehicle;
- (e) the indoor or sheltered portion or a terminal, station or other location at which persons
 - (i) load onto or unload from a public transportation vehicle, or
 - (ii) wait to load onto a public transportation vehicle;
- (f) an airport, heliport or seaplane terminal.

Face coverings required in indoor public spaces

- 3 (1) Except as provided under section 4, a visitor must wear a face covering, in accordance with subsection (2), while inside an indoor public space.
- (2) A face covering must be worn in a manner that covers the nose and mouth.

Exemption from use of face covering

- 4 Section 3 does not apply as follows:
 - (a) to a person who is less than 12 years of age;
 - (b) to a person who is unable to wear a face covering because of
 - (i) a psychological, behavioural or health condition, or
 - (ii) a physical, cognitive or mental impairment;
 - (c) to a person who is unable to put on or remove a face covering without the assistance of another person;
 - (d) if the face covering is removed temporarily for the purposes of identifying the person wearing it;
 - (e) while inside a courtroom;
 - (f) while consuming food or beverage at a location designated for those purposes by the operator of the indoor public space;
 - (g) while participating in a sport or fitness activity at a sport or fitness facility;
 - (h) while receiving a personal service, or a service at a health professional's office, if removing the face covering is necessary in order to receive the service;
 - (i) while inside a vehicle on a ferry;
 - (j) while communicating with a person who has a hearing impairment.

Order does not prevent further requirements

- 5 Nothing in this order prevents an operator from having additional requirements in relation to face coverings.

General compliance matters

- 6 (1) A direction given by an enforcement officer relating to a person's compliance with this order, including a direction to leave an indoor public space, must be complied with.

- (2) A visitor to an indoor public space must not engage in abusive or belligerent behaviour towards an enforcement officer, another visitor or the operator of the indoor public space in relation to the other person's efforts
 - (a) to comply with, or
 - (b) to respond to, prevent or correct contraventions of a face covering requirement.
- (3) In this section, **"face covering requirement"** means a requirement in relation to face coverings that is set out in
 - (a) this order,
 - (b) an order made under the *Public Health Act*, or
 - (c) a COVID-19 provision within the meaning of the *COVID-19 Related Measures Act*.

Enforcement information to minister

- 7 A law enforcement agency and a local government must provide the minister with information in its possession, other than personal information, that the minister requests respecting the enforcement of this order by the law enforcement agency or the local government.