

Special Measures Order (General – Alert Level 5)

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

February 12, 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 (General Alert Level 2) (Updated) effective December 10, 2020, Special Measures Order (Extracurricular Activities Outside of St. John's Metropolitan Area) effective February 10, 2021 and the Special Measures Order (St. John's Metropolitan Area) (Updated) effective February 11, 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 (General – Alert Level 5) 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 following businesses are ordered to close:
 - (i) gyms and fitness facilities, including yoga studios, swimming pools, tennis and squash facilities;
 - (ii) dance studios;
 - (iii) cinemas;
 - (iv) performance spaces;
 - (v) arenas;
 - (vi) personal services establishments including spas, esthetic services, hair salons, body piercing, tattooing and tanning salons; and
 - (vii) businesses that hold a license under the **Liquor Control Act** whose primary purpose is the consumption of beer, wine, or spirits.
2. Retail stores are ordered to close for in-person service, unless those stores provide services essential to the life, health or personal safety of individuals and animals including:
 - i. food;
 - ii. pharmaceutical products, medicine and medical devices;
 - iii. personal hygiene products;
 - iv. cleaning products;
 - v. baby and child products;
 - vi. gas stations and garages;
 - vii. computer and cellphone service and repair;
 - viii. electronic and office supplies
 - ix. hardware supplies; and
 - x. pet and animal supplies.

3. All private health care clinics, except physician and nurse practitioner clinics, are ordered to close immediately. If a clinician is needed to provide emergency services, they may open only to provide these services. If clinicians can provide virtual care, they are encouraged to do so.
4. Restaurants are ordered to close for in-person dining. Take-out, delivery and drive-thru services are permitted.
5. Bingo halls are ordered to close.
6. Wakes and visitation are prohibited. Funerals, burials, weddings, religious and cultural ceremonies are limited to no more than 5 people. With the exception of a single person household joining another household, all other gatherings are limited to those individuals within the same household. For greater certainty, this limitation on informal gatherings does not apply to custody and access orders and arrangements.
7. 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 (General – Alert Level 5) is effective immediately.
3. This Special Measures Order (General – Alert Level 5) repeals and replaces the Special Measures Order (General Alert Level 2) (Updated) effective December 10, 2020, the Special Measures Order (Extracurricular Activities Outside of St. John's Metropolitan Area) effective February 10, 2021 and the Special Measures Order (St. John's Metropolitan Area) (Updated) effective February 11, 2021.
4. All other Special Measures Orders and Exemption 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 12th day of February, 2021.



Dr. Janice Fitzgerald
Chief Medical Officer of Health