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DUPLICATE

## Sullivan, Michelle A HLTH:EX

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**From:** Henry, Bonnie HLTH:EX  
**Sent:** March 17, 2020 8:55 AM  
**To:** Dix, Adrian HLTH:EX; Brown, Stephen R HLTH:EX; Hold - 200921 - van Baarsen, Amanda HLTH:EX  
**Subject:** FW: PHO Class Order for travellers and Notice of Regional Event (i.e. declaration PH emergency)  
**Attachments:** PHO Regional Event Notice draft 2020.03.16.docx  
**Importance:** High

Good morning Minister,

I believe it is time to officially declare a public health emergency. Attached is the Notice of Event (declaration of public health emergency) that we have developed with legal advice. I recommend this be issued because the Notice protects me from having to address reconsiderations, it allows me to make oral Orders and authorize health officers to work in other regions, it provides the Minister (you) with regulation making powers and ability to vary the Public Health Act if needed. Declaration of a public health emergency also underscores the very serious nature of the current situation.

- 54 (1) (h) "(h) not reconsider an order under section 43 [*reconsideration of orders*], not review an order under section 44 [*review of orders*] or not reassess an order under section 45 [*mandatory reassessment of orders*];" to avoid getting bogged down in procedural issues once you issue mass gathering Order and traveler related Order.
- 55 (1) The provincial health officer may, in an emergency, make an order authorizing
  - (a) a health officer to exercise a power or perform a duty in a geographic area for which the health officer has not been designated, and
  - (b) an environmental health officer to exercise a power or perform a duty of environmental health officers that is not permitted by his or her designation.
- 58 (2) – extra powers for Minister to make regulations and modifying a requirement of this Act or the regulations made under it; or authorizing the provincial health officer to make an exemption or modify a requirement

### General emergency powers

- 54** (1) A health officer may, in an emergency, do one or more of the following:
- (a) act in a shorter or longer time period than is otherwise required;
  - (b) not provide a notice that is otherwise required;
  - (c) do orally what must otherwise be done in writing;
  - (d) in respect of a licence or permit over which the health officer has authority under section 55 [*acting outside designated terms during emergencies*] or the regulations, suspend or vary the licence or permit without providing an opportunity to dispute the action;

- (e) specify in an order a facility, place, person or procedure other than as required under section 63 [*power to establish directives and standards*], unless an order under that section specifies that the order applies in an emergency;
  - (f) omit from an order things that are otherwise required;
  - (g) serve an order in any manner;
  - (h) not reconsider an order under section 43 [*reconsideration of orders*], not review an order under section 44 [*review of orders*] or not reassess an order under section 45 [*mandatory reassessment of orders*];
  - (i) exempt an examiner from providing examination results to an examined person;
  - (j) conduct an inspection at any time, with or without a warrant, including of a private dwelling;
  - (k) collect, use or disclose information, including personal information,
    - (i) that could not otherwise be collected, used or disclosed, or
    - (ii) in a form or manner other than the form or manner required.
- (2) An order that may be made under this Part may be made in respect of a class of persons or things, and may make different requirements for different persons or things or classes of persons or things or for different geographic areas.

### **Acting outside designated terms during emergencies**

- 55** (1) The provincial health officer may, in an emergency, make an order authorizing
- (a) a health officer to exercise a power or perform a duty in a geographic area for which the health officer has not been designated, and
  - (b) an environmental health officer to exercise a power or perform a duty of environmental health officers that is not permitted by his or her designation.
- (2) A health officer must act in accordance with an order of the provincial health officer until the provincial health officer notifies the health officer that the emergency that gave rise to the order has passed.

### **Emergency powers to make regulations**

- 58** (1) The minister may, in an emergency, prescribe an infectious agent or a hazardous agent for the purposes of a section that refers to an infected person or an infected thing, and, for this purpose, section 111 (2) [*regulations respecting terms*] applies.
- (2) The minister may, in an emergency, make regulations as follows:
- (a) exempting a person, place or thing from a provision of this Act or the regulations made under it;
  - (b) modifying a requirement of this Act or the regulations made under it;

- (c) authorizing the provincial health officer to make an exemption or modify a requirement as described in paragraphs (a) and (b);
  - (d) authorizing persons to exercise powers and perform duties as health officers, with or without conditions;
  - (e) applying or modifying a regulation made under section 118 (b) to (e) *[regulations respecting inspections and enforcement]* for the purposes of applications to the court under section 56 *[emergency preventive measures]*.
- (3) A person authorized to exercise powers and perform duties as a health officer under subsection (2) (d) is deemed to be a health officer designated under this Act, subject to any conditions set out in the regulations made under that subsection.

This can be done in concert with a declaration under the Emergency Programs Act and I know Minister Farnworth and you are discussing that or as a first step and invoking the EPA in the coming days. We should make a decision this morning and can announce this afternoon?

My best,  
Bonnie

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Dr Bonnie Henry  
Provincial Health Officer  
Office of the PHO  
Ministry of Health  
4<sup>th</sup> floor, 1515 Blanshard St  
Mailing address: PO Box 9648, STN PROV GOVT  
Victoria, BC  
V8W 9P4  
[Bonnie.henry@gov.bc.ca](mailto:Bonnie.henry@gov.bc.ca)

Phone: 250 952-1330

*I gratefully acknowledge that I live and work on the traditional unceded territory of the Lekwungen Peoples, specifically the Songhees and Esquimalt First Nations. Hay'sxw'qu Si'em*

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Cliff #1157407

To: Honourable Adrian Dix, Minister of Health  
Stephen Brown, Deputy Minister, Ministry of Health  
All British Columbia Medical Health Officers  
Dr. Evan Adams, Chief Medical Officer, First Nations Health Authority  
Dr. Brian Emerson, Deputy Provincial Health Officer (acting)  
Dr. Daniele Behn Smith, Deputy Provincial Health Officer, Indigenous Health  
Dr. Reka Gustafson, Executive Medical Director, BC Centre for Disease Control  
Lorie Hryciuk, Executive Lead, Ministry of Health

**Re: Provincial Health Officer Notice**  
***Public Health Act S.B.C. 2008, Chapter 28, section 52 (2)***

Further to the provisions of section 52 (2) of the *Public Health Act*, I hereby provide notice that the transmission of the infectious agent SARS-CoV-2, which has caused cases and outbreaks of a serious illness known as COVID – 19 among the population of the Province of British Columbia, constitutes a regional event as defined under section 51 of the *Public Health Act*.

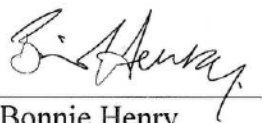
On the basis of the information that has been reported to me in my capacity as the Provincial Health Officer, I reasonably believe that the following criteria found in section 52 (2) *Public Health Act* exist:

- (a) the regional event could have a serious impact on public health;
- (b) the regional event is unusual or unexpected;
- (c) there is a significant risk of the spread of an infectious agent; and
- (d) there is a significant risk of travel or trade restrictions as a result of the regional event.

The purpose of providing this notice is to enable the exercise of the powers in Part 5 of the *Public Health Act* in responding to the event.

Signed this X day of March, 2020

SIGNED:

  
Bonnie Henry  
MD, MPH, FRCPC  
Provincial Health Officer

## Sullivan, Michelle A HLTH:EX

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**From:** Henry, Bonnie HLTH:EX  
**Sent:** March 17, 2020 9:29 AM  
**To:** Dix, Adrian HLTH:EX; Brown, Stephen R HLTH:EX; Amanda HLTH:EX van Baarsen (Amanda.vanBaarsen@gov.bc.ca)  
**Subject:** FW: Declaration of Public Health Emergency  
**Attachments:** PHO Regional Event Notice 2020.03.17 final.pdf  
**Importance:** High

Minister Dix,  
Please find attached the formal signed notice of a regional event under the Public Health Act. This is essentially the declaration of a public health emergency as we discussed and enables the powers below.  
My best,  
Bonnie

Dr Bonnie Henry  
Provincial Health Officer  
Office of the PHO  
Ministry of Health  
4<sup>th</sup> floor, 1515 Blanshard St  
Mailing address: PO Box 9648, STN PROV GOVT  
Victoria, BC  
V8W 9P4  
[Bonnie.henry@gov.bc.ca](mailto:Bonnie.henry@gov.bc.ca)

Phone: 250 952-1330

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This Notice allows the PHO to make oral Orders and authorize health officers to work in other regions, allows you to expedite processes., it provides the Minister with regulation making powers and ability to vary the *Public Health Act* if needed. Declaration a public health emergency also underscores the very serious nature of the current situation.

- 54 (1) (h) "(h) not reconsider an order under section 43 [*reconsideration of orders*], not review an order under section 44 [*review of orders*] or not reassess an order under section 45 [*mandatory reassessment of orders*];" to avoid getting bogged down in procedural issues once you issue mass gathering Order and traveler related Order.
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### **General emergency powers**

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- (d) in respect of a licence or permit over which the health officer has authority under section 55 [*acting outside designated terms during emergencies*] or the regulations, suspend or vary the licence or permit without providing an opportunity to dispute the action;
- (e) specify in an order a facility, place, person or procedure other than as required under section 63 [*power to establish directives and standards*], unless an order under that section specifies that the order applies in an emergency;
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- (k) collect, use or disclose information, including personal information,
  - (i) that could not otherwise be collected, used or disclosed, or
  - (ii) in a form or manner other than the form or manner required.

(2) An order that may be made under this Part may be made in respect of a class of persons or things, and may make different requirements for different persons or things or classes of persons or things or for different geographic areas.

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### **Emergency powers to make regulations**

- 58** (1) The minister may, in an emergency, prescribe an infectious agent or a hazardous agent for the purposes of a section that refers to an infected person or an infected thing, and, for this purpose, section 111 (2) [*regulations respecting terms*] applies.
- (2) The minister may, in an emergency, make regulations as follows:
- (a) exempting a person, place or thing from a provision of this Act or the regulations made under it;
  - (b) modifying a requirement of this Act or the regulations made under it;
  - (c) authorizing the provincial health officer to make an exemption or modify a requirement as described in paragraphs (a) and (b);
  - (d) authorizing persons to exercise powers and perform duties as health officers, with or without conditions;
  - (e) applying or modifying a regulation made under section 118 (b) to (e) [*regulations respecting inspections and enforcement*] for the purposes of applications to the court under section 56 [*emergency preventive measures*].
- (3) A person authorized to exercise powers and perform duties as a health officer under subsection (2) (d) is deemed to be a health officer designated under this Act, subject to any conditions set out in the regulations made under that subsection.



Cliff #1157407

To: Honourable Adrian Dix, Minister of Health  
Stephen Brown, Deputy Minister, Ministry of Health  
All British Columbia Medical Health Officers  
Dr. Evan Adams, Chief Medical Officer, First Nations Health Authority  
Dr. Brian Emerson, Deputy Provincial Health Officer (acting)  
Dr. Daniele Behn Smith, Deputy Provincial Health Officer, Indigenous Health  
Dr. Reka Gustafson, Vice President, Public Health and Wellness  
Lorie Hryciuk, Executive Lead, Ministry of Health

Re: Provincial Health Officer Notice  
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On the basis of the information that has been reported to me in my capacity as the Provincial Health Officer, I reasonably believe that the following criteria found in section 52 (2) *Public Health Act* exist:

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- (c) there is a significant risk of the spread of an infectious agent; and
- (d) there is a significant risk of travel or trade restrictions as a result of the regional event.

The purpose of providing this notice is to enable the exercise of the powers in Part 5 of the *Public Health Act* in responding to the event.

Signed this 17 day of March, 2020

SIGNED:

Bonnie Henry  
MD, MPH, FRCPC  
Provincial Health Officer

**Sullivan, Michelle A HLTH:EX**

---

**From:** Henry, Bonnie HLTH:EX  
**Sent:** March 17, 2020 9:32 AM  
**To:** Dix, Adrian HLTH:EX  
**Subject:** RE: Declaration of Public Health Emergency

That is correct.

B

Dr Bonnie Henry  
Provincial Health Officer  
Office of the PHO  
Ministry of Health  
4<sup>th</sup> floor, 1515 Blanshard St  
Mailing address: PO Box 9648, STN PROV GOVT  
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**From:** Dix, Adrian HLTH:EX <Adrian.Dix@gov.bc.ca>  
**Sent:** March 17, 2020 9:31 AM  
**To:** Henry, Bonnie HLTH:EX <Bonnie.Henry@gov.bc.ca>  
**Subject:** Re: Declaration of Public Health Emergency

Thanks Bonnie. Announce at 3 but they are in effect now, right?

Sent from my iPad

On Mar 17, 2020, at 9:29 AM, Henry, Bonnie HLTH:EX <[Bonnie.Henry@gov.bc.ca](mailto:Bonnie.Henry@gov.bc.ca)> wrote:

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(2) *[regulations respecting terms]* applies.

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(c) authorizing the provincial health officer to make an exemption or modify a requirement as described in paragraphs (a) and (b);

(d) authorizing persons to exercise powers and perform duties as health officers, with or without conditions;

(e) applying or modifying a regulation made under section 118

(b) to (e) *[regulations respecting inspections and enforcement]*

for the purposes of applications to the court under section

56 *[emergency preventive measures]*.

(3) A person authorized to exercise powers and perform duties as a health officer under subsection (2) (d) is deemed to be a health officer designated under this Act, subject to any conditions set out in the regulations made under that subsection.