



PUBLIC HEALTH ORDER
FOOD, BEVERAGE AND LIQUOR SERVING PREMISES
April 28, 2021

(Under Section 25.2 of *The Disease Control Regulations*)

WHEREAS:

- A. I, Dr. Saqib Shahab, an official with the Ministry of Health and the Chief Medical Health Officer for the Province of Saskatchewan, have been authorized by the Minister of Health to act under section 25.2 of *The Disease Control Regulations*;
 - B. The transmission of the infectious agent SARS-CoV-2, which has caused cases and outbreaks of a serious communicable disease known as COVID-19 among the population of the Province of Saskatchewan, is a serious public health threat, as defined in *The Public Health Act, 1994*;
 - C. COVID-19 is a category I communicable disease;
 - D. To decrease or eliminate the risk to health presented by COVID-19, it is necessary to (a) reduce the probability for transmission of SARS-CoV-2, including variants of concern, and (b) reduce the exposure to SARS-CoV-2, including variants of concern;
 - E. Multiple SARS-CoV-2 variants of concern have emerged worldwide and are now present in Canada and Saskatchewan. These variants of concern are more transmissible than the previously dominant variants, and are more likely to cause death or serious illness;
 - F. A person infected with SARS-CoV-2, including a variant of concern, can infect other people with whom the infected person is in contact;
 - G. The gathering of people in close contact with one another can promote the transmission of SARS-CoV-2, including variants of concern, and increase the number of people who develop COVID-19;
 - H. I am aware of and have considered the impact that this Order and other public health measures, including the *Re-Open Saskatchewan Plan*, have had and will continue to have on the people of Saskatchewan;
 - I. I am continuously evaluating and reconsidering these public health measures based upon the information and evidence available to me, including the impacts on the people of Saskatchewan previously discussed, and also including infection rates, sources of transmission, the presence of outbreaks, the number of people in hospital and in intensive care, deaths, the emergence of and risks posed by virus variants of concern, vaccine availability, immunization rates, the vulnerability of particular populations and reports from the rest of Canada and other jurisdictions.
 - J. While issuing this Order, I have done my utmost to strike a proportionate balance between the public interest in holding and attending public and private gatherings against the serious risk that such gatherings pose to public health;
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- K. I am aware of and have considered that the public interest includes constitutionally-protected interests, particularly the rights and freedoms protected by the *Canadian Charter of Rights and Freedoms* (“**Charter**”), including freedom of expression, freedom of peaceful assembly, and freedom of association. I also recognize that the rights and freedoms protected by the *Charter* are not absolute, and are subject to reasonable limits, prescribed by law as can be demonstrably justified in a free and democratic society;
- L. When issuing this Order, I have considered whether alternate measures that are less impactful on the *Charter*-protected rights and freedoms of the people of Saskatchewan are appropriate and consistent with public health principles, including the precautionary principle. I am aware of my obligation to choose measures that impact the *Charter*-protected rights and freedoms of the people of Saskatchewan as little possible;
- M. I consider the following measures necessary to decrease or eliminate the risk to health presented by COVID-19 and in the public interest, in order to prevent, reduce and control the transmission of SARS-CoV-2, including variants of concern;
- N. This Order imposes additional requirements or restrictions to those found in the *Re-Open Saskatchewan Plan*, as updated from time to time, and found on the Government of Saskatchewan website: Saskatchewan.ca. Where this Order conflicts with the *Re-Open Saskatchewan Plan*, this Order shall prevail;
- O. By virtue of the foregoing and under section 25.2 of *The Disease Control Regulations*:

This order applies to all Owners and Operators of a Bar or Public Eating Establishment and all Patrons of a Bar or Public Eating Establishment, with the exception of those located within the Regina Region area set out in Attachment “A” attached hereto:

Effective April 28th, 2021 at 4:55 p.m., I rescind my April 20th, 2021, “Food, Beverage, and Liquor Serving Premises Order” and order the following:

I hereby ORDER and DIRECT:

- 1. For the purposes of this order:
 - a. “bar” means:
 - i. Any premises issued a tavern permit pursuant to *The Alcohol Control Regulations, 2016*;
 - ii. Any premises issued an endorsement pursuant to section 15 or 16 of *The Alcohol Control Regulations, 2016*;
 - iii. Any premises issued a special use permit pursuant to subsection 19(1)(a) and 19(1)(l) of *The Alcohol Control Regulations, 2016*;
 - iv. Any premises issued a manufacturer permit pursuant to *The Alcohol Control Regulations, 2016*;
 - v. A casino as defined in *The Gaming Regulations, 2007*;and includes pubs, bars, lounges, nightclubs, liquor manufacturing facilities that have private tasting rooms, casinos and private clubs.
 - b. “outdoor area” means:

- i. A patio or dining area with a roof but no more than one enclosing wall;
- ii. A patio or dining area without a roof but one or more enclosing walls; or
- iii. A patio or dining area without a roof or any enclosing walls.

For greater clarity:

- i. Umbrellas are not roofs;
 - ii. A barrier, including a fence or wall, that is no higher than half the ordinary height of a wall is not an enclosing wall;
 - iii. A barrier, including a fence, comprised of mesh or netting that does not block the movement of air through it is not an enclosing wall; and
 - iv. A barrier, including the wall of a tent, which is erected at an angle to the ground such that the barrier acts as a wall and a roof at once is simultaneously an enclosing wall and a roof for the purposes of this definition.
- c. “patron” means anyone being provided services in a bar or public eating establishment, but does not include staff.
 - d. “physical barrier” means an obstacle that is easily cleaned and effective in preventing the transmission of respiratory droplets between people without impeding ventilation.
 - e. “public eating establishment” means a public eating establishment licensed pursuant to section 5 of *The Food Safety Regulations*, including any premises issued a restaurant permit pursuant to *The Alcohol Control Regulations, 2016*, restaurants, coffee shops, cafes, and cafeterias, but does not include areas in the following locations where food or beverages are not served to the general public:
 - i. Addiction treatment centres, complex care centres, health centres, hospitals, mental health centres, residential treatment centres or special-care homes designated pursuant to *The Provincial Health Authority Act*;
 - ii. Personal care homes licensed pursuant to *The Personal Care Homes Act*;
 - iii. Assisted living facilities;
 - iv. Residential-Service Facilities licensed pursuant to *The Residential-service Facility Regulations*.
2. For certainty, this order is not directed at independent living facilities, correctional facilities, and industrial camps. For greater certainty, this order does apply to areas that serve food or beverage to the general public located in the establishments listed in subsections 1(d)(i) to (iv).
 3. The sale of alcohol for onsite consumption in all bars and public eating establishments is prohibited between the hours of 10:00 pm and 9:30 am to all persons, including patrons, staff, and owners.

4. The consumption of alcohol in all bars and public eating establishments is prohibited between the hours of 11:00 pm and 9:30 am for all persons, including patrons, staff, and owners.
5. All patrons visiting the bar or public eating establishment must be seated at a table, booth, bar, or counter area. Capacity and seating requirements shall adhere to the requirements in the Restaurants and Licensed Establishment Guidelines in the Re-Open Saskatchewan Plan found on the Government of Saskatchewan website (Saskatchewan.ca), as amended from time to time.
6. Patrons who are not in the same party must be seated two metres apart from one another if they are separated by a physical barrier, or three metres apart from one another if they are not separated by a physical barrier.
7. There must be no more than four patrons seated at a table or booth, even if they belong to the same party.
8. If the adjacent tables or booths are separated by physical barriers, there must be a distance of two metres between the backs of the seats of patrons seated at adjacent tables or booths, even if members of the same party are seated at adjacent tables or booths. If the adjacent tables or booths are not separated by physical barriers, there must be a distance of three metres between the backs of the seats of patrons seated at adjacent tables or booths, even if the members of the same party are seated at adjacent tables or booths.
9. There must be two metres between patrons seated at a counter if they are separated by physical barrier, or three metres between patrons seated at a counter that are not separated by a physical barrier, unless the patrons are in the same party.
10. If a party of patrons is seated at a counter, there must be no more than four members of the party seated less than two metres apart from one another. They must be two metres from the other members of the party who are seated adjacent to them at the counter if they are separated by a physical barrier, or three metres apart from other members of the party who are seated adjacent to them at the counter if they are not separated by a physical barrier.
11. Notwithstanding subsections 6 and 8 to 10, members of a party who are seated at a table, booth, or counter in an outdoor area may be seated two meters apart from another party seated beside or adjacent to them even if the parties are not separated by a physical barrier.
12. Patrons are to remain seated except to use the washroom facilities or to leave the premises. Patrons must maintain a distance of two metres from other patrons if they are not seated. In the case of patrons who require assistance or supervision, a distance of two metres is not required to be maintained between them and their caregiver.
13. Owners must collect the first and last name, and telephone number or email address, of all dine-in patrons. Owners must retain this information for 30 days, in case there is a need for contact tracing, in which case the owner must provide the information to the medical health officer upon request.
14. Owners shall ensure that there are a sufficient number of staff at the premises to ensure that patrons remain seated.

15. Music and other background sounds, such as televisions or other sound producing devices, must be kept at a volume lower than 80 decibels that allows patrons and staff to speak at the volume of a normal conversation.
16. No dancing, karaoke, open mic, or similar activities are permitted.
17. Dance floors must be closed with physical barriers that prevent their use or be occupied with tables.
18. The use of hookahs or other types of water pipes in the premises is prohibited.

This order remains in effect until 12:01 a.m. on May 10th, 2021, or until, in the opinion of the Chief Medical Health Officer, there is no longer a public health threat, whichever shall first occur.

DATED at Regina, Saskatchewan, on the 28th day of April, 2021.



Dr. Saqib Shahab FRCPC
Government of Saskatchewan
Chief Medical Health Officer

