



**PUBLIC HEALTH ORDER
PROOF OF COVID-19 VACCINATION OR NEGATIVE TEST**

November 25, 2021

(Under Subsection 25.2(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 make this Order under subsection 25.2(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, and (b) reduce the exposure to SARS-CoV-2;
- E. An individual infected with SARS-CoV-2, including a variant of concern, can infect other people with whom the infected individual is in contact;
- F. 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;
- G. Vaccination against COVID-19 is now widely available across Saskatchewan. Vaccines approved for use in Canada have proven to be safe and highly effective at both reducing the transmission of COVID-19 and reducing negative health outcomes, such as hospitalization and death, in vaccinated persons who do contract COVID-19. However, Saskatchewan has a large population of unvaccinated persons, including those younger than 12 years of age who have just become eligible for vaccination, which is fueling the community spread of COVID-19 and creating opportunities for “breakthrough” infections of vaccinated persons;
- H. This Order is necessary in order to reduce the burden on Saskatchewan's health care system, enable essential services to continue, and to reduce serious illness and overall deaths as a result of the COVID-19 pandemic;
- I. I am aware of and have considered the impact that this Order will have on the people of Saskatchewan;

- J. While issuing this Order, I have determined that the restrictions herein are not disproportionate to the risk that COVID-19 poses to the people of Saskatchewan;
- K. I am aware of and have considered that this Order may impact upon constitutionally-protected interests, particularly the rights and freedoms protected by the *Canadian Charter of Rights and Freedoms* (“*Charter*”), including freedom of peaceful assembly, freedom of association, and mobility rights. 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 the importance of choosing measures that impact the *Charter*-protected rights and freedoms of the people of Saskatchewan as little as possible. To that end, this Order:
 - a. applies only to non-essential businesses;
 - b. applies only to places where people typically gather together, such that the risk of transmission of COVID-19 is highest;
 - c. allows persons who are unable or unwilling to be vaccinated against COVID-19 to be tested for COVID-19 as an alternative to vaccination; and
 - d. does not apply to private gatherings or places of worship for worship services.
- 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; and
- N. By virtue of the foregoing and under subsection 25.2(2) of *The Disease Control Regulations*, effective November 26, 2021 at 12:01am, I hereby rescind my *Proof of COVID-19 Vaccination or Negative Test Order* (dated October 19, 2021) and I ORDER and DIRECT:

This Order applies to all individuals, businesses, institutions, associations and other organizations within the Province of Saskatchewan and City of Lloydminster.

SECTION 1: DEFINITIONS

(a) In this Order:

- (i) “*COVID-19 test*” means any of the following paid tests administered at a testing site approved by the Minister of Health, as posted on the Government of Saskatchewan’s website and as updated from time to time, at:

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<https://www.saskatchewan.ca/government/health-care-administration-and-provider-resources/treatment-procedures-and-guidelines/emerging-public-health-issues/2019-novel-coronavirus/testing-information/where#licensed-labs-offering-test>

1. a polymerase chain reaction (PCR) test for SARS-CoV-2;
2. a point-of-care antigen test for SARS-CoV-2;
3. any other test for SARS-CoV-2 approved by the Minister of Health;

(ii) “**fully-vaccinated**”, with respect to an individual who resides in Saskatchewan or who resides in another jurisdiction, means that:

1. the individual has received the recommended number of doses of a COVID-19 vaccine, or combination of COVID-19 vaccines, approved by Health Canada; and
2. 14 or more days have passed since the individual received the last of the recommended number of doses;

(iii) “**personal identification**” means one of the following:

1. a driver’s licence issued by a government of a province or territory of Canada and including a photograph of the holder;
2. a government (Saskatchewan or other) issued identification card, including health card;
3. a birth certificate, or a copy of a birth certificate, issued by a government of a province or territory of Canada;
4. a certificate of Indian Status;
5. a Metis Nation Saskatchewan citizenship and identification card;
6. a passport attesting to citizenship or other national status, issued by a government of any jurisdiction, that includes a photograph of the holder;
7. a permanent resident or citizenship card; or
8. any other form of identification, issued by a government of any jurisdiction, that includes a photograph of the holder;

(iv) “**proof of being fully-vaccinated**” means one of the following:

1. a wallet card received at the time of immunization;
2. a printed copy of a MySaskHealthRecord vaccine certificate, with or without a QR code;
3. a screenshot of a MySaskHealthRecord vaccine certificate, with or without a QR code; or
4. a COVID-19 vaccine printout from Saskatchewan Health Authority, Public Health;
5. a QR code/MySaskHealthRecord vaccine certificate uploaded to SK Vax Wallet
6. a type of proof, whether electronic or in writing, that is issued:
 - a. by the government of Canada or a province or territory of Canada, or
 - b. by any other government of another jurisdiction.

(v) “**restaurant**” means a public eating establishment where food and beverages are served, but does not include areas in the following locations where food or beverages are served:

1. 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*;
2. Personal care homes licensed pursuant to *The Personal Care Homes Act*;
3. Assisted living facilities;
4. Residential-Service Facilities licensed pursuant to *The Residential-service Facility Regulations*.

For certainty, this order is not directed at independent living facilities, correctional facilities, and industrial camps.

(vi) “**SARS-CoV-2**” means severe acute respiratory syndrome coronavirus 2, the virus that causes COVID-19

SECTION 2: COVID-19 PROOF OF VACCINATION OR NEGATIVE TEST

(a) The person responsible for a business or an organization described in subsection (c) shall require each patron and volunteer 18 years of age or older who enters the premises of the business or organization to provide, at the point of entry:

(i) one piece of personal identification; and

(ii) proof that the patron or volunteer:

1. is fully-vaccinated against COVID-19; or

2. has received a negative COVID-19 test administered within the previous 72 hours.

(b) The person responsible for a business or an organization described in subsection (c) shall require each patron and volunteer 12 to 17 years of age who enters the premises of the business or organization to provide, at the point of entry:

(i) one piece of personal identification; and

(ii) proof that the patron or volunteer:

1. is fully-vaccinated against COVID-19; or

2. has received a negative COVID-19 test administered within the previous 72 hours.

If a patron or volunteer 12 to 17 years of age is accompanied by a person over the age of 18 years of age, who has provided the personal identification required by subsection (a), then the patron or volunteer 12 to 17 years of age is not required to provide any personal identification.

(c) Subject to subsection (d), subsections (a) and (b) apply with respect to premises of the following businesses and organizations:

(i) seated dining in restaurants, including cafeterias, fast food restaurants, and restaurants in hotels or other lodgings, but excluding food courts;

(ii) nightclubs, bars, taverns, manufacturer hospitality suites, buses, and other establishments and transportation licensed by the Saskatchewan Liquor and Gaming Authority, including establishments located in the City of Lloydminster that hold a similar licence from Alberta Gaming Liquor and Cannabis, for the sale and service of alcohol;

- (iii) liquor stores that have been issued standalone retail store permits by the Saskatchewan Liquor and Gaming Authority, including establishments located in the City of Lloydminster that hold a similar licence from Alberta Gaming Liquor and Cannabis;
 - (iv) liquor stores that have been issued integrated retail store permits by the Saskatchewan Liquor and Gaming Authority and that also hold a tavern or restaurant permit issued by the Saskatchewan Liquor and Gaming Authority, including establishments located in the City of Lloydminster that hold a similar licence from Alberta Gaming Liquor and Cannabis;
 - (v) cannabis stores that have been issued standalone retail store permits by the Saskatchewan Liquor and Gaming Authority, including establishments located in the City of Lloydminster that hold a similar licence from Alberta Gaming Liquor and Cannabis;
 - (vi) liquor manufacturers conducting retail liquor sales;
 - (vii) event and entertainment venues, including:
 - 1. conference centres, meeting rooms and banquet facilities, except when being used for the purposes of a court or tribunal proceeding;
 - 2. casinos, bingo halls and other gaming establishments;
 - 3. theatres;
 - 4. cinemas;
 - 5. concert venues;
 - 6. live-music venues;
 - 7. facilities hosting ticketed sporting events where:
 - a. a physical or electronic ticket is required to gain entrance into the event; and
 - b. GST is charged on the ticket; and
 - 8. fitness centres and gyms.
- (d) Subsections (a) and (b) do not apply if the patron is entering the premises of the business or the organization solely for one of the following purposes:

- (i) to use a washroom;
 - (ii) to place, pick up and pay for an order, except at a business or organization described in clauses 2(c)(iii) to (vi); or
 - (iii) as may be necessary for the purposes of health and safety.
- (e) Except for the purposes specified in subsection (d), a patron or volunteer shall not enter the premises of a business or an organization described in subsection (c) without providing the information required by subsections (a) or (b).
- (f) An individual who provides any information to a business or an organization to satisfy a requirement pursuant to this section shall ensure that the information is complete and accurate.
- (g) A person must not:
- (i) copy, modify or alter a document or other item that provides proof of a person's immunization status or of proof of having received a negative COVID-19 test; or
 - (ii) without authority, create a document or other item that purports to provide proof of a person's immunization status or proof of having received a negative COVID-19 test.
- (h) A person must not engage or attempt to engage in any conduct or activity set out in these orders by presenting any document or other item that provides or purports to provide proof of the person's immunization status that:
- (i) was not legally issued to the person; or
 - (ii) was modified, altered, forged or fraudulently made.
- (i) A person responsible for a business or organization is not required to retain any information provided to it pursuant to subsection (a) or (b).
- (j) With the express permission of the person, a fitness facility or gym may, for the purposes of subsection (a) or (b), link the individual member's personal identification and proof of being fully vaccinated status to their proof of membership card or token of the fitness facility or gym. The membership card or token must be scanned or otherwise verified upon each entry, as an alternative to checking proof of being fully vaccinated and personal identification upon each entry. The linked membership proof is permitted to be used so long as:
- (i) The linked membership is limited to proof of being fully vaccinated only. Persons providing a negative test as an alternative must be checked at

- point of entry per subsection (a) or (b) upon each entry;
- (ii) Individual members must have their proof of being fully vaccinated and personal identification on or near their person when they are present in the fitness facility or gym, and will provide that proof of being fully vaccinated and personal identification when requested by facility representatives or enforcement officials;
- (iii) Records of the fitness facility or gym that contain the proof of vaccination status of members facility records are maintained and provided to enforcement officials upon request; and,
- (iv) The primary activity of the facility is not changed after the time of initial identity and proof of vaccination verification.

SECTION 3: EXEMPT BUSINESSES AND ORGANIZATIONS

- (a) The following businesses and organizations, or portions of business or organizations, are exempt from the requirements imposed pursuant to subsections 2(a) to (i):
 - (i) retail businesses, including grocery stores;
 - (ii) places of worship when the place is being actively used for activities of worship, worship or spiritual services, and ceremonies. Activities and events that are included in subsections 2(c)(i) to (vii) that occur in a place of worship are not exempted from the requirements imposed pursuant to subsections 2(a) to (i);
 - (iii) businesses holding an integrated liquor retail store permit that do not also hold a tavern or restaurant permit issued by the Saskatchewan Liquor and Gaming Authority, including establishments located in the City of Lloydminster that hold a similar licence from Alberta Gaming Liquor and Cannabis;
 - (iv) businesses holding an integrated cannabis retail store permit issued by the Saskatchewan Liquor and Gaming Authority, including establishments located in the City of Lloydminster that hold a similar licence from Alberta Gaming Liquor and Cannabis;
 - (v) health care services, professional services, or personal services;
 - (vi) public libraries;
 - (vii) hotels or other lodging, including self-serve food options located within the hotel or other lodging;

- (viii) facilities hosting amateur sporting events, including youth athletics and recreational leagues;
- (ix) private gatherings held at public venues, such as weddings and funerals;
- (x) private gatherings at private residences; and,
- (xi) schools or independent schools as defined in *The Education Act, 1995*, for educational programs and school-organized events and activities held within school premises.

This Order remains in effect until January 31st, 2022, 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 25th day of November, 2021



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

November 25, 2021