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Legislative Assembly of British Columbia

BILL 20

ACCESS TO SERVICES (COVID-19) ACT

Honourable David Eby
Attorney General and Minister Responsible for Housing

Explanatory Notes

This Bill protects access to services of public importance by establishing access zones around certain facilities and prohibiting conduct in those zones that impedes access, disrupts services or causes individuals concern for their safety.

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ACCESS TO SERVICES (COVID-19) ACT

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Definitions

1 In this Act:

“**access zone**” means an access zone established under this Act;

“**COVID-19 pandemic**” has the same meaning as in the *COVID-19 Related Measures Act*;

“**Crown land**” means land, whether or not it is covered by water, that is vested in the government;

“**education authority**” means

(a) a board or francophone education authority under the *School Act*, or

(b) an authority under the *Independent School Act*;

“**educational program**”, in relation to a protected school, has the same meaning as in the *School Act* or the *Independent School Act*, as applicable;

“**facility**” includes a site at which a service is provided;

“**hospital**” has the same meaning as in section 1 of the *Hospital Act*;

“**parcel**” means a lot, block or other area in which land is held or into which land is subdivided;

“police officer” means a person who, under the *Police Act*, is

- (a) a provincial constable,
- (b) a municipal constable, or
- (c) if a designated policing unit is prescribed under this Act, a designated constable of the designated policing unit;

“private land” means land, other than treaty lands and Nisga’a lands, in which a person other than the government holds an estate in fee simple;

“protected COVID-19 testing site” means a site, located on Crown land or private land, at which COVID-19 testing is provided to the public, other than a private residence;

“protected COVID-19 vaccination site” means a site, located on Crown land or private land, at which COVID-19 vaccination is provided to the public, other than a private residence;

“protected hospital” means a hospital, located on Crown land or private land, with an emergency room;

“protected school” means property, located on Crown land or private land, that an education authority owns or leases at which students receive instruction in an educational program.

Access protected

- 2 (1) Subject to this section and the regulations, a person must not, in an access zone for a facility,
- (a) impede access to or egress from the facility,
 - (b) physically interfere with or otherwise disrupt the provision of services at the facility, or
 - (c) intimidate or attempt to intimidate an individual or otherwise do or say anything that could reasonably be expected to cause an individual concern for the individual’s physical or mental safety.
- (2) Subject to this section and the regulations, a person must not, in an access zone for a facility, wilfully participate in a gathering whose participants are contravening subsection (1) (a), (b) or (c).
- (3) This section does not apply in relation to any of the following:
- (a) anything done or said in the course of a person’s work;
 - (b) anything done or said in an access zone for a protected school in the course of an educational program or extracurricular school activity;
 - (c) a prescribed activity.
- (4) This section does not apply in relation to a strike, a lockout or picketing, within the meaning of the *Labour Relations Code*, that is carried out in accordance with that Act.

Access zones established

- 3 (1) Subject to the regulations, access zones are established for all of the following facilities:
- (a) protected COVID-19 testing sites;
 - (b) protected COVID-19 vaccination sites;
 - (c) protected hospitals;
 - (d) protected schools;
 - (e) prescribed facilities.
- (2) An access zone for a facility covers the following area, unless a different area is prescribed for the facility:
- (a) in the case of a facility described in subsection (1) (c) or (d), the access zone includes the parcel on which the facility is located and extends out 20 metres from the boundaries of the parcel;
 - (b) in the case of any other facility, the access zone
 - (i) includes the facility and extends out 20 metres from the facility, and
 - (ii) if the facility is in a multi-use building, also includes
 - (A) the area within 20 metres of each entrance to and exit from the building, and
 - (B) passageways, 20 metres wide, along the routes from each of those entrances and exits to the facility.
- (3) Despite subsection (2) and the regulations, an access zone does not include a private residence.
- (4) An access zone for a facility is in effect during the following times, unless different times are prescribed for the facility:
- (a) in the case of a facility described in subsection (1) (d),
 - (i) from 7:00 am to 6:00 pm on Mondays through Fridays, other than holidays, and
 - (ii) during extracurricular school activities;
 - (b) in the case of any other facility, at all times.

Arrest without warrant

- 4 A police officer may arrest, without a warrant, a person who the police officer believes on reasonable and probable grounds is contravening section 2.

Injunction

- 5**
- (1) On application by the Attorney General or any other person, the Supreme Court may grant an injunction restraining a person from contravening section 2 if the court is satisfied that there are reasonable grounds to believe that the person has contravened or is likely to contravene the section.
 - (2) An application under this section may be made without notice to any person.
 - (3) The Supreme Court may grant an interim injunction until the disposition of an application under this section.
 - (4) A contravention of section 2 may be restrained under this section whether or not a penalty or other remedy is provided by this Act.

Regulations

- 6**
- (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
 - (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:
 - (a) prescribing designated policing units for the purposes of the definition of “police officer” in section 1;
 - (b) providing that a prohibition under section 2 does not apply in relation to a facility or class of facilities;
 - (c) prescribing an activity or class of activities for the purposes of section 2 (3) (c) or providing that section 2 (3) (a) or (b) includes or does not include an activity or class of activities or does not apply in relation to a class of persons;
 - (d) prescribing a facility or class of facilities for the purposes of section 3 (1) (e) or providing that section 3 (1) (a), (b), (c) or (d) includes or does not include a facility or class of facilities or does not apply;
 - (e) providing that section 3 (2) does not apply in relation to a facility or class of facilities and specifying different areas;
 - (f) providing that section 3 (4) does not apply in relation to a facility or class of facilities and specifying different times;
 - (g) repealing this Act.
 - (3) In making a regulation under this Act in relation to a facility, the Lieutenant Governor in Council is to have regard to
 - (a) the strain placed on services of public importance, and on those who use and provide them, by the COVID-19 pandemic, and
 - (b) the importance of the services provided at the facility to the health, education, safety or well-being of members of the public and the need to protect access to those services and the facility.

- (4) A regulation under this Act may be different for different facilities or activities or classes of facilities, activities or persons.

Repeal of this Act

- 7 Unless earlier repealed by regulation, this Act is repealed on July 1, 2023.

Commencement

- 8 This Act comes into force on the date of Royal Assent.