

**Letter of Instruction**  
**Kingston, Frontenac, and Lennox & Addington Public Health**

**MEDICAL OFFICER OF HEALTH**

**Made pursuant to Section 2 of Schedule 1 of Ontario Regulation 364/20:  
Rules for Areas at Step 3 and at the Roadmap Exit Step**

DATE: December 9, 2021

**TO: Persons Responsible for a business or organization that is permitted to open under Step 3 of O. Regulation 364/20 in the City of Kingston, and counties of Frontenac and Lennox & Addington (hereinafter referred to as the “Persons Responsible for a business or organization”)**

Following consultation with the Office of the Chief Medical Officer of Health, these instructions are being provided pursuant to Section 2 of Schedule 1 of Ontario Regulation 364/20: Rules for Areas at Step 3 and at the Roadmap Exit Step made under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*, S.O. 2020, c. 17 (the “*Reopening Ontario Act*”), formerly a regulation made under the *Emergency Management and Civil Protection Act* and now a continued section 7.0.2 order under the *Reopening Ontario Act*. These instructions apply in addition to the requirements set out in the *Reopening Ontario Act* and Regulation 364/20 and any successor legislation and regulations.

Activities related to social gathering indoors have the potential to increase risk factors for COVID-19 transmission, including close contact, closed spaces, and crowded places. Local case investigations have demonstrated that COVID-19 transmission is happening during unstructured interactions in social environments. The risk of transmission greatly increases when patrons are symptomatic and not wearing masks.

Regulation 364/20 requires Persons Responsible for businesses or organizations to screen all patrons, either actively or passively, before entering a business or organization. Active screening is required in higher risk settings, such as meeting or event spaces, restaurants, personal care services, businesses that provide teaching and instruction, sports and recreational fitness facilities, and photography studios, to reduce the risk of transmission during service and/or social interactions. However, local case management data demonstrates that COVID-19 transmission in these higher risk settings is occurring due to the provision of service and/or interactions with symptomatic individuals.

Regulation 364/20 requires Persons Responsible for businesses or organizations to ensure any person in the indoor area of the business or organization wears a mask or face covering, with few exceptions. One such exception is when a person needs to remove their mask, temporarily, to consume food or drink. Outbreaks of COVID-19 have been associated with facilities where patrons are typically mobile when eating and drinking, such as meeting and event spaces and nightclubs.

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**Kingston, Frontenac and Lennox & Addington Public Health**

[www.kflaph.ca](http://www.kflaph.ca)

00552773.DOCX:	Main Office	221 Portsmouth Avenue	Branch Offices	Cloyne	613-336-8989	Fax: 613-336-0522
		Kingston, Ontario K7M 1V5		Napanee	613-354-3357	Fax: 613-409-6267
		613-549-1232   1-800-267-7875		Sharbot Lake	613-279-2151	Fax: 613-279-3997
		Fax: 613-549-7896				

The following additional measures are designed to mitigate the risk of COVID-19 transmission associated with indoor services and/or social interactions in businesses and organizations.

Effective **12:01 a.m. on December 11, 2021**, and until further notice unless otherwise specified, I, Dr. Piotr Oglaza, Medical Officer of Health for Kingston, Frontenac, and Lennox & Addington Public Health, instruct the Person Responsible for a business or organization to:

- 1) Actively screen patrons before they enter the business or organization using both the required screening questions from the provincial screening [tool](#) and questions about other symptoms of COVID found in the provincial COVID-19 reference [document](#) for symptoms, including without limitation: sore throat, difficulty swallowing, runny or stuffy nose, abdominal pain, headache, conjunctivitis and decreased or lack of appetite.

**Note:** Businesses and organizations that are required to implement active screening under O. Regulation 364/20 include: meeting or event spaces, restaurants, personal care services, personal physical fitness trainers, businesses that provide teaching and instruction, sports and recreational fitness facilities, indoor photography studios, casinos, bingo halls and other gaming establishments, driving instruction, **retailers where patrons are permitted to test drive any vehicle, boat, or watercraft**, and for greater clarity, this requirement does not apply to patrons accessing grocery stores, and facilities used to operate or deliver services related to government and the health care sector.

- 2) Passively screen patrons before they enter the business or organization using both the required screening questions from the provincial screening [tool](#) and questions about other symptoms of COVID found in the provincial COVID-19 reference [document](#) for symptoms, including without limitation: sore throat, difficulty swallowing, runny or stuffy nose, abdominal pain, headache, conjunctivitis and decreased or lack of appetite.

**Note:** All businesses and organizations are required to implement passive screening under O. Regulation 364/20, except for those businesses and organizations that are required to implement active screening under O. Regulation 364/20, and for greater clarity this requirement applies to patrons accessing grocery stores, and facilities used to operate or deliver services related to government and the health care sector.

- 3) Actively screen staff before they enter the business or organization using both the required screening questions from the provincial screening [tool](#) and questions about other symptoms of COVID found in the provincial COVID-19 reference [document](#) for symptoms, including without limitation: sore throat, difficulty swallowing, runny or stuffy nose, abdominal pain, headache, conjunctivitis and decreased or lack of appetite.
- 4) Require patrons to wear a mask or face covering at all times, except to consume food or drink, and as outlined in subsection 2(4) of Schedule 1 in O. Regulation 364/20.
- 5) Require patrons to be seated at all times when consuming food or drink.

- 6) Continue to comply with all other public health measures related to screening, physical distancing, use of personal protective equipment, and maintaining contact information of every member of the public who enters the facility, as outlined in O. Regulation 364/20.

## DEFINITIONS

**“Active screening”** is question-based screening about symptoms and answers are used to determine if a person is likely to be infected with COVID-19. The business or organization is responsible for ensuring an individual reports the result of their active screening to the business or organization. Active screening may be done in person or remotely and examples of how to implement active question-based screening include via the telephone, web tool or app, email, and paper-based screening.

**“Passive screening”** is question-based screening about symptoms and answers are used to determine if a person is likely to be infected with COVID-19. Individuals entering a business or organization are responsible for screening themselves and they do not need to report the results of their passive screening to the business or organization. Passive screening is done in person and entails posting signs with clear instructions at all entrances to the business or organization that tell people how to screen themselves prior to entering, and directs them not to enter if they are experiencing any of the symptoms listed in the screening tools.

## ENFORCEMENT

You are required to comply with the additional measures set out in this letter of instruction pursuant to O. Regulation 364/20. As per the *Reopening Ontario Act*, individuals who do not comply with the above noted measures may be liable for a fine up to a maximum of \$100,000 and for a term of imprisonment of not more than one year; directors or officers of a corporation who do not comply with the above noted measures may be liable for a fine up to a maximum of \$500,000 and for a term of imprisonment of not more than one year; and in the case of the corporation, a fine up to a maximum of \$10,000,000.

Inquiries regarding these instructions shall be directed to Kingston, Frontenac, and Lennox & Addington Public Health at 613-549-1232 or [COVIDenforcement@kflaph.ca](mailto:COVIDenforcement@kflaph.ca)

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Dr. Piotr Oglaza  
Medical Officer of Health  
Kingston, Frontenac, and Lennox & Addington Public Health.