

RECORD OF DECISION—CMOH Order 37-2020

Re: 2020 COVID-19 Response

Whereas I, Dr. Deena Hinshaw, Chief Medical Officer of Health (CMOH) have initiated an investigation into the existence of COVID-19 within the Province of Alberta.

Whereas the investigation has confirmed that COVID-19 is present in Alberta.

Whereas under section 29(2)(b)(i) of the *Public Health Act*, I may take whatever steps I consider necessary

- (A) to suppress COVID-19 in those who may have already been infected with COVID-19,
- (B) to protect those who have not already been exposed to COVID-19,
- (C) to break the chain of transmission and prevent spread of COVID-19, and
- (D) to remove the source of infection.

Therefore, I am taking the following steps to protect Albertans from exposure to COVID-19 and to prevent the spread of COVID-19:

1. This Order is effective November 13, 2020 and applies to the persons and operators described below.

PART 1 - INDOOR GROUP FITNESS AND SPORT ACTIVITIES

2. For the purposes of Part 1 and Part 2 of this Order:

(a) “**Calgary Metropolitan Region**” means the lands lying within the boundaries of the following municipalities excluding the Town of Cochrane and the Town of High River:

- (i) City of Airdrie;
- (ii) City of Calgary;
- (iii) City of Chestermere;
- (iv) Town of Okotoks;
- (v) Rocky View County;
- (vi) Municipal District of Foothills.

(b) **“Edmonton Metropolitan Region”** means the lands lying within the boundaries of the following municipalities, excluding the Town of Thorsby:

- (i) City of Edmonton;
- (ii) Town of Beaumont;
- (iii) Town of Devon;
- (iv) City of Fort Saskatchewan;
- (v) Town of Gibbons;
- (vi) City of Leduc;
- (vii) Leduc County;
- (viii) Town of Morinville;
- (ix) Parkland County;
- (x) City of St. Albert;
- (xi) City of Spruce Grove;
- (xii) Town of Stony Plain;
- (xiii) Strathcona County;
- (xiv) Sturgeon County.

(c) **“Indoor group high-intensity fitness activity”** means an organized activity consisting of two or more persons who come together indoors to do high-intensity, cardiovascular exercise including but not limited to Spin, Zumba, dance, hot yoga, cross fit, boot camp and rowing.

(d) **“Indoor group low-intensity fitness activity”** means an organized activity consisting of two or more persons who come together indoors to do low-intensity, exercise that is not focused on cardiovascular activities including but not limited to weight training, low intensity yoga, Pilates and Tai Chi.

(e) **“Indoor sport activity”** means an organized activity involving physical exertion and skill in which two or more persons come together indoors to practice or compete with each other in a structured way including but not limited to hockey, soccer, basketball, volleyball and martial arts.

- (f) **“Post-secondary institution”** means a public or private post-secondary institution operating under the *Post-Secondary Learning Act* and includes the physical location or place where the post-secondary institution provides a structured learning environment through which a program of study is offered.
- (g) **“School”** is defined as a school operating under the *Education Act* and includes the physical location or place where the school provides a structured learning environment through which an education program is offered or provided but does not include
 - (i) any parent or guardian directed program provided to a student (home education), or
 - (ii) any teacher directed education program provided in a home environment (temporary at-home learning) for immediate family members only.
- (h) **“Student”** has the same meaning given to it in the *Education Act* or the *PostSecondary Learning Act*.

- 3. Except as set out in sections 4 and 6 of Part 1 of this Order, a person is prohibited from attending and an operator of a business or entity is prohibited from providing or hosting an indoor group high-intensity or low intensity fitness activity or an indoor sport activity in the Calgary Metropolitan Region, Edmonton Metropolitan Region, City of Grande Prairie, City of Lethbridge, City of Fort McMurray and City of Red Deer, in the Province of Alberta.
- 4. Part 1 of this Order does not apply to a person attending or an operator of a business or entity, providing or hosting:
 - (a) Subject to section 5 of Part 1 of this Order, an indoor group high-intensity or lowintensity fitness activity or indoor sport activity if the activity is provided by an operator of a:
 - i. school as part of the education program or organized sports program at that school and where participation in those activities is limited to students attending that school;
 - ii. post-secondary institution as part of that institution’s program of study or organized sports program where participation in those activities is limited to students attending that institution;

- (b) an individual sport activity where participants can maintain a minimum of 2 metres distances from each other at all times;
 - (c) a sport activity as a member of or for a professional or semi-professional sports team or as a professional or semi-professional athlete;
 - (d) an indoor high-intensity or low-intensity fitness activity where the participants are all members of the same household who train together with or without an instructor or trainer; and
 - (e) an indoor group low-intensity fitness activity with five or fewer participants, inclusive of the instructor or trainer.
5. Students participating in activities described in 4(a) are prohibited from attending and an operator of a school or post-secondary institution is prohibited from providing or hosting an indoor sport activity, including games and competitions, involving students from different schools or post-secondary institutions.
6. For greater certainty, Part 1 of this Order does not apply to a person attending or an operator of a business or entity providing or hosting an:
- (a) outdoor group high-intensity or low intensity fitness activity,
 - (b) outdoor sport activity, or
 - (c) individual indoor high-intensity fitness activity, with or without an instructor or trainer.

PART 2 - GROUP PERFORMANCE ACTIVITIES

7. For the purposes of Part 2 of this Order:
- (a) **“Group performance activity”** means an organized activity consisting of two or more persons who attend in the same indoor location, whether as part of a practice, rehearsal or performance, to sing, dance, play wind instruments and/or perform live theatre including but not limited to choirs, wind instrumental groups, dance troupes and theatre groups.
8. Except as set out in section 9 of Part 2 of this Order, a person is prohibited from attending and a person or operator of a business or entity is prohibited from providing or hosting a group performance activity in the Calgary Metropolitan Region, Edmonton Metropolitan Region, City of Grande Prairie, City of Lethbridge, City of Fort McMurray and City of Red Deer, in the Province of Alberta.

9. Part 2 of this Order does not apply to:
- (a) a group performance activity provided by an operator of a:
 - i. school as part of the education program at that school or to students attending that school and enrolled in that education program;
 - ii. post-secondary institution as part of that institution's program of study or to students attending that post-secondary institution and enrolled in that program of study.
 - (b) a person attending or a person or operator of a business or entity providing or hosting a group performance activity as part of a professional group or as a professional performer.
 - (c) a person attending or a person or operator of a business or entity providing or hosting a group performance activity outdoors.

PART 3 - WEDDING AND FUNERAL CEREMONIES

10. Part 3 of this Order applies to any person attending a wedding or funeral ceremony in a region identified on the "List of active cases by region" found at <https://www.alberta.ca/maps/covid-19-status-map.htm#toc-3> where
- (a) the "Active case rate" (per 100,000 population) for the region is identified as 50 or greater; and
 - (b) the "Active cases" for the region is identified as 10 or greater.
11. Subject to section 12 of Part 3 of this Order, all wedding or funeral ceremonies are limited to a maximum of 50 persons regardless of whether the wedding or funeral ceremony is held in a location that is fully or partially indoors or outdoors.
12. For greater certainty, the 50 person limit in section 11 of Part 3 of this Order does not include venue staff, performers and wedding or funeral planners who have been engaged to provide services at a wedding or funeral.

PART 4 - RESTAURANTS, BARS AND OTHER INDOOR RECREATION ENTERTAINMENT CENTERS

13. For the purposes of Part 4 of this Order:

- (a) “**Class A, B or C liquor licence**” has the same meaning given to it under the *Gaming, Liquor and Cannabis Regulation*, AR 143/96, under the *Gaming, Liquor and Cannabis Act*.
- (b) “**Gaming Licence**” has the same meaning given to it under the *Gaming, Liquor and Cannabis Regulation*, AR 143/96, under the *Gaming, Liquor and Cannabis Act*.
- (c) “**Facility Licence**” has the same meaning given to it under the *Gaming, Liquor and Cannabis Regulation*, AR 143/96, under the *Gaming, Liquor and Cannabis Act*.

14. Part 4 of this Order applies to any operator of a business or entity holding a Class A, B or C liquor licence in a region identified on the “List of active cases by region” found at <https://www.alberta.ca/maps/covid-19-status-map.htm#toc-3> where

- (a) the “Active case rate” (per 100,000 population) for the region is identified as 50 or greater; and
- (b) the “Active cases” for the region is identified as 10 or greater.

15. An operator of a business or entity with a Class A or C liquor licence, including but not limited to restaurants, bars, lounges, pubs, cafes, legions or private clubs:

- (a) is prohibited from selling or serving liquor after 10 p.m. Mountain Standard Time, and
- (b) must ensure that the place of business or entity is closed to the public or members for dine-in food and beverage services, after 11 p.m. Mountain Standard Time. For greater certainty, take-out and delivery food and beverage services are still permitted after 11 p.m. Mountain Standard Time.

16. An operator of a business or entity with a Gaming or Facility Licence or a Class B liquor licence, including but not limited to bowling alleys, casinos, bingo halls, pool halls and indoor recreation entertainment centers, is prohibited from selling or serving:

- (a) liquor after 10 p.m. Mountain Standard Time, and
- (b) food or beverages after 11 p.m. Mountain Standard Time.

17. Notwithstanding anything in this Order, the Chief Medical Officer of Health may exempt a person or classes of person from the application of this Order.

18. Parts 1, 2 and 4 of this Order remain in effect until 11:59 p.m. Mountain Standard Time on November 27, 2020.

19. Part 3 of this Order remains in effect until rescinded by the Chief Medical Officer of Health.

Signed on this 12 day of November, 2020.


Deena Hinshaw, MD
Chief Medical Officer of Health