

RECORD OF DECISION – CMOH Order 09-2022

Re: 2022 COVID-19 Response – Step 2 Easing Measures

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 and constitutes a public health emergency as a novel or highly infectious agent that poses a significant risk to public health.

Whereas under section 29(2.1) of the *Public Health Act* (the Act), I have the authority by order to prohibit a person from attending a location for any period and subject to any conditions that I consider appropriate, where I have determined that the person engaging in that activity could transmit an infectious agent. I also have the authority to take whatever other steps that are, in my opinion, necessary in order to lessen the impact of the public health emergency.

Whereas more Albertans are now eligible for COVID-19 vaccination including five to eleven year olds and more Albertans are eligible for COVID-19 booster vaccinations.

Whereas rapid testing for COVID-19 is widely available.

Whereas having determined that certain measures are necessary to protect Albertans from exposure to COVID-19 and to prevent the spread of COVID-19, I hereby make the following order:

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Part 1 – Application

- 1.1 This Order applies throughout the province of Alberta.
- 1.2 This Order comes into force on February 28, 2022 at 11:59 p.m..
- 1.3 If a section of this Order is inconsistent or in conflict with a provision in Record of Decision – CMOH Order 02-2022, CMOH Order 06-2022 or CMOH Order 07-2022, the sections in those Orders prevail to the extent of the inconsistency or conflict.
- 1.4 This Order rescinds Record of Decision - CMOH Order 08-2022.

Part 2 – Definitions

- 2.1 In this Order, the following terms have the following meanings:
 - (a) “authorizing health professional” means one of the following regulated members under the *Health Professions Act* who holds a practice permit:
 - i. nurse practitioners;
 - ii. physicians;
 - iii. psychologists.
 - (b) “face mask” means a medical or non-medical mask or other face covering that covers a person’s nose, mouth and chin.
 - (c) “health condition” means the following mental or physical limitations:
 - i. sensory processing disorders;
 - ii. developmental delays;
 - iii. mental illnesses including: anxiety disorders; psychotic disorders; dissociative identity disorder; and depressive disorders;
 - iv. facial trauma or recent oral maxillofacial surgery;
 - v. contact dermatitis or allergic reactions to face mask components; or
 - vi. clinically significant acute respiratory distress.
 - (d) “masking directive or guidance” means, as the context of this Order requires, either:
 - i. a directive or guidance document made by a regional health authority, or a contracted service provider of a regional health authority, which sets out directions or guidance respecting the use of face masks in facilities or settings operated by the regional health authority or the contracted service provider; or
 - ii. a directive or guidance document made by Alberta Health and posted on the Government of Alberta website.
 - (e) “medical exception letter” means written confirmation provided to a person by an authorizing health professional which verifies that the person has a health condition

that prevents the person from wearing a face mask while attending an indoor public place and

- i. clearly sets out the information required by section 3.5 of this Order; and
 - ii. is valid for a period of one year from the date on which it is made.
- (f) “public transit” means municipal buses, light rail transit, privately owned intra-provincial buses, and stations and terminals used in connection with them but does not include privately chartered vehicles used by a single group or school buses.

Part 3 – Masking

A. Indoor masking requirements

- 3.1 A person must wear a face mask while using public transit.
- 3.2 A person must comply with all masking directives or guidance while attending at a facility operated by Alberta Health Services or a facility operated by a contracted service provider of Alberta Health Services.

B. General exceptions to indoor masking

- 3.3 Despite this Part of this Order, a person is not required to wear a face mask if the person is:
 - (a) under thirteen years of age while using public transit;
 - (b) unable to place, use or remove a face mask without assistance;
 - (c) consuming food or drink while remaining seated;
 - (d) providing or receiving care or assistance where a face mask would hinder that caregiving or assistance;
 - (e) separated from every other person by a physical barrier that prevents droplet transmission;
 - (f) a person who needs to temporarily remove their face mask for the purposes of:
 - i. receiving a service that requires the temporary removal of their face mask;
 - ii. an emergency or medical purpose, or
 - iii. establishing their identity.

C. Exceptions for health conditions


- 3.4 Despite this Part of this Order, a person who is unable to wear a face mask due to a health condition as determined by an authorizing health professional is excepted from wearing a face mask while attending an indoor public place.
- 3.5 For the purposes of section 3.4, the health condition must be verified by a medical exception letter that includes the following:
 - (a) the name of the person to whom the exception applies;

- (b) the name, phone number, email address, professional registration number, and signature of the authorizing health professional; and
 - (c) the date on which the written confirmation was provided.
- 3.6 For greater certainty, although the medical exception letter must verify that a health condition applies, the medical exception letter must not include specific information about the health condition.

Part 4 – General

- 4.1 Notwithstanding anything in this Order, the Chief Medical Officer of Health may exempt a person or a class of persons from the application of this Order.
- 4.2 This Order provides the minimum standards for public health measures in Alberta for those matters addressed by this Order.
- 4.3 For greater certainty, nothing in this Order relieves a person from complying with any provision of any federal, provincial or municipal law or regulation or any requirement of any lawful permit, order or licence covering those matters which are addressed in this Order.
- 4.4 This Order remains in effect until rescinded by the Chief Medical Officer of Health.

Signed on this 26th day of February, 2022.


Deena Hinshaw, MD
Chief Medical Officer of Health