

## **RECORD OF DECISION – CMOH Order 33-2021**

### **Re: 2021 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 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*, 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 having determined that measures respecting masking are necessary to protect Albertans from exposure to COVID-19 and to prevent the spread of COVID-19, I hereby make the following order which provides for new masking restrictions:

### **Part 1 – Application**

- 1.1 This Order applies throughout the Province of Alberta and rescinds Record of Decision – CMOH Order 22-2021.
- 1.2 If a section in this Order is inconsistent or in conflict with a provision in Record of Decision – CMOH Orders 10-2020, 13-2020, 33-2020, 07-2021 and 16-2021 the provisions in Record of Decision – CMOH Order 10-2020, 13-2020, 33-2020, 07-2021 and 16-2021 prevail to the extent of the inconsistency or conflict.
- 1.3 This Order is effective June 10, 2021.

### **Part 2 – Definitions**

- 2.1 For the purposes of this Order:
  - (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) “day care” has the same meaning given to it in the *Early Learning and Child Care Regulation*;
- (c) “early childhood services program” has the same meaning given to it in the *Education Act*;
- (d) “face mask” means a medical or non-medical mask or other face covering that covers a person’s nose, mouth and chin;
- (e) “facility-based program” has the same meaning given to it in the *Early Learning and Child Care Act*;
- (f) “family day home program” has the same meaning given to it in the *Early Learning and Child Care Act*;
- (g) “farming or ranching operation” means the primary production of eggs, milk, grain, seeds, fruit, vegetables, honey, livestock, diversified livestock animals within the meaning of the *Livestock Industry Diversification Act*, poultry or bees, an operation that produces cultured fish within the meaning of the *Fisheries (Alberta) Act*, and any other primary agricultural operation specified in the regulations, but does not include the operation of a greenhouse, mushroom farm, nursery or sod farm;
- (h) “fitness activity” means a physical activity that occurs at a gym, fitness studio, dance studio, rink, pools, arena or recreation centre and includes dance classes, rowing, spin, pole dancing, yoga, boxing, boot camp, Pilates and other activities of a similar nature.
- (i) “group family child care program” has the same meaning given to it in the former *Child Care Licensing Regulation*;
- (j) “health condition” means a mental or physical limitation listed in Appendix A;
- (k) “indoor public place” means any indoor location where a business or entity is operating;
- (l) “innovative child care program” has the same meaning given to it in the former *Child Care Licensing Regulation*;
- (m) “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 4.3 of this Order; and
  - ii. is valid for a period of one year from the date on which it is made.
- (n) “out of school care” has the same meaning given to it in the *Early Learning and Child Care Regulation*;
- (o) “performance activity” means singing, playing a musical instrument, dancing, acting, or other activities of a similar nature, within the context of a performance.

- (p) “physical activity” means a fitness activity or sport activity that is offered by a business or entity.
- (q) “pre school care”, has the same meaning given to it in the *Early Learning and Child Care Regulation*;
- (r) “public place” has the same meaning given to it in the *Public Health Act*, but does not include a rental accommodation used solely for the purposes of a private residence;
- (s) “school building” has the same meaning as defined under the *Education Act*;
- (t) “sport activity” means sports training, practices, events, games, scrimmages, competitions, gameplay, league play, and other activities of a similar nature; and
- (u) “student” has the same meaning given to it in the *Education Act*.

### **Part 3 – Masks Required**

3.1 A person must wear a face mask at all times while attending an indoor public place.

### **Part 4 – Exceptions to Masking**

#### **General exceptions**

- 4.1 Despite Part 3 of this Order, a person is not required to wear a face mask at all times while attending an indoor public place if the person is:
- (a) unable to place, use or remove a face mask without assistance;
  - (b) seated while consuming food or drink;
  - (c) providing or receiving care or assistance where a face mask would hinder that caregiving or assistance;
  - (d) alone at a workstation and separated by at least two metres distance from all other persons;
  - (e) the subject of a workplace hazard assessment in which it is determined that the person’s safety will be at risk if the person wears a mask while working;
  - (f) separated from every other person by a physical barrier that prevents droplet transmission;
  - (g) a person who needs to temporarily remove their face mask while in the public place 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.

### **Exception for health condition**

- 4.2 Despite Part 3 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.
- 4.3 For the purposes of section 4.2, 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.
- 4.4 For greater certainty, although the medical exception letter must verify that a health condition listed in Appendix A applies, it must not include specific information about the health condition.

### **Exceptions for children and students**

- 4.5 Despite Part 3 of this Order, a child under two years of age does not need to wear a face mask at all times while attending an indoor public place.
- 4.6 Despite Part 3 of this Order, a child does not need to wear a face mask while attending any of the following child care programs:
- (a) a facility-based program providing day care, out of school care or preschool care;
  - (b) a family day home program;
  - (c) a group family child care program;
  - (d) an innovative child care program.
- 4.7 Despite Part 3 of this Order, a student, including a student that attends a home schooling co-op, does not need to wear a face mask while attending:
- (a) an early childhood services program;
  - (b) grades one through three at an indoor location within a school building; or
  - (c) the home schooling equivalent to an early childhood services program, grades one, two and three at a home schooling co-op.

### **Exception for farming or ranching operations**

- 4.8 Despite Part 3 of this Order, a person does not need to wear a face mask while working at a farming or ranching operation, unless the person is interacting with a member of the public.

### Exceptions for physical and performance activity

- 4.9 Despite Part 3 of this Order, a person is not required to wear a mask while participating in a physical activity.
- 4.10 Despite Part 3 of this Order, a person participating in a performance activity is not required to wear a mask.

### Part 5 – General

- 5.1 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.
- 5.2 This Order remains in effect until rescinded by the Chief Medical Officer of Health.

Signed on this 10 day of June, 2021.



Deena Hinshaw, MD  
Chief Medical Officer of Health





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**Document:** Appendix A to Record of Decision – CMOH Order 33-2021

**Subject:** CMOH Order 33-2021 Health Conditions for Exceptions to Masking

**Effective Date:**

**Scope of Application:** As per Record of Decision – CMOH Order 33-2021

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## **Overview**

This document lists the health conditions for which an authorizing health professional may issue a medical exception letter.

### **Health Conditions for Exceptions to Masking**

- Sensory processing disorders.
- Developmental delay.
- Cognitive impairment.
- Mental illnesses including:
  - anxiety disorders;
  - psychotic disorders;
  - dissociative identity disorder;
  - depressive disorders.
- Facial trauma or recent oral maxillofacial surgery.
- Contact dermatitis or allergic reactions to mask components.
- Clinically significant acute respiratory distress.

