

December 21, 2020

**RE: EXEMPTION REQUEST– ORDER 42-2020 – FOOD SERVICES IN SKI HILL FACILITIES**

Pursuant to the recommendations of the Chief Medical Officer of Health for Alberta, a state of public health emergency was declared in the Province of Alberta on November 24, 2020 pursuant to s. 52.1 of the *Public Health Act* of Alberta.

Further to that declaration of a public health emergency the Chief Medical Officer of Health (CMOH), pursuant to her authority under s. 29(2.1) of the *Public Health Act*, made CMOH Order 42-2020 (the Order) which rescinded CMOH Orders 38-2020 and 39-2020, as modified through Orders 40-2020 and 41-2020, in that CMOH Orders 38-2020 and 39-2020 were insufficient to protect Albertans from exposure to COVID-19 and to prevent the spread of COVID-19.

The purpose of the Order is to help protect Albertans from the exposure to and spread of COVID-19 by prohibiting persons from attending certain locations for certain periods of time and subjecting such persons to any conditions that the CMOH considers appropriate including prohibiting persons from engaging in activities that could transmit an infectious agent and which the CMOH considers necessary in order to lessen the impact of the public health emergency. In addition setting such conditions as the CMOH considers appropriate or necessary on businesses and entities to lessen the impact of the public health emergency when those businesses or entities are offering goods or services to the public.

Pursuant to Section 47 of the Order the CMOH may exempt in writing persons or classes of persons from the operation of the Order.

The Office of CMOH has received requests to allow ski industry operators and independent businesses who operate on ski hills to be exempt from the Order in order to provide dine-in food and cafeteria services at their sites to allow individuals who purchase take out food or bring food with them to eat within certain established common areas. This request is not to permit full table service, but to permit individuals to eat food they have purchased or brought with them in a cafeteria or a common area in a ski lodge or other common area.

Currently food-serving businesses and entities, including restaurants, cafes, bars and pubs that offer or provide dine-in services are limited as per Sections 25, 27, and 31 of the Order and Section 3 of Appendix A of the Order to only provide take out or delivery services.

Pursuant to Section 47 of the Order I am satisfied that an exemption from the Order be granted to the following premises and the following persons upon the following conditions:

- I. Subject to the conditions in paragraphs II to III, food-serving businesses or entities that operate at a ski hill are exempt from Sections 25, 27 and 31 of the Order and Section 3 of Appendix A of the Order for the purpose of providing access for persons to enter indoor common areas to consume take out or delivered food that they have purchased from the food-serving businesses or entities operating at a ski hill or food which they have brought from elsewhere to consume in that indoor common area. For clarity, the food-serving businesses or entities within the exempted indoor common areas cannot operate dine-in services (table service) in the indoor areas that are exempted by this paragraph;
- II. The food-serving businesses or entities described in paragraph I shall comply to the extent possible with any requirements not specified in this letter found in the most relevant relaunch guidelines, which may be amended from time to time, found at <https://www.alberta.ca/guidance-documents.aspx> as well as any public health requirements as set out in the *Public Health Act* and its regulations; and
- III. The food-serving businesses or entities described in paragraph I shall follow any further public health conditions or requirements that relate to public health and safety that may be provided in writing from time to time by Alberta Health. These requirements include, but are not limited to, ensuring that:
  - a. All tables and chairs offer physical distancing of 2 metres between seated guests not from the same household;
  - b. Cleaning and disinfection of tables, chairs and shared surfaces is enhanced;
  - c. To the extent possible, individuals that are in quarantine, isolating or symptomatic are not permitted at the ski hill;
  - d. The overall capacity of indoor common areas at the ski hill are restricted to no more than 15% of the total operational occupant load as determined in accordance with the Alberta Fire Code and the fire authority having jurisdiction; and
  - e. All guests in indoor locations at the ski hill are wearing face masks.

Although the businesses and entities identified above are exempt per Section 47 of the Order, all persons who are identified in this exemption are subject to the appropriate hygiene, masking and other barriers or PPE as appropriate to the food service activity, distancing of a minimum of two metres from any other persons, and all other measures identified by public health authorities to protect these persons, their employees and other Albertans from further transmission of COVID-19.

The exemption may be terminated or modified by the CMOH in writing without notice and for any reason as determined by the CMOH.

This exemption comes into effect on December 21, 2020.

We trust this is satisfactory.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read "Deena Hinshaw", with a large, stylized flourish extending to the right.

Deena Hinshaw, BSc, MD, MPH, CCFP, FRCPC  
Chief Medical Officer of Health