

RECORD OF DECISION – CMOH Order 01-2021 which amends CMOH Order 42-2020

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 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 I made Record of Decision – CMOH Order 42-2020 on December 11, 2020 setting out measures in respect of private residences, private social gatherings, places of worship, masks, businesses and entities, group physical activity, group performance activity and working from one's private residence.

Whereas I made Record of Decision – CMOH Order 43-2020 on December 22, 2020 which amended CMOH Orders 42-2020.

Whereas I made Record of Decision – CMOH Order 44-2020 on December 23, 2020 which rescinded CMOH Order 43-2020 and amended CMOH Order 42-2020.

Whereas having determined that some of the the measures in Record of Decision – CMOH Order 42-2020 can be modified to permit Albertans to attend certain locations and engage in certain activities where the risk of COVID-19 transmission can be mitigated if persons adhere to public health measures and guidelines, I hereby make the following Order which modifies Record of Decision – CMOH Order 42-2020:

Effective January 18, 2021, Record of Decision – CMOH Order 42-2020 is amended as follows:

Part 2 – Private residences

Section 4 of Part 2 of Record of Decision – CMOH Order 42-2020 is rescinded and the following is substituted in its place:

4. Section 3 of this Order does not prevent a person from entering the private residence of another person for any of the following purposes:
 - (a) to provide health care, personal care or housekeeping services;

- (b) for a visit between a child and a parent or guardian who does not normally reside with that child;
- (c) to receive or provide child care;
- (d) to provide tutoring or other educational instruction;
- (e) to perform construction, renovations, repairs or maintenance;
- (f) to deliver items;
- (g) to provide real estate or moving services;
- (h) to provide social or protective services;
- (i) to respond to an emergency;
- (j) to provide counselling services;
- (k) for a visit between a person who is at the end of their life (last four to six weeks, as determined by that person's primary health care provider) and a family member, friend, faith leader or other person as long as no more than three visitors enter the private residence of the dying person at one time;
- (l) to provide personal or wellness services.

Part 3 – Private social gatherings

Sections 12, 13 and 14 of Part 3 of Record of Decision – CMOH Order 42-2020 are rescinded and the following are substituted:

- 12. Subject to section 13.1 of this Order, all persons are prohibited from attending a private social gathering at an outdoor private place or public place where 11 or more persons are in attendance at the private social gathering.
- 13. Despite anything in Part 2 of this Order, a private social gathering of 10 persons or less may occur at an indoor or outdoor public or private place for the purposes of a wedding ceremony.
- 13.1 Despite anything in Part 2 of this Order and section 12 of this Order, a private social gathering of 20 persons or less may occur at an indoor or outdoor public or private place for the purposes of a funeral service.

14. For greater certainty, a private social gathering as described in sections 13 and 13.1 of this Order does not permit a gathering for the purposes of a funeral or wedding reception.

Part 6 – Businesses and entities

Part 6 and Appendix A to Record of Decision – CMOH Order 42-2020 are rescinded and the following are substituted:

25. A person may attend a location where any business or entity is operating, except a business or entity that is listed or described in sections 1, 2 and 3 of Appendix A.
26. For greater certainty, any business or entity other than a business or entity listed or described in sections 1, 2 and 3 of Appendix A is permitted to offer or provide goods and services to members of the public at a location that is accessible to the public.
27. Subject to section 28, an operator of a business or entity listed or described in sections 1, 2 and 3 of Appendix A must ensure that the place of business or entity is closed to the public.
28. Section 27 of this Order does not prevent a place of business or entity listed or described in section 1 of Appendix A from being used:
 - (a) to provide health care services;
 - (b) to provide child care services;
 - (c) for elections purposes and related activities;
 - (d) to undertake jury selections and jury trials;
 - (e) as a shelter for vulnerable persons;
 - (f) as a place of worship;
 - (g) as an indoor market;
 - (h) as a location for blood donation and collection activities;
 - (i) as a location for mutual support meetings;
 - (j) as a location for charitable activities including but not limited to food, clothing and toy collection and distribution;

(k) to provide counselling services.

29. An operator of a business or entity listed or described in section 4 of Appendix A must limit the number of members of the public that may attend the location where the business or entity is operating to the greater of

(a) 15% of the total operational occupant load as determined in accordance with the Alberta Fire Code and the fire authority having jurisdiction; or

(b) five persons.

30. An operator of a business or entity listed or described in sections 5, 6, 7 and 8 of Appendix A must schedule an appointment with a person prior to the person attending the location where the business or entity is operating in order to provide the person with services.

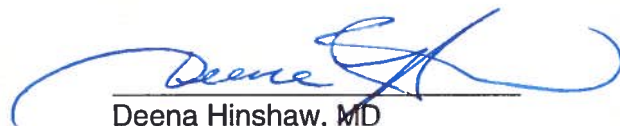
31. Despite sections 25 and 27 of this Order,

(a) a member of the public may attend a food-serving business or entity that offers or provides dine-in services, including but not limited to a restaurant, café, bar or pub, only for the purposes of purchasing food or beverages to be consumed offsite; and

(b) an operator of a food-serving business or entity, including but not limited to a restaurant, café, bar or pub, may operate only to the extent necessary to offer and provide members of the public food or beverages by take-out, delivery or drive-thru.

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

Signed on this 18 day of January, 2021.



Deena Hinshaw, MD
Chief Medical Officer of Health



Document: Appendix A to Record of Decision – CMOH Order 42-2020

Subject: Businesses and Entities subject to CMOH Order 42-2020

Effective Date: January 18, 2021.

Scope of Application: As per Record of Decision – CMOH Order 42-2020

Overview

This document sets out the businesses and entities that must be closed to the public, limit their capacity or must schedule an appointment in order to provide services while Record of Decision - CMOH Order 42-2020 remains in effect.

Businesses or entities that must be closed to the public

1. Recreational or Entertainment Business or Entity

- a business or entity offering or providing access to the following types of recreational facilities or entertainment facilities:
 - Community halls and centres;
 - Theatres, auditoriums, concert halls, and community theatres;
 - Nightclubs;
 - Banquet halls and conference centres;
 - Hotel meeting rooms.

2. Festival or Event Business or Entity

- a business or entity offering or providing any of the following activities:
 - Festivals;
 - Concerts;
 - Exhibitions;
 - Tradeshows;
 - Sporting events or competitions.

3. Food-serving, Recreational or Entertainment Business or Entity

- a business or entity offering or providing access to the following types of recreational facilities or entertainment facilities:
 - Food-serving businesses and entities, including restaurants, cafes, bars and pubs that offer or provide dine-in services;
 - Movies theatres, libraries and science centres;

- Indoor gyms, fitness centres, recreation centres, indoor arenas, curling rinks, studios (e.g., dance, yoga, Pilates, cycling, rowing);
- Pools. For the purposes of this Appendix, a “pool” has the same meaning given to it in the *Public Swimming Pools Regulation*, AR 204/2014, under the *Public Health Act*;
- Day camps and overnight camps;
- Indoor children’s play centres and indoor playgrounds;
- Museums and galleries;
- Casinos;
- Gaming Entertainment Centre (as defined by the Alberta Gaming, Liquor and Cannabis);
- Bingo halls, bowling alleys, pool halls;
- Racing Entertainment Centres;
- Indoor Recreation and Entertainment Centres;
- Amusement parks and water parks;
- Any indoor portion of an interpretative centre, excluding public washrooms;
- Any indoor portion of a zoo, excluding public washrooms.

Businesses and entities that must limit capacity

4. Retail Business or Entity

- a business or entity offering or providing any retail goods directly to the public, including but not limited to, a business or entity that falls within one of the categories described below:
 - Alcohol or cannabis stores;
 - Clothing stores;
 - Retail businesses and entities operating within a shopping centre or mall;
 - Shopping centres and malls;
 - Grocery stores;
 - Pet supply stores;
 - Pharmacies;
 - Hardware stores;
 - Automotive parts stores;
 - Computer/technology stores;
 - Gift shops;
 - Sporting goods stores;
 - Indoor markets.

Businesses and entities that must schedule an appointment in order to provide services

5. Personal Service Business or Entity

- a business or entity offering or providing a personal service. For the purposes of this Appendix, a “personal service” has the same meaning given to it in the *Personal Services*

Regulation, AR 1/2020, under the Public Health Act.

6. Wellness Service Business or Entity

- a business or entity offering or providing a wellness service, including massage therapy services and reflexology services.

7. Lodging Business or Entity

- a business or entity offering or providing accommodations, including hotels, motels, hunting and fishing lodges, and bed and breakfasts.

8. Professional Service Business or Entity

- a business or entity offering or providing the following professional services, including but not limited to:
 - Legal services;
 - Tax services;
 - Financial advisory services;
 - Accountant or bookkeeping services;
 - Photography services;
 - Mediation services;
 - Instructional services provided to an individual;
 - Counselling services.