

**September 19, 2021**

**RE: EXEMPTION REQUEST – ORDER 42-2021 – CAFETERIAS AND PHYSICAL DISTANCING IN POST SECONDARY INSTITUTIONS.**

Whereas the Chief Medical Officer of Health (CMOH) 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(2.1) of the *Public Health Act*, the CMOH has the authority by order to prohibit a person from attending a location for any period and subject to any conditions that the CMOH considers appropriate where the CMOH determined that the person engaging in that activity could transmit an infectious agent. The CMOH also has the authority to take whatever other steps that are, in the CMOH's opinion, necessary in order to lessen the impact of the public health emergency.

Whereas a public health emergency for the Province of Alberta was declared on September 15, 2021.

Further to the above, the CMOH, pursuant to the authority under section 29(2.1) of the *Public Health Act*, made

- CMOH Order 42-2021 (the Order) that identifies additional measures necessary to protect Albertans from exposure to COVID-19 and to prevent the spread of COVID-19.

The CMOH may, pursuant to section 15.1 of the Order, exempt in writing persons or classes of persons from the operation of the Order.

Currently, publically funded post-secondary institutions identified in the *Post-Secondary Learning Act* (PSLA) are subject to the physical distancing requirements of the Order when certain activities or gatherings as described in the Order are occurring at physical locations or places either owned or controlled by that post-secondary institution unless persons or classes or persons are conducting these activities or gatherings at these events at a post-secondary institution.

The CMOH has received a request that publicly funded post-secondary institutions identified in the PSLA, First Nations College entities identified in Appendix A, private colleges, and private faith based institutions that have established a proof of vaccine policy, be exempt from the physical distancing requirements in the Order for students of the post-secondary institution. It has further been requested that cafeterias within these institutions be open for indoor dining for students and faculty.

Currently, pursuant to section 4.1 of the Order, individuals are required to maintain two metres physical distance from all other persons who are not part of the individual's cohort, as identified in sections 2.1(e)(i) or 2.1(e)(ii). Additionally, pursuant to section 10.2 of the Order, effective September 20, 2021, an operator of a food-serving business or entity must be closed for indoor food and beverage services. Section 10.4 of the Order stipulates who may sit or stand at a table for outdoor food or beverage service.

Upon discussion with the Minister of Health, and pursuant to section 15.1 of the Order, I am satisfied that an exemption from section 4.1, 10.2, and 10.4 of the Order is in the public interest and granted to the following persons upon the following conditions:

- I. Subject to paragraphs III to VI the students, and faculty and staff, of a eligible post-secondary educational institution which has implemented a vaccine policy restriction program in accordance with paragraph II and consist of the following classes of institutions:
  - (a) Publicly funded post-secondary institutions identified within the PSLA;
  - (b) First Nations Colleges as described in Appendix A as may be amended from time to time;
  - (c) Private colleges as described in Appendix A as may be amended from time to time; or
  - (d) Private faith based institutions that have been accredited either by Alberta's Ministry of Advanced Education or the Association for Biblical Higher Education (ABHE) or the Association of Theological Schools (ATS).
- II. A proof of vaccine policy restrictions program for students must contain the following elements:
  - (a) requires proof of vaccination which can include one or more of the following:
    - proof the student has been vaccinated with at least their first dose of a COVID-19 vaccine approved by the World Health Organization (WHO) no later than September 20, 2021 and be fully immunized with a COVID-19 vaccine approved by the WHO no later than November 1, 2021;
    - proof of a medical exemption; or

- regular COVID-19 testing through privately paid testing or testing provided by the institution.
  - (b) The institution has put in place a compliance policy whereby it will monitor and ensure compliance and enforcement of its proof of vaccine policy.
  - (c) Where an institution has put in place a proof of vaccine program prior to the granting of this exemption any vaccine declarations accepted under that program are considered a sufficient transitional solution until October 4, 2021 after which the institution must ensure the compliance of those persons with paragraph II(a).
- III. Where an eligible post-secondary educational institution has complied with paragraph II cafeterias located on the premises of the eligible post-secondary educational institution are permitted to provide indoor food and beverage service without persons dining at those cafeterias being required to comply with section 4.1 and 10.4 of the Order.
- IV. Where a eligible post-secondary educational institution has complied with paragraph II the students, faculty and staff of that eligible post-secondary educational institution are exempt from maintaining two metres physical distance from all other persons while in a learning environment, including but not limited to: classrooms, lecture halls, research facilities and laboratories. For clarity students, faculty and staff when located in study halls, on-campus libraries, common areas or similar area within the premises of an eligible post-secondary educational institution are not exempt from the physical distance requirements set out in section 4.1 of the Order.
- V. All persons identified in paragraph I must wear a face mask in an indoor public place, in accordance with the Order.
- VI. The exempted persons as described in paragraph I shall comply with any conditions in the most relevant guidelines which may be amended from time found at <https://www.alberta.ca/guidance-documents.aspx>.
- VII. The persons described in paragraph I shall also comply will any public health guidelines, conditions or requirements that may be provided from time to time in writing by Alberta Health or Alberta Health Services.

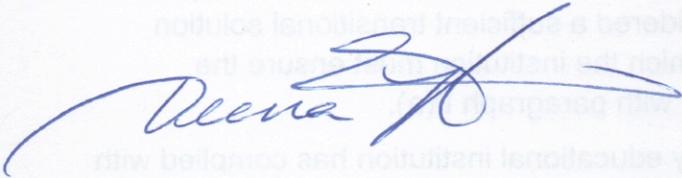
Although the persons, businesses and entities identified above are exempt per section 15.1 of the Order, all persons, businesses and entities who are identified in this exemption are subject to the appropriate hygiene, and all other measures identified by public health authorities to protect these persons and other Albertans from further transmission of COVID-19.

This 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 September 19, 2021.

We trust this is satisfactory.

Yours Sincerely,



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

## Appendix A:

### First Nations College Entities

The following First Nations College entities are eligible for this exemption:

- Maskwacis Cultural College;
- Old Sun Community College;
- Red Crow Community College;
- University nuhelot'ine thaiyots'i nistameyimakanak Blue Quills; and
- Yellowhead Tribal College.

### Private Colleges

Learning institutions that are are eligible for this exemption :

- Institutions that provide vocational training under the Private Vocational Training Act;
- An institution accredited by the following entities and providing the described learning program:
  - Transport Canada - Canadian Aviation Regulations (flight schools);
  - Cecchetti Society of Canada (ballet programs and institutions);
  - Languages Canada (English language programs at public and private institutions)
  - any Community Adult Learning Programs (part-time, non-formal adult literacy, and foundational learning opportunities) grant funded by Alberta Advanced Education.
- Any approved training provider under the Training Provider Regulation;
- Any Indigenous adult learning provider entity including:
  - Bullhead;
  - Chiniki Community College;
  - Kayas Cultural College;
  - Nechi Institute: Center of Indigenous Learning;
  - Riel Institute;
  - Rupertsland Institute, and
- The Alberta Pipe Trades College (apprenticeship program provider).