

RECORD OF DECISION – CMOH Order 44-2021

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* (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 a state of public health emergency for the province of Alberta was declared on September 15, 2021.

Whereas having determined that additional 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 September 20, 2021 except where otherwise stated in this Order.
- 1.3 If a section of this Order is inconsistent or in conflict with a provision in Record of Decision – CMOH Order 10-2020, 37-2021 or 38-2021, the section in those Orders prevail to the extent of the inconsistency or conflict.
- 1.4 This Order amends CMOH Order 42-2021 by making the following amendments to Part 7 effective September 16, 2021:
 - (a) deleting sections 7.1 through 7.6; and
 - (b) substituting the words “Despite this Part of this Order, a” with “A” in section 7.7.
- 1.5 This Order rescinds CHOH-Order 42-2021 effective September 20, 2021.

Part 2 – Definitions

- 2.1 In this Order, the following terms have the following meanings:
 - (a) “adult” means a person who has attained the age of eighteen years.

- (b) “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.
- (c) “child care program” means any of the following:
- i. a facility-based program providing day care, out of school care or preschool care;
 - ii. a family day home program;
 - iii. a group family child care program;
 - iv. an innovative child care program.
- (d) “Class A, B or C liquor licence” has the same meaning given to it under the *Gaming, Liquor and Cannabis Regulation, AR 143/96*, under the *Gaming, Liquor and Cannabis Act*.
- (e) “cohort”, as the context of this Order requires, means:
- i. for a person who resides on their own, one or two other persons with whom the person who resides on their own regularly interacts with during the period of this Order;
 - ii. for a household, the persons who regularly reside at the home of that household;
 - iii. for a household in which all eligible persons who regularly reside at the home are fully vaccinated, the members of that household and the members of a second household whose eligible members are fully vaccinated, up to a maximum of ten fully vaccinated persons, excluding children eleven and younger who are not vaccinated. This must be the same two households for the duration of the Order;
 - iv. for a fully vaccinated person who resides on their own, the person who resides on their own, and up to a maximum of nine fully vaccinated persons, excluding children eleven and younger who are not vaccinated. This must be the same nine people for the duration of the Order;
 - v. for a person attending an overnight camp, the group of campers and staff members assigned to them who stay together throughout the day, day to day, and overnight;
 - vi. for a school, the group of students and staff who primarily remain together for the purposes of instruction as a COVID-19 safety strategy.
- (f) “commercial vehicle” means a vehicle operated on a highway by or on behalf of a person for the purpose of providing transportation, but does not include a private passenger vehicle.
- (g) “day care” has the same meaning given to it in the *Early Learning and Child Care Regulation*.

- (h) “drive-in activities” means outdoor activities that a person can participate in or observe while remaining in a motor vehicle including the following:
 - i. a worship service;
 - ii. a drive-in movie;
 - iii. a graduation ceremony;
 - iv. physical activity, performance activity or recreational activity;
 - v. any activity similar in nature to those listed in this definition.
- (i) “eligible person” means a person born in 2009, or before 2009, who is living, working or going to school in Alberta who is eligible to receive the COVID-19 vaccine.
- (j) “face mask” means a medical or non-medical mask or other face covering that covers a person’s nose, mouth and chin.
- (k) “facility-based program” has the same meaning given to it in the *Early Learning and Child Care Act*.
- (l) “Facility Licence” has the same meaning given to it under the *Gaming, Liquor and Cannabis Regulation*, AR 143/96, under the *Gaming, Liquor and Cannabis Act*.
- (m) “family day home program” has the same meaning given to it in the *Early Learning and Child Care Act*.
- (n) “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.
- (o) “fitness activity” means a physical activity that occurs at a gym, fitness studio, dance studio, rink, pool, arena or recreation centre and includes dance classes, rowing, spin, yoga, boxing, boot camp, Pilates and other activities of a similar nature.
- (p) “food-serving business or entity” means a restaurant, café, bar, pub or similar business or entity.
- (q) “fully vaccinated” means a person who is eligible for vaccination who has:
 - i. received two doses of a World Health Organization approved COVID-19 vaccine in a two dose vaccine series or one dose in a one dose vaccine series; and
 - ii. had fourteen days elapse since the date on which the person received the second dose of the World Health Organization approved COVID-19 vaccine of a two dose series or one dose of the vaccine in a one dose vaccine series.

- (r) "Gaming Licence" has the same meaning given to it under the *Gaming, Liquor and Cannabis Regulation, AR 143/96*, under the *Gaming, Liquor and Cannabis Act*.
- (s) "group family child care program" has the same meaning given to it in the former *Child Care Licensing Regulation*.
- (t) "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.
- (u) "highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes:
- i. a sidewalk, including a boulevard adjacent to the sidewalk;
 - ii. if a ditch lies adjacent to and parallel with the roadway, the ditch; and
 - iii. if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be,
- but does not include a place declared by regulation not to be a highway.
- (v) "innovative child care program" has the same meaning given to it in the former *Child Care Licensing Regulation*.
- (w) "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.
- (x) "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 3.6 of this Order; and
 - ii. is valid for a period of one year from the date on which it is made.

- (y) “outdoor food and beverage services” means services which an operator of a food-serving business or entity provides in an outdoor area to persons who remain at the food-serving business or entity while consuming food or beverages. For greater certainty, outdoor food and beverage services are provided in an area that meet the following requirements:
- i. patios and dining areas with a roof must not have more than one enclosing wall;
 - ii. patios and dining areas without a roof may have one or more enclosing wall;
 - iii. for the purposes of this Order umbrellas and pergolas are not considered to be roofs;
 - iv. for the purposes of this Order, a fence or a half-wall is not an enclosing wall.
- (z) “out of school care” has the same meaning given to it in the Early Learning and Child Care Regulation.
- (aa) “performance activity” means singing, playing a musical instrument, dancing, acting or other activities of a similar nature and includes, but is not limited to, a rehearsal, concert, theatre, dance, choral, festival, musical and symphony events.
- (bb) “person who resides on their own” means a person living on their own or a person living on their own who has one or more youth living with them and under their care.
- (cc) “physical activity” means a fitness activity or sport activity.
- (dd) “preschool care”, has the same meaning given to it in the *Early Learning and Child Care Regulation*.
- (ee) “post-secondary institution” means a public or private post-secondary institution operating under the *Post-Secondary Learning Act* and includes the physical location or place where the post-secondary institution provides a structured learning environment through which a program of study is offered.
- (ff) “private place” means a private place as defined under the *Public Health Act*.
- (gg) “private social gathering” means any type of private social function or gathering at which a group of persons come together and move freely around to associate, mix or interact with each other for social purposes rather than remaining seated or stationary for the duration of the function or gathering, but does not include a cohort consisting of persons referred to in section 2.1(e) of this Order.
- (hh) “public place” has the same meaning given to it in the *Public Health Act*, and for greater certainty does not include a rental accommodation used solely for the purposes of a private residence.
- (ii) “recreational activity” means any structured or organized activity or program where the purpose of the activity or program is intended to develop a skill, including but not

limited to, Girl Guides, Scouts, arts and crafts, pottery or other substantially similar activities.

- (jj) “school” has the same meaning given to it in the *Education Act*.
- (kk) “school building” has the same meaning given to it in the *Education Act*.
- (ll) “Special Event Licence” has the same meaning given to it under *Gaming, Liquor and Cannabis Regulation*, AR 143/96, under the *Gaming, Liquor and Cannabis Act*.
- (mm) “sport activity” means sports training, practices, events, games, scrimmages, competitions, gameplay, league play, and other activities of a similar nature.
- (nn) “staff member” means any individual who is employed by, or provides services under a contract with, an operator of a school.
- (oo) “student” has the same meaning given to it in the *Education Act*.
- (pp) “visitor” means any individual who attends a school, but who is not a student or staff member.
- (qq) “youth” means a person under eighteen years of age.
- (rr) “youth activity” means any physical activity, performance activity or recreational activity youth are participating in.

Part 3 – Masking

A. Indoor masking requirements

- 3.1 Except as set out in this Order and subject to Part 13, a person must wear a face mask at all times while attending an indoor public place.
- 3.2 For greater certainty, indoor public places include, but are not limited to:
 - (a) a school building;
 - (b) commercial vehicles transporting the driver and one or more other persons who are not members of that persons household, or if the person is a person living alone, then the person’s close contact;
 - (c) the common areas of a day camp or overnight camp; and
 - (d) all indoor spaces under the control of a business or entity, including all areas where the public or employees of the business or entity may attend.
- 3.3 For greater certainty, except as otherwise set out in this Order:
 - (a) face masks must be worn at a wedding ceremony or funeral service that is held in an indoor public place; and
 - (b) a person must comply with all masking directives or guidance while attending at a facility operated by a regional health authority under the *Regional Health Authorities*

Act or a facility operated by a contracted service provider of a regional health authority.

B. General exceptions to indoor masking

- 3.4 Despite this Part 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) a youth under two years of age;
 - (b) a youth participating in an indoor performance activity in circumstances where it is not possible for the youth to wear a face mask while participating in the indoor performance activity;
 - (c) a youth participating in an indoor physical activity;
 - (d) an adult participating in an indoor physical activity;
 - (e) an adult participating in an indoor performance activity where it is not possible for the adult to wear a face mask while participating in the indoor performance activity;
 - (f) a person marrying another person during a wedding ceremony, and the individuals in their wedding party;
 - (g) unable to place, use or remove a face mask without assistance;
 - (h) seated at a table while consuming food or drink or, if standing at a standing table while consuming food or drink, as long as the person remains at the standing table at all times while consuming the food or drink;
 - (i) providing or receiving care or assistance where a face mask would hinder that caregiving or assistance;
 - (j) alone at a workstation and separated by at least two metres distance from all other persons;
 - (k) 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 face mask while working;
 - (l) separated from every other person by a physical barrier that prevents droplet transmission;
 - (m) 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.

C. Exceptions for health conditions

- 3.5 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 exempted from wearing a face mask while attending an indoor public place.

- 3.6 For the purposes of section 3.5, 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.
- 3.7 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.

D. Exception for child care programs

- 3.8 Despite this Part of this Order, a youth attending at a child care program is not required to wear a face mask except in accordance with any masking directive or guidance made by Alberta Health and posted on the Government of Alberta website.

E. Exceptions for farming or ranching operations

- 3.9 Despite this Part 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.

Part 4 – Physical distancing

A. Two metres physical distance required

- 4.1 For all indoor and outdoor activities and settings, a person must maintain a physical distance of two metres from any other person who is not part of the person's cohort as referred to in sections 2.1(e)(i) or 2.1(e)(ii) of this Order.
- 4.2 For greater certainty, a person must maintain a physical distance of two metres from any other person who is not a member of the person's cohort as referred to in sections 2.1(e)(i) or 2.1(e)(ii) of this Order, when the person:
- (a) Is attending an indoor or outdoor space under the control of a business or entity, including all areas where the public or employees of the business or entity may attend;
 - (b) is attending as a spectator at an indoor or outdoor location of a business or entity for the purposes of observing physical activity, performance activity or recreational activity;
 - (c) is attending as a spectator at a school building for the purposes of observing indoor youth activity;
 - (d) is participating in an outdoor private social gathering including a wedding ceremony or reception and a funeral service or reception where the only indoor spaces are washroom facilities;

(e) is a youth or staff member attending at a day camp;

(f) is attending a place of worship.

- 4.3 For greater certainty, staff and students at post-secondary institution must maintain a physical distance of two metres from any other person who is not a member of their cohort as referred to in sections 2.1(e)(i) or 2.1(e)(ii) of this Order.

B. General exceptions to two metre physical distance requirement

- 4.4 Despite this Part, a person is not required to maintain a physical distance of two metres from any other person when the person is receiving a service from a business or entity that the person cannot receive while maintaining a physical distance of two metres.

- 4.5 Despite this Part, a coach, instructor or trainer is not required to maintain two metres physical distance from the person being coached, guided or instructed for physical activity, performance activity, or recreational activity if doing so inhibits the guidance or instruction being provided.

- 4.6 Despite this Part, a youth is not required to maintain two metres physical distance while participating in an indoor or outdoor physical activity or performance activity.

- 4.7 Despite this Part, an adult is not required to maintain two metres physical distance

(a) while participating in an outdoor physical activity or performance activity;

(b) while participating in an indoor professional or semi-professional physical activity as a member of a professional or semi-professional sports team or as a professional or semi-professional athlete;

(c) while participating in an indoor professional or semi-professional performance activity as a member of a professional or semi-professional performance team or as a professional or semi-professional performer.

- 4.8 Despite this Part,

(a) a person in a cohort as defined at section 2.1(e)(i), (ii), (iii), and (iv) of this Order that attends indoors at a private residence is not required to maintain a distance of two metres from another person in that same cohort;

(b) a person in a cohort as defined at section 2.1(e) of this Order that attends outdoors at a private residence is not required to maintain a distance of two metres from another person in that same cohort.

C. Three metres physical distance required

- 4.9 An adult must maintain a physical distance of three metres from any other person who is not a member of their cohort, referred to in sections 2.1(e)(i) or 2.1(e)(ii) of this Order, when the person is participating in indoor solo or 1:1 physical activity with a coach, instructor or trainer.

- 4.10 An operator of a business or entity providing a place for indoor solo or 1:1 physical activity with a coach, instructor or trainer must ensure that an adult who is participating in

indoor solo or 1:1 physical activity maintains three metres distance from any other person, including the coach, instructor or trainer, who is not a member of their cohort, referred to in sections 2.1(e)(i) or 2.1(e)(ii) of this Order.

D. Exceptions to three metre physical distance requirement

- 4.11 Despite this Part, a coach, instructor or trainer is not required to maintain three metres physical distance from the person being coached, guided or instructed for physical activity, performance activity, or recreational activity if doing so inhibits the guidance or instruction being provided.

Part 5 – Work from one’s private residence

- 5.1 An employer must require a worker to work from the worker’s own private residence unless the employer determines that the worker’s physical presence is required at the workplace to effectively operate the workplace.

Part 6 – Private Residences

- 6.1 Subject to sections 6.3, 6.4 and 6.5 of this Order, a person who resides in a private residence must not permit a person who does not normally reside in that residence to enter or remain in the residence.
- 6.2 Section 6.1 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 related to a program of study;
 - (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 or receive personal or wellness services;
 - (m) to provide physical activity or performance instruction; or

- (n) to undertake a municipal property assessment.
- 6.3 A person who resides on their own may have their cohort described in section 2.1(e)(i) of this Order attend at their own private residence and may attend at the private residence of the one or two other persons described in section 2.1(e)(i) provided the following conditions are met:
- (a) each person whose residence the person is attending at lives alone at their private residence; or
 - (b) each of the two people at the residence the person is attending at live together.
- 6.4 A cohort for a household as defined at section 2.1(e)(iii) of this Order, can choose one other household to visit with at each other's private residences provided that the following conditions are met:
- (a) the two households, when meeting together, are limited to a maximum of ten eligible persons; and
 - (b) all eligible persons who are part of the household must be fully vaccinated.
- 6.5 A cohort for a fully vaccinated person who resides on their own, as defined at section 2.1(e)(iv) of this Order, can visit with a maximum of nine eligible persons at each other's private residences provided that the following conditions are met:
- (a) the eligible persons, when meeting together, are limited to a maximum of ten eligible persons; and
 - (b) all eligible persons must be fully vaccinated.
- 6.6 For greater certainty, the maximum number of persons set out in sections 6.4 and 6.5 does not include persons eleven and younger.

Part 7 – Private social gatherings

- 7.1 All persons are prohibited from attending a private social gathering at an indoor or outdoor private or public place except in accordance with this Part of the Order.
- 7.2 For greater certainty, an indoor wedding reception or a funeral reception is a prohibited private social gathering.
- 7.3 Despite section 7.1 of this Order, a private social gathering of fifty persons or fifty percent of the total operational occupant load, whichever is less, as determined in accordance with the Alberta Fire Code and the fire authority having jurisdiction may occur at an indoor public or private place, excluding private residences, for the purposes of a wedding ceremony or a funeral service.
- 7.4 A private social gathering of two hundred persons or less may occur at an outdoor public or private place including for the purposes of a wedding ceremony or reception or a funeral service or reception.

A. Private social gatherings for protests

- 7.5 Despite this Part of this Order, a person may attend at an outdoor public place to exercise their right to peacefully demonstrate for a protest or political purpose without limit to the number of persons in attendance if the person:
- (a) remains outdoors except where necessary to use the washroom;
 - (b) wears a face mask at all times;
 - (c) maintains a minimum physical distance of two metres from any other person in attendance, including any other person who is a member of the person's household, unless:
 - i. either the person or the other person is, or both persons are, eleven years of age or younger; and
 - ii. both persons are members of the same household;in which case this subsection does not apply;
 - (d) does not offer food or beverages to any other person in attendance, regardless of whether the food or beverage is provided for sale or not; and
 - (e) immediately disperses in a coordinated fashion at the conclusion of the gathering, while at all times adhering to the requirements in this section.
- 7.6 For greater certainty, a protest or political purpose as described in section 7.5 means for the purpose of expressing a position on a matter of public interest.

Part 8 - Places of worship

- 8.1 A faith leader may conduct a worship service at a place of worship if the number of persons who attend the worship service at the place of worship is limited to thirty-three percent of the total operational occupant load as determined in accordance with the Alberta Fire Code and the fire authority having jurisdiction.
- 8.2 A person attending a worship service at a place of worship must remain in a cohort consisting of persons referred to in sections 2.1(e)(i) or 2.1(e)(ii) of this Order.

Part 9 – Businesses and entities

- 9.1 An operator of a business or entity listed in sections 1 through 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) thirty-three percent 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.

- 9.2 A person may only attend at a business or entity with a cohort consisting of the persons referred to in sections 2.1(e)(i) or 2.1(e)(ii) of this Order.
- 9.3 Section 9.1 of this Order does not apply to a business or entity listed in sections 5 through 8 of Appendix A.
- 9.4 Despite this Part of this Order, a business or entity operating exclusively outdoors, excepting washrooms, is not subject to any capacity limits.
- 9.5 Despite this Part of this Order an unlimited number of persons may attend a drive-in activity if the persons who attend the drive-in activity:
- (a) remain within a motor vehicle that is designed to be closed to the elements while attending and observing or participating in the drive-in activity except where necessary to use the washroom or access other amenities; and
 - (b) position their motor vehicle at least two metres away from other motor vehicles.

Part 10 – Restaurants, cafes, bars and pubs

- 10.1 An operator of a food-serving business or entity is prohibited from offering or providing indoor food and beverage services.
- 10.2 A person who attends a food-serving business or entity that offers or provides outdoor food and beverage services, may eat or drink alone or with a cohort where the cohorts participating are the persons referred to in sections 2.1(e)(i) or 2.1(e)(ii) of this Order.
- 10.3 An operator of a food-serving business or entity that offers or provides outdoor food and beverage services must:
- (a) limit the number of persons seated at the same table to a maximum of six persons for persons who are members of same household and a maximum of three persons for persons who reside on their own; and
 - (b) require persons to remain seated while consuming food or beverages and must prohibit persons seated at a table or standing at a standing table from interacting with persons seated at a different table or standing at a different standing table.
- 10.4 An operator of a business or entity with a Class A or C liquor licence, including but not limited to restaurants, bars, lounges, pubs, cafes, legions or private clubs is prohibited from serving liquor after 10 p.m. and must ensure that liquor consumption at the business or entity ends at 11 p.m..
- 10.5 An operator of a business or entity with a Gaming Licence or Facility Licence or a Class B liquor licence, including but not limited to bowling alleys, casinos, bingo halls, pool halls and indoor recreation entertainment centers is prohibited from serving liquor after 10 p.m. and must ensure that liquor consumption at the business or entity ends at 11 p.m..
- 10.6 A person who holds a Special Event Licence is prohibited from serving liquor after 10 p.m. and must ensure that liquor consumption at the event ends at 11 p.m..

- 10.7 For greater certainty, an operator of a food-serving business or entity may, subject to applicable laws, provide food or beverages, including liquor, by take-out, delivery or drive-thru at any time, including after 10 p.m..

Part 11 – Adult physical activity, performance activity and recreational activity

- 11.1 No adult may attend at an indoor location of a business or entity for the purposes of participating in a group physical activity, group performance activity, group recreational activity, or a competition or similar activity.
- 11.2 No operator of a business or entity may offer or provide services to, or a location for, an adult to participate in an indoor group physical activity, group performance activity, group recreational activity, or a competition or similar activity
- 11.3 Despite anything in this Part, an adult is not prohibited from participating in 1:1 or solo indoor physical activities, performance activities or recreational activities and an operator of a business or entity is not prohibited from offering or providing services to, or a location for, an adult to participate in 1:1 or solo indoor physical activities, performance activities or recreational activities.
- 11.4 Despite anything in this Part, an adult is not prohibited from participating in group physical activity, performance activity or recreational activity when the participating adults are in a cohort referred to in sections 2.1(e)(i) or 2.1(e)(ii) of this Order.

A. Professional physical activities and performance activities

- 11.5 Part 11 of this Order does not apply to:
- (a) a person attending or an operator of a business or entity, providing or hosting a physical activity as member of or for a professional or semi-professional sports team or as a professional or semi-professional athlete;
 - (b) a person attending or an operator of a business or entity, providing or hosting a performance activity as a member of or for a professional or semi-professional performance team or as a professional or semi-professional performer.

Part 12 – Youth activities

- 12.1 A parent or guardian of a youth must screen a youth for symptoms of COVID-19 prior to the youth participating in indoor youth activities in accordance with the COVID-19, Alberta Health Daily Checklist (for children under the age of eighteen).

Part 13 – Schools

A. Physical distancing in schools

- 13.1 An operator of a school must assign each youth enrolled in kindergarten to grade six to a cohort as in accordance with the guidance on the Government of Alberta website.

- 13.2 Students, staff and visitors at a school building must maintain a physical distance of two metres from any other person who is not a member of their cohort as referenced in sections 2.1(e)(i), 2.1(e)(ii) or 2.1(e)(vi) in accordance with the guidance on the Government of Alberta website.
- 13.3 Despite this Part and in accordance with the guidance on the Government of Alberta website, students and staff at a school building are not required to maintain two metres physical distance if doing so inhibits the guidance or instruction being provided or where it is not possible to maintain two metres physical distance.

B. Masking requirements in schools

- 13.4 All students, except for students enrolled in grades kindergarten through three, and all staff, and visitors must wear a face mask while attending at a school building.
- 13.5 An operator of a school must ensure that all students enrolled in grades four through twelve, staff, and visitors wear a face mask while attending at a school building.

C. Exceptions to masking in schools

- 13.6 Despite Part 3 and this Part of this Order, students, staff or visitors are not required to wear a face mask at all times while attending at a school building if the student, staff or visitor:
- (a) is unable to place, use or remove a face mask without assistance;
 - (b) is unable to wear a face mask due to a health condition;
 - (c) is consuming food or drink in a designated area;
 - (d) is engaging in a physical activity;
 - (e) is seated at a desk or table
 - (i) within a classroom or place where the instruction, course or program of study is taking place, and
 - (ii) where the desks, tables and chairs are arranged in a manner
 - (A) to prevent persons who are seated from facing each other, and
 - (B) to allow the greatest possible distance between seated persons;
 - (f) is providing or receiving care or assistance where a non-medical face mask would hinder that caregiving or assistance; or
 - (g) is separated from every other person by a physical barrier.
- 13.7 An operator of a school must use its best efforts to ensure that any student, staff member or visitor who is not required to wear a face mask:
- (a) as permitted by section 13.6(a) or (b) of this Order is able to maintain a minimum of two metres distance from every other person;

D. School buses

- 13.8 Subject to section 3.10 of this Order, an operator of a school must ensure that the following persons wear a face mask while being transported on a school bus:
- (a) all students attending grades kindergarten through grade 12;
 - (b) all staff members;
 - (c) all visitors.
- 13.9 For greater certainty, section 13.8(b) applies in respect of any individual who transports students attending grades kindergarten through 12 on a school bus to a school, regardless of whether that individual is a staff member.
- 13.10 All students attending grades kindergarten through 12, staff members and visitors must wear a face mask that covers their mouth and nose while being transported on a school bus, unless the student, staff member or visitor:
- (a) is unable to place, use or remove a face mask without assistance;
 - (b) is unable to wear a face mask due to a mental or physical concern or limitation;
 - (c) is providing or receiving care or assistance where a face mask would hinder that caregiving or assistance; or
 - (d) is separated from every other person by a physical barrier.

E. Exception to masking where physical distancing can be maintained

- 13.11 Subject to section 13.12 of this Order, sections 13.4 to 13.10 of this of Order do not apply in respect of an operator of a school who is able to ensure that all students, staff members and visitors maintain a minimum of two metres distance from every other person while attending an indoor location within a school or while being transported on a school bus.
- 13.12 An operator of a school must:
- (a) create a written plan that sets out how physical distancing will be maintained;
 - (b) provide the plan upon request from the Chief Medical Officer of Health, Medical Officer of Health or Alberta Education; and
 - (c) receive an exemption from the Chief Medical Officer of Health.
- 13.13 Despite section 13.11 of this Order, an operator of a school does not need to ensure that students, staff members and visitors are able to maintain a minimum of two metres distance from every other person when a student, staff member or visitor is seated at desk or table:
- (a) within a classroom or place where the instruction, course or program of study is taking place, and
 - (b) where the desks, tables and chairs are arranged in a manner

- (i) to prevent persons who are seated from facing each other, and
- (ii) to allow the greatest possible distance between seated persons.

Part 14 – Exemptions under Alberta Government’s Restrictions Exemption Program

14.1 Notwithstanding anything in this Order, the Chief Medical Officer of Health may, pursuant the Alberta Government’s Restrictions Exemption Program, exempt a person or class of persons from the application of some, or all, parts of this Order.

Part 15 – General

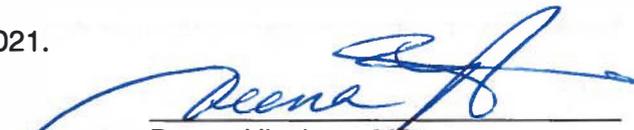
15.1 Notwithstanding anything in this Order, the Chief Medical Officer of Health may exempt a person or a class of persons from the application of this Order.

15.2 This Order provides the minimum standards for public health measures in Alberta for those matters addressed by this Order.

15.3 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.

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

Signed on this 23rd day of September, 2021.


Deena Hinshaw, MD
Chief Medical Officer of Health



Document: Appendix A to Record of Decision – CMOH Order 44-2021

Subject: CMOH Order 44-2021 Restrictions

Scope of Application: As per Record of Decision – CMOH Order 44-2021

Overview

This document sets out the businesses and entities that are subject to restrictions under Part 9 of this Order.

Businesses or entities subject to thirty-three percent capacity limit

1. Retail

- all retail, including indoor markets.

2. Recreational or Entertainment Business or Entity

- a business or entity, or a business or entity that is similar in nature to those described in this section, 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;
 - Banquet halls and conference centres;
 - Hotel and Condominium fitness facilities, pools, hot tubs, saunas and steam rooms.

3. Festival or Event Business or Entity

- a business or entity, or a business or entity that is similar in nature to those described in this section, offering or providing any of the following activities:
 - Festivals;
 - Concerts;
 - Exhibitions;
 - Tradeshows;
 - Professional sporting or performance events.

4. Recreational or Entertainment Business or Entity

- a business or entity offering, or a business or entity that is similar in nature to those described in this section, or providing access to the following types of

recreational facilities or entertainment facilities:

- Movie theatres, libraries and science centres;
- Indoor children’s play centres and indoor playgrounds;
- Museums and galleries;
- Casinos;
- Gaming Entertainment Centre (as defined by the Alberta Gaming, Liquor and Cannabis);
- Nightclubs;
- Bingo halls, bowling alleys and pools 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 or entities not subject to thirty-three percent capacity limit

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. Professional Service Business or Entity

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

8. Other entities

- a business or entity offering or providing the following:
 - mutual support meetings;
 - elections purposes and related activities;
 - child care services;
 - blood donation and collection activities;

- jury selections;
- shelters for vulnerable persons;
- charitable activities including but not limited to food, clothing, and toy collection and distribution.