

RECORD OF DECISION – CMOH Order 39-2020 which rescinds Part 1, 2 and 4 of CMOH Order 37-2020

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 37-2020 on November 12, 2020 and Parts 1, 2 and 4 thereof expire at the end of the day on November 27, 2020.

Whereas I made Record of Decision – CMOH Order 38-2020 on November 24, 2020 that sets out some of the new measures announced that day in respect of private residences, private social gatherings, places of worship and masks, but did not include any of the new measures for businesses and entities that were announced.

Whereas having determined that additional measures are needed to protect Albertans from exposure to COVID-19 and to prevent the spread of COVID-19, I hereby make the following Order which rescinds Parts 1, 2 and 4 of Record of Decision – CMOH Order 37-2020:

Part 1 – Application

1. Effective 12:00 a.m. November 27, 2020, Parts 1, 2 and 4 of Record of Decision - CMOH Order 37-2020 are rescinded.
2. This Order is effective November 27, 2020.
3. This Order applies to any region in the Province of Alberta identified on the “List of active cases by region” found at <https://www.alberta.ca/maps/covid-19-status-map.htm#list-of-active-cases-by-region> where
 - (a) the “Active case rate” (per 100,000 population) for the region is identified as 50 or greater; and
 - (b) the “Active cases” for the region is identified as 10 or greater.

4. If, at any point in time while this Order is in effect, a region is identified on the “List of active cases by region” in accordance with section 3 of this Order, the region is deemed to continue to be identified on the “List of active cases by region” for the period of time this Order is in effect.
5. If a section of this Order is inconsistent or in conflict with a provision in Record of Decision – CMOH Order 25-2020 or 26-2020 the section in this Order prevails to the extent of the inconsistency or conflict.

Part 2 – Businesses and entities

6. 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 and 2 of Appendix A.
7. For greater certainty, any business or entity other than a business or entity listed or described in sections 1 and 2 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.
8. Subject to section 9, an operator of a business or entity listed or described in sections 1 and 2 of Appendix A must ensure that the place of business or entity is closed to the public.
9. Section 8 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;
 - (e) as a shelter for vulnerable persons;
 - (f) as a place of worship;
 - (g) as an indoor market.
10. An operator of a business or entity listed or described in sections 3 and 4 of Appendix A must limit the number of persons that may attend the location where the business or entity is operating to the greater of

- (a) 25% 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.
11. An operator of an amusement park may be subject to further restrictions or prohibitions as determined by the Chief Medical Officer of Health.
 12. An operator of a casino is prohibited from offering or providing entertainment in the form of table games to persons who attend the casino.
 13. 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.

Part 3 - Restaurants, cafes, bars and pubs

14. For the purposes of Part 3 of this Order:
 - (a) "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*.
 - (b) "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*.
 - (c) "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*.
15. Subject to section 16 of this Order, a person who attends a food-serving business or entity that offers or provides dine-in services, including but not limited to a restaurant, café, bar or pub, may eat alone or with other persons who are members of their household.
16. A person who resides on their own and who attends a food-serving business or entity that offers or provides dine-in services, including but not limited to a restaurant, café, bar or pub, may eat alone or with one or both of the two other persons with whom they regularly interact and who may attend at their private residence in accordance with section 5 of Record of Decision - CMOH Order 38-2020.
17. An operator of a food-serving business or entity that offers or provides dine-in services, including but not limited to a restaurant, café, bar or pub, other than an operator of a business or entity listed or described in section 3 of Appendix A, is prohibited from offering

or providing any of the following entertainment or activities to persons who attend the food-serving business or entity:

- (a) live performances of any kind including musical, comedic and theatrical performances;
- (b) billiard, arcade, video or dart games;
- (c) access to video lottery terminals.

18. An operator of a business or entity listed or described in section 3 of Appendix A is prohibited from offering or providing live performances of any kind, including musical, comedic and theatrical performances to persons who attend the place of business or entity.

19. 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,

- (a) is prohibited from selling or serving liquor after 10 p.m., and
- (b) must ensure that the place of business or entity is closed to the public or members between the hours of 11 p.m. and 4 a.m..

20. 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 selling or serving

- (a) liquor after 10 p.m., and
- (b) food or beverages after 11 p.m..

21. For greater certainty, an operator of a food-serving business or entity, including but not limited to a restaurant, café, bar or pub, may provide food or beverages by take-out, delivery or drive-thru.

Part 4 – Group physical activity

22. For the purposes of Part 4 and Part 5 of this Order,

- (b) “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.

- (c) "School" is defined as a school operating under the *Education Act* and includes the physical location or place where the school provides a structured learning environment through which an education program is offered or provided but does not include
 - (i) any parent or guardian directed program provided to a student (home education),
or
 - (ii) any teacher directed education program provided in a home environment (temporary at-home learning) for immediate family members only.
- (d) "Student" has the same meaning given to it in the *Education Act* or the *Post-Secondary Learning Act* depending on the context in which "student" is used.

23. Subject to section 25 and 26 of this Order, all persons are prohibited from participating in an indoor group physical activity with persons who are not members of their household.

24. For greater certainty, group physical activity includes team sports, fitness classes, and training sessions.

25. Section 23 of this Order does not prevent a person from participating in an indoor physical activity under the guidance or instruction of one other person who is the person's coach or trainer.

26. Section 23 of this Order does not prevent students from participating in an indoor group physical activity:

- (a) at a school as part of an education program where participation in the activity is limited to the students undertaking the education program at the school; or
- (b) at a post-secondary institution as part of a post-secondary institution's program of study where participation in the activity is limited to the students undertaking the program of study at the post-secondary institution.

27. Subject to section 28 of this Order, all persons are prohibited from participating in an outdoor group physical activity of more than 10 persons.

28. Section 27 does not apply to a group physical activity in which all persons are members of the same household.

Part 5 – Group performance activity

29. Subject to section 31 and 32 of this Order, all persons are prohibited from participating in an indoor group performance activity with persons who are not members of their household.
30. For greater certainty, group performance activity includes singing, dancing, playing of wind instruments and performing live theatre.
31. Section 29 of this Order does not prevent a person from participating in an indoor performance activity under the guidance or instruction of one other person who is the person's coach or teacher.
32. Section 29 of this Order does not prevent students from participating in an indoor group performance activity:
- (a) at a school as part of an education program where participation in the activity is limited to the students undertaking the education program at the school; or
 - (b) at a post-secondary institution as part of a post-secondary institution's program of study where participation in the activity is limited to the students undertaking the program of study at the post-secondary institution.
33. Subject to section 34 of this Order, all persons are prohibited from participating in an outdoor group performance activity of more than 10 persons.
34. Section 33 does not apply to a group performance activity in which all persons are members of the same household.

Part 6 – General

35. 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.
36. This Order remains in effect until rescinded by the Chief Medical Officer of Health.

Signed on this 27 day of November, 2020.


Deena Hinshaw, MD
Chief Medical Officer of Health



Document: Appendix A to Record of Decision – CMOH Order 39-2020

Subject: Businesses and Entities subject to CMOH Order 39-2020

Effective Date: November 27, 2020

Scope of Application: As per Record of Decision – CMOH Order 39-2020

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 39-2020 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;
 - Indoor children’s play centres and indoor playgrounds;
 - Theatres, auditoriums, concert halls, and community theatres;
 - Nightclubs;
 - Banquet halls and conference centres.

2. Festival or Event Business or Entity

- a business or entity offering or providing any of the following activities:
 - Indoor and outdoor festivals;
 - Concerts with the exception of drive-in events;
 - Exhibitions occurring in a location other than in a museum or gallery;
 - Tradeshows;
 - Sporting events or competitions.

Businesses and entities that must limit capacity

3. Recreational or Entertainment Business or Entity

- a business or entity offering or providing access to the following types of recreational facilities or entertainment facilities:

- 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*;
- 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;
- Interpretative centres.

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.