

RECORD OF DECISION – CMOH Order 05-2021 which amends CMOH Order 04-2021

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 I made Record of Decision – CMOH Order 02-2021 on February 8, 2021 setting out measures in respect of private residences, private social gatherings, places of worship, masks, restaurants, businesses and entities, group physical activity, group performance activity and working from one's private residence.

Whereas I made Record of Decision – CMOH Order 04-2021 on March 1, 2021 adjusting some of the measures made in CMOH Order 02-2021.

Whereas having determined that some of the measures in Record of Decision – CMOH Order 04-2021 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 04-2021:

Effective March 8, 2021, Parts 7, 8 and 9 of Record of Decision – CMOH Order 04-2021 are rescinded and the following are substituted:

Part 7 – Businesses and entities

42. Subject to section 43 of this Order, 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.
43. Section 42 of this Order does not prevent a place of business or entity listed or described in section 2 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 to occur;
- (i) as a location for mutual support meetings to occur;
- (j) as a location for charitable activities including but not limited to food, clothing and toy collection and distribution to occur;
- (k) to provide counselling services;
- (l) to provide consular services;
- (m) to provide Federal Mediation and Conciliation services;
- (n) as a location for educational, professional or employment examination or certification activities, including but not limited to a location where recertification training or exams may occur;
- (o) as a location for the exclusive use of a person and any member of their household;
- (p) as a location for a wedding ceremony or funeral service to occur.

44. An operator of a business or entity listed or described in section 3 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) 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.

44.1 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.

45. An operator of a business or entity listed or described in sections 5, 6, 7, 8, 9 and 10 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.

45.1 An operator of a business or entity listed or described in section 10 of Appendix A may operate only to the extent necessary to

(a) offer or provide a location for a person to host a virtual event, or

(b) be used for a purpose listed in section 43 of this Order.

45.2 Subject to section 45.3 of this Order, no person may attend an indoor location of a business or entity listed or described in section 10 of Appendix A for the purposes of observing a virtual event.

45.3 A person may attend an indoor location of a business or entity listed or described in section 10 of Appendix A to observe a wedding ceremony or a funeral service which is both an in-person wedding or funeral and a virtual event, if the number of persons in attendance

(a) at the wedding ceremony does not exceed 10 persons including any person providing production or technical support, and

(b) at the funeral service does not exceed 20 persons including any person providing production or technical support.

45.4 Subject to section 45.5 of this Order, a person who participates in a virtual event

(a) must wear a face mask while participating in the virtual event, and

(b) must maintain a minimum physical distance of three metres from any person participating in the virtual event.

45.5 A person who attends an indoor location of a business or entity listed or described in section 10 of Appendix A to observe a wedding ceremony or a funeral service which is both an in-person wedding or funeral and a virtual event must maintain a minimum physical distance of two metres from any person participating in the virtual event, unless the other person is a member of their household.

45.6 A person may provide production or technical support, including but not limited to audiovisual or lighting support, for a virtual event.

45.7 Any person who provides production or technical support, including but not limited to audiovisual or lighting support, for a virtual event

(c) must wear a face mask while providing production or technical support, and

(d) must maintain a minimum physical distance of three metres from any person participating in the virtual event other than any other person providing production or technical support.

46. Despite anything in this Part of this Order, an operator of any business or entity may operate to the extent necessary to offer or provide a location for a physical activity, performance activity or youth group recreational activity to occur.

Part 8 – Physical activity

47. For the purposes of this Part of the Order,

(a) “high intensity” when used to describe physical activity means any physical activity where the intensity of the activity results in significantly increased respiration rates in a person.

(b) “low intensity” when used to describe physical activity means any physical activity where the intensity of the activity does not result in significantly increased respiration rates in a person.

48. For the purposes of Parts 7, 8, 9 and 9.1 of this Order,

(a) “Adult” means a person 19 years of age or older.

(b) “Face mask” has the same meaning given to it in section 23 of Part 5 of this Order.

(c) “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.

(d) "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 any teacher directed education program provided in a home environment (temporary at-home learning) for immediate family members only.

(e) "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.

(f) "Youth" means a person 18 years of age or younger.

49. For greater certainty, if a section in Parts 7, 8, 9 and 9.1 of this Order requires a person to wear a face mask, the requirement to wear a face mask prevails despite any exception in section 26 of Part 5 of this Order that applies to the person.

50. Sections 57 to 58 and sections 60 to 67.4 of this Order do not apply to a student who attends a business or entity that is described in section 9 of Appendix A in order to participate in physical activity as part of

(a) an education program where participation in the activity is limited to the students undertaking the education program at the school, or

(b) 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.

51. An operator of a business or entity described in section 9 of Appendix A must ensure that any physical activity that occurs at the place of business or entity complies with the requirements in Part 8 of this Order.

52. An operator of a business or entity described in section 9 of Appendix A must ensure there is at least three metres distance between any individual or any group of persons who are participating in physical activity from any other individual or any other group of persons who are also participating in physical activity at the place of business or entity.

53. An operator of a business or entity described in section 9 of Appendix A must ensure that any individual or any group of persons who are participating in physical activity do not interact with any other individual or any other group of persons who are also participating in physical activity at the place of business or entity.

54. Subject to section 59 of this Order, no person may attend an indoor location of a business or entity described in section 9 of Appendix A for the purposes of observing a physical activity.
55. No more than 10 persons may attend an outdoor location of a business or entity described in section 9 of Appendix A for the purposes of observing an outdoor physical activity.
56. A person attending an outdoor location of a business or entity described in section 9 of Appendix A for the purposes of observing outdoor physical activity must maintain a minimum physical distance of two metres from any other person observing the outdoor physical activity, unless the other person is a member of their household.

All persons

57. Except in accordance with this Part of this Order, all persons are prohibited from participating in physical activity at a location where a business or entity that is described in section 9 of Appendix A is operating.
58. A person may participate in the following types of physical activity at a location where a business or entity that is described in section 9 of Appendix A is operating
 - (a) low intensity solo physical activity,
 - (b) low intensity group physical activity including low intensity group dance classes, or
 - (c) any physical activity under the guidance or instruction of a coach, instructor or trainer where participation in the physical activity is limited to
 - i. a person and any member of their household, and
 - ii. the coach, instructor or trainer.
59. Up to two adults per youth or group of youths may attend an indoor location of a business or entity described in section 9 of Appendix A for the purposes of providing safety and security to a youth or a group of youths participating in physical activity.
60. A person who participates in a low intensity physical activity at an indoor location where a business or entity that is described in section 9 of Appendix A is operating must wear a face mask while participating in the low intensity physical activity.
61. A coach, instructor or trainer described in section 58(c) of this Order must
 - (a) be a professional or certified coach, instructor or trainer, or

(b) be paid by the person who is receiving the guidance or instruction for the guidance or instruction.

62. A coach, instructor or trainer described in section 58(c) of this Order must

(a) wear a face mask while providing guidance or instruction, and

(b) maintain at least three metres physical distance from the person being guided or instructed unless doing so inhibits the guidance or instruction being provided.

63. Subject to section 64 of this Order, all persons are prohibited from participating in an outdoor group physical activity, including but not limited to games of hockey, where:

(a) maintaining a minimum physical distance of two metres between all participants at all times is not possible;

(b) the outdoor group physical activity includes more than 10 persons.

64. Section 63 of this Order does not apply to a group physical activity in which all persons are members of the same household.

Youth group high intensity physical activity

65. Subject to section 67 of this Order, a youth may participate in a high intensity group physical activity of up to 10 persons where all participants must

(a) be youths, except any coach, trainer or instructor, and

(b) maintain a minimum physical distance of three metres while participating in an indoor group physical activity or two metres while participating in an outdoor group physical activity.

66. Any coach, trainer or instructor who participates in a high intensity group physical activity as described in section 65 of this Order must

(a) be counted towards the maximum number of persons participating in the group physical activity, and

(b) wear a face mask while providing guidance or instruction.

67. A coach, trainer or instructor is not required to maintain physical distance if doing so inhibits the guidance or instruction being provided.

Post-secondary institutions' varsity sports teams' group high intensity physical activity

67.1 For the purposes of section 67.2 of this Part of this Order, "varsity sport" means a sport for which the eligibility requirements for participation are established by a national association for the regulation of intercollegiate athletics, or which is designated as a varsity sport program by a post-secondary institution.

67.2 Subject to section 67.4 of this Order, a post-secondary institution student may participate in a high intensity group physical activity of up to 10 persons where all participants must:

- (a) be a member of the same varsity sports team, except any coach, trainer or instructor; and
- (b) maintain a minimum physical distance of three metres while participating in an indoor group physical activity or two metres while participating in an outdoor group physical activity.

67.3 Any coach, trainer or instructor who participates in a high intensity group physical activity as described in section 67.2 of this Order must

- (a) be counted towards the maximum number of persons participating in the group physical activity, and
- (b) wear a face mask while providing guidance or instruction.

67.4 A coach, trainer or instructor is not required to maintain physical distance if doing so inhibits the guidance or instruction being provided.

Part 9 – Performance Activity

68. Sections 78 to 82.6 of this Order do not apply to a student who attends a business or entity that is described in section 9 of Appendix A in order to participate in a performance activity as part of

- (a) an education program where participation in the activity is limited to the students undertaking the education program at the school, or

(b) 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.

69. An operator of a business or entity described in section 9 of Appendix A must ensure that any performance activity that occurs at the place of business or entity complies with the requirements in Part 9 of this Order.
70. For greater certainty, a performance activity includes but is not limited to, singing, playing a musical instrument, dancing, acting, and any rehearsal or theatrical performance.
71. An operator of a business or entity described in section 9 of Appendix A must ensure there is at least three metres distance between any individual or any group of persons who are participating in a performance activity from any other individual or any other group of persons who are also participating in a performance activity at the place of business or entity.
72. An operator of a business or entity described in section 9 of Appendix A must ensure that any individual or any group of persons who are participating in a performance activity do not interact with any other individual or any other group of persons who are also participating in a performance activity at the place of business or entity.
73. Subject to section 74 of this Order, no persons may attend an indoor location of a business or entity described in section 9 of Appendix A for the purposes of observing an indoor performance activity.
74. Up to two adults per youth or group of youths may attend an indoor location of a business or entity described in section 9 of Appendix A for the purposes of providing safety and security to a youth or a group of youths participating in a performance activity.
75. Subject to section 76 of this Order, no more than 10 persons may attend an outdoor location of a business or entity described in section 9 of Appendix A for the purposes of observing outdoor performance activity.
76. An unlimited number of persons may attend an outdoor location of a business or entity described in section 9 of Appendix A for the purposes of observing an outdoor drive-in performance activity, if the persons who attend the drive-in performance activity
 - (a) remain within a motor vehicle that is designed to be closed to the elements while attending the performance activity except where necessary to use the washroom, and
 - (b) position their motor vehicle at least two metres away from other motor vehicles.

77. A person attending an outdoor location of a business or entity for the purposes of observing an outdoor performance activity must maintain a minimum physical distance of two metres from any other person observing the outdoor performance activity, unless the other person is a member of their household.

All persons

78. Except in accordance with this Part of this Order, all persons are prohibited from participating in a performance activity at a location where a business or entity that is described in section 9 of Appendix A is operating.

79. A person may participate in the following types of performance activity at a location where a business or entity that is described in section 9 of Appendix A is operating

(a) a solo performance activity, and

(b) a group performance activity.

80. A person who participates in a performance activity at an indoor location where a business or entity that is described in section 9 of Appendix A is operating must wear a face mask while participating in the performance activity unless the person is playing a wind instrument and the wind instrument is affixed with an instrument mask.

81. Subject to section 82 of this Order, an indoor group performance activity may include up to 10 persons if all participants maintain a minimum physical distance of three metres at all times while participating in the group performance activity.

82. Section 81 of this Order does not apply to a group performance activity in which all persons are members of the same household.

82.1 A person may provide production or technical support, including but not limited to audiovisual or lighting support, for either type of performance activity.

82.2 Any person who provides production or technical support, including but not limited to audiovisual or lighting support, for a performance activity

(a) shall not be counted towards the maximum number of participants in a group performance activity,

(b) must wear a face mask while providing production or technical support, and

- (c) must maintain a minimum physical distance of three metres from any person participating in the performance activity other than any other person providing production or technical support.

82.3 Subject to section 82.4 of this Order, any coach, instructor or teacher who participates in a group performance activity must

- (a) be counted towards the maximum number of persons participating in the group performance activity,
- (b) maintain a minimum physical distance of three metres while participating in an indoor group performance activity, and
- (c) wear a face mask while providing guidance or instruction.

82.4 A coach, instructor or teacher is not required to maintain physical distance if doing so inhibits the guidance or instruction being provided.

82.5 Subject to section 82.6 of this Order, all persons are prohibited from participating in an outdoor group performance activity where:

- (a) maintaining a minimum physical distance of two metres between all participants at all times is not possible;
- (b) the outdoor group performance activity includes more than 10 persons.

82.6 Section 82.5 of this Order does not apply to a group performance activity in which all persons are members of the same household.

Part 9.1 - Youth group recreational activity

82.7 For the purposes of Part 9.1 of this Order, a youth group recreational activity means any structured or organized activity or program where the purpose of the activity or program is related to youth development including, but not limited to, programming intended to develop a skill.

82.8 Sections 82.14 to 82.16 of this Order do not apply to a student who attends a business or entity that is described in section 9 of Appendix A in order to participate in a recreational activity as part of

- (a) an education program where participation in the activity is limited to the students undertaking the education program at the school, or

- (b) 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.

82.9 An operator of a business or entity described in section 9 of Appendix A must ensure that any youth group recreational activity that occurs at the place of business or entity complies with the requirements in Part 9.1 of this Order.

82.10 An operator of a business or entity described in section 9 of Appendix A must ensure there is at least three metres distance between any group of persons who are participating in a youth group recreational activity from any other group of persons who are also participating in a youth group recreational activity at the place of business or entity.

82.11 An operator of a business or entity described in section 9 of Appendix A must ensure that any group of persons who are participating in a youth group recreational activity do not interact with any other group of persons who are also participating in a youth group recreational activity at the place of business or entity.

82.12 Subject to section 82.13 of this Order, no persons may attend an indoor location of a business or entity described in section 9 of Appendix A for the purposes of observing an indoor youth group recreational activity.

82.13 Up to two adults per group of youths may attend an indoor location of a business or entity described in section 9 of Appendix A for the purposes of providing safety and security to a group of youths participating in a youth group recreational activity.

82.14 Subject to section 82.16 of this Order, a youth may participate in a youth group recreational activity of up to 10 persons where all participants must

- (a) be youths, except any leader or instructor, and

- (b) maintain a minimum physical distance of three metres while participating in an indoor youth group recreational activity or two metres while participating in an outdoor youth group recreational activity.

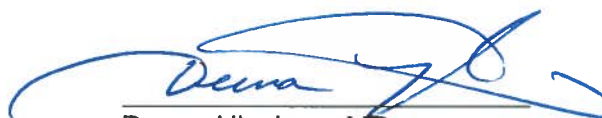
82.15 Any leader or instructor who participates in a youth group recreational activity as described in section 82.14 of this Order must

- (a) be counted towards the maximum number of persons participating in the youth group recreational activity, and

- (b) wear a face mask while leading or providing instruction.

82.16 A leader or instructor is not required to maintain physical distance if doing so inhibits the instruction being provided.

Signed on this 8 day of March, 2021.



Deena Hinshaw, MD
Chief Medical Officer of Health



Document: Appendix A to Record of Decision – CMOH Order 04-2021

Subject: Businesses and Entities subject to CMOH Order 04-2021

Effective Date: March 8, 2021

Scope of Application: As per Record of Decision – CMOH Order 04-2021

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 04-2021 remains in effect.

Businesses or entities that must be closed to the public

1. 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;
 - Indoor concerts;
 - Exhibitions;
 - Tradeshows;
 - Sporting events;
 - Sporting and performance competitions.

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:
 - Movie theatres and science centres;
 - 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);
- 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 and entities that must limit capacity

3. 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.

4. 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:
 - Libraries.

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.

9. Physical Activity, Performance Activity and Group Youth Recreational Activity Business or Entity:

- a business or entity operating to the extent necessary to offer or provide a location for physical activity to occur;
- a business or entity operating to the extent necessary to offer or provide a location for a performance activity to occur;
- a business or entity operating to the extent necessary to offer or provide a location for a group youth recreational activity to occur.

10. 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 meeting rooms.