

RECORD OF DECISION – CMOH Order 17-2021

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 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. This Order, except Part 4, is effective on April 30, 2021. Part 4 of this Order is effective on May 3, 2021.
2. This Order applies to any geographic location in Alberta listed in section 1 of Appendix A of this Order.

3. If a section of this Order is inconsistent or in conflict with a provision in Record of Decision – CMOH Order 12-2021 or 14-2021, the section in this Order prevails to the extent of the inconsistency or conflict.

Part 2 – Definitions

4. In this Order, the following terms have the following meanings

- (a) “performance activity” includes, but is not limited to, singing, playing a musical instrument, dancing, acting, and any rehearsal or theatrical performance.
- (b) “physical activity” includes, but is not limited to, team sports, fitness classes, training sessions and dance classes.
- (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” means a school as defined in the Act and for greater certainty includes a school
 - i. 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; and
 - ii. located on a First Nations reserve in Alberta.
- (e) “student” means a person who is eligible to or is currently attending a school location or post-secondary institution.
- (f) “youth” means a person eighteen years of age or younger.
- (g) “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.

Part 3 – Private residences

5. No person may enter the private residence of another person for the purpose of providing physical or performance activity instruction.

Part 4 – School restrictions

6. All students in grades seven through twelve are prohibited from attending a school location.

7. All students in grades seven through twelve are prohibited from attending any classes or programs offered at any school location with the exception of education programs offered in a home environment by a parent or guardian to immediate family members only.
8. Students in grades seven through twelve may attend a school location on the following conditions
 - (a) the student, or parent or guardian of the student, makes prior arrangements with school officials in advance of attending the school location for any purpose, and schools officials support the attendance;
 - (b) the school undertakes to ensure that proper public safety precautions and all applicable special measures are in place as may be specified by the medical officer of health; and
 - (c) the student, parent or guardian will comply with all directions from school officials and the medical officer of health.

Part 5 – Businesses and entities

9. Subject to sections 10, 11 and 19, an operator of a business or entity listed or described in sections 2 or 3 of Appendix A of this Order must ensure that the place of business or entity is closed to the public.
10. Section 9 of this Order does not prevent a place of business or entity listed or described in sections 2 or 3 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 including voting and tabulating purposes;
 - (d) to undertake jury selections and jury trials;
 - (e) as a shelter for vulnerable persons;
 - (f) as a place of worship;
 - (g) as an indoor market;
 - (h) as a location for blood donation and collection activities;
 - (i) as a location for mutual support meetings;
 - (j) as a location for charitable activities including but not limited to food, clothing and toy collection and distribution;
 - (k) to provide counselling services;
 - (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) to provide a location for outdoor physical activity, performance activity or recreational activity to occur;
 - (p) as a location for a wedding ceremony or funeral service to occur.
11. Despite sections 9 and 10 a hotel pool, hot tub, sauna or steam room may be used as a location for the exclusive use of a person and any member of their household.

Part 6 – Physical activity

- 12. No person may attend an indoor location of a business or entity described in section 2 or 3 of Appendix A for the purposes of participating in a physical activity.
- 13. An operator of a business or entity described in section 2 or 3 of Appendix A is prohibited from offering or providing services to or a location for persons to participate in indoor physical activity.

Part 7 – Performance Activity

- 14. No person may attend an indoor location of a business or entity described in section 2 or 3 of Appendix A for the purposes of participating in a performance activity.
- 15. An operator of a business or entity described in section 2 or 3 of Appendix A is prohibited from offering or providing services to or a location for persons to participate in a performance activity.

Part 8 – Youth group recreational activity

- 16. No youth may attend an indoor location of a business or entity described in section 2 or 3 of Appendix A for the purposes of participating in a youth group recreational activity.
- 17. An operator of a business or entity described in section 2 or 3 of Appendix A is prohibited from offering or providing services to or a location for youth to participate in indoor youth group recreational activity.

Part 9 – Exception to this Order


- 18. This Order does not apply to a kindergarten through grade six or post-secondary student who attends a business or entity that is described in section 2 or 3 of Appendix A in order to participate in physical, performance or 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.
19. This Order does not apply to an operator of a business or entity described in section 2 or 3 of Appendix A offering or providing services to a kindergarten through grade six or post-secondary student in order to participate in a physical, performance or 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.

Part 10 - General

20. 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.
21. This Order remains in effect until rescinded by the Chief Medical Officer of Health.

Signed on this 30 day of April, 2021.


Deena Hinshaw, MD
Chief Medical Officer of Health



Document: Appendix A to Record of Decision – CMOH Order 17-2021

Subject: CMOH Order 17-2021 Restrictions

Effective Date: April 30, 2021.

Scope of Application: As per Record of Decision – CMOH Order 17-2021

Overview

This document sets out the areas of Alberta in which physical activity, performance activity and youth group recreational activity are restricted and the areas of Alberta in which students in grades seven through twelve are prohibited from attending a school location. This document also sets out businesses and entities that are subject to additional restrictions while Record of Decision - CMOH Order 17-2021 remains in effect.

1. Areas where Restrictions Apply:

(a) The following municipalities as defined in the *Municipal Government Act*:

- Red Deer;
- Grand Prairie;
- Calgary;
- Airdrie;
- Lethbridge;
- Edmonton;
- Strathcona County;
- St. Albert.

(b) The following urban service areas as defined in an order creating a specialized municipality under the *Municipal Government Act*:

- Fort McMurray.

Businesses or Entities that Must be Closed to the Public

2. Recreational or Entertainment Business or Entity

(a) 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;
- Hotel pools, hot tubs, saunas and steam rooms.
- Movie theatres, libraries 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 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.

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

- (a) any business or entity operating to the extent necessary to offer or provide a location for a physical activity to occur including but not limited to:
- indoor gyms;
 - fitness centres;
 - recreation centres;
 - indoor arenas;
 - curling rinks;
 - studios (e.g. dance, yoga, Pilates, cycling, rowing);
 - indoor pools. Pools are defined under the *Public Swimming Pools Regulation*.
- (b) any business or entity operating to the extent necessary to offer or provide a location for a performance activity to occur;
- (c) any business or entity operating to the extent necessary to offer or provide a location for a youth group recreational activity to occur.