

**RECORD OF DECISION – CMOH Order 19-2021 which rescinds CMOH Orders 12-2021, 14-2021 and 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*, 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 for specified areas of the province that have 50 or more active cases of COVID-19 per 100,000 people and 30 or more active cases of COVID-19 are necessary to protect Albertans from exposure to COVID-19 and to prevent the spread of COVID-19, I hereby make the following order which rescinds Record of Decision – CMOH Order 12-2021, 14-2021 and 17-2021:

**Table of Contents**

Part 1	Application
Part 2	Masks
Part 3	Private residences
Part 4	Private social gatherings
Part 5	Businesses and entities
Part 5.1	Transitional – Businesses and entities
Part 6	Restaurants, cafes, bars and pubs
Part 6.1	Transitional – Restaurants, cafes, bars and pubs
Part 7	Places of worship
Part 8	Physical activity
Par 8.1	Transitional – Physical activity
Part 9	Performance activity
Part 9.1	Transitional – Performance activity
Part 10	Youth group recreational activity
Part 10.1	Transitional – Youth group recreational activity
Part 11	Workplace Closures
Part 12	Work from one's private residence
Part 13	Post-secondary institution restrictions
Part 14	General

## **Part 1 – Application**

- 1.1 This Order applies throughout the Province of Alberta excluding the locations listed in section 10 of Appendix A in CMOH Order 20-2021 and unless otherwise provided in this Order, is effective May 5, 2021.
- 1.2 If a section in Part 3, 4, 5, 5.1, 6, 6.1, 7, 8, 8.1, 9, 9.1 10, 10.1 and 13 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 Part 3, 4, 5, 5.1, 6, 6.1, 7, 8, 8.1, 9, 9.1 10, 10.1 and 13 of this Order prevails to the extent of the inconsistency or conflict.

## **Part 2 – Masks**

- 2.1 Despite anything in Part 2 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.
- 2.2 For the purposes of Part 2 of this Order, a farming or ranching operation means
  - (a) 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,
  - (b) an operation that produces cultured fish within the meaning of the *Fisheries (Alberta) Act*, and
  - (c) any other primary agricultural operation specified in the regulations,but does not include the operation of a greenhouse, mushroom farm, nursery or sod farm.
- 2.3 For the purpose of Part 2 of this Order, a “public place” has the same meaning given to it in the *Public Health Act*, but does not include a rental accommodation used solely for the purposes of a private residence.
- 2.4 For the purpose of Part 2 of this Order, a “face mask” means a medical or non-medical mask or other face covering that covers a person’s nose, mouth and chin.
- 2.5 If a section in Part 2 of this Order is inconsistent or in conflict with a provision in Record of Decision – CMOH Orders 10-2020, 13-2020, 29-2020 33-2020 and 16-2021the provisions in Record of Decision – CMOH Order 10-2020, 13-2020, 29-2020 33-2020 and 16-2021 prevail to the extent of the inconsistency or conflict.

2.6 Subject to section 2.7 of this Order, a person must wear a face mask at all times while attending an indoor public place. For greater certainty, an indoor public place includes any indoor location where a business or entity is operating.

2.7 Section 2.6 does not apply to a person attending an indoor public place if the person:

- (a) is a child under two years of age;
- (b) is unable to place, use or remove a face mask without assistance;
- (c) is unable to wear a face mask due to a mental or physical limitation;
- (d) is consuming food or drink;
- (e) is providing or receiving care or assistance where a face mask would hinder that caregiving or assistance;
- (f) is alone at a workstation and separated by at least two metres distance from all other persons;
- (g) is 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 mask while working;
- (h) is separated from every other person by a physical barrier that prevents droplet transmission; or
- (i) is 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.

2.8 For the purposes of Part 2 of this Order, "school building" has the same meaning as defined under the *Education Act*.

2.9 Despite anything in Part 2 of this Order, a student, including a student that attends a home schooling co-op, does not need to wear a face mask while attending:

- (a) an early childhood services program;

- (b) grades one through three at an indoor location within a school building; or
  - (c) the home schooling equivalent to an early childhood services program, grades one, two and three at a home schooling co-op.
- 2.10 Despite anything in Part 2 of this Order, a child does not need to wear a face mask while attending any of the following child care programs:
- (a) a “facility-based program” providing day care, out of school care or pre-school care;
  - (b) a “family day home program”;
  - (c) a “group family child care program”; and
  - (d) an “innovative child care program”.
- 2.11 For the purposes of Part 2 of this Order,
- (a) “facility-based program” and “family day home program” have the same meaning given to each term respectively in the *Early Learning and Child Care Act*;
  - (b) “group family child care program” and “innovative child care program” have the same meaning given to each term respectively in the former *Child Care Licensing Regulation*;
  - (c) “day care”, “out of school care”, “pre school care”, have the same meaning given to each term respectively in the *Early Learning and Child Care Regulation*; and
  - (d) “early childhood services program” has the meaning given to it in the *Education Act*.

### **Part 3 – Private residences**

- 3.1 Subject to sections 3.2 and 3.3 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.
- 3.2 Section 3.1 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 undertake a municipal property assessment.

**3.3 A person who resides on their own may**

- (a) have two other persons with whom they regularly interact attend at their private residence; and
- (b) attend at the private residence of a person with whom they regularly interact.

**3.4 For the purposes of this Order, a single adult who only lives with one or more minors is deemed to be a person who resides on their own.**

**3.5 For greater certainty, a person who resides on their own may only have the same two other persons attend at their private residence for the period of time this Part of this Order is in effect.**

**3.6 A person who resides on their own may attend at the private residence of a person with whom they regularly interact only if the person with whom they regularly interact also lives on their own.**

#### **Part 4 – Private social gatherings**

- 4.1 For the purpose of Part 4 of this Order, a “public place” has the same meaning given to it in the *Public Health Act*.
- 4.2 For the purpose of Part 4 of this Order, a “private place” has the same meaning given to it in the *Public Health Act*.
- 4.3 For the purposes of this Order, a “private social gathering” is defined as 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) a gathering in which all persons are members of the same household; or
  - (b) a gathering in which a person who resides on their own interacts with the two other persons referred to in section 3.3 of this Order.
- 4.4 All persons are prohibited from attending a private social gathering at an indoor public place, except in accordance with this Part of this Order.
- 4.5 Subject to section 4.8 of this Order, all persons are prohibited from attending a private social gathering at an outdoor private place or public place where six or more persons are in attendance at the private social gathering.
- 4.6 Any person who attends a private social gathering at an outdoor public or private place must maintain a minimum physical distance of two meters from any other person attending the private social gathering unless the other person is a member of their household.
- 4.7 Despite anything in Part 3 of this Order, a private social gathering of ten persons or less may occur at an indoor or outdoor public or private place for the purposes of a wedding ceremony.
- 4.8 Despite anything in Part 3 of this Order and section 4.5 of this Order, a private social gathering of ten persons or less may occur at an indoor or outdoor public or private place for the purposes of a funeral service.
- 4.9 For greater certainty, a private social gathering as described in sections 4.7 and 4.8 of this Order does not permit a gathering for the purposes of a funeral or wedding reception.

- 4.10 Despite Part 3 and Part 4 of this Order, prohibiting or otherwise limiting indoor and outdoor private social gatherings, indoor and outdoor social visits for residents in settings under CMOH Order 16-2021 may occur as permitted by CMOH Order 16-2021.

#### **Part 5 – Businesses and entities**

- 5.1 Subject to section 5.2, an operator of a business or entity listed or described in sections 1, 2, 3, 4 and 5 of Appendix A must ensure that the place of business or entity is closed to the public.
- 5.2 Despite section 5.1, an operator of a business or entity listed or described in section 5 of Appendix A that provides kinesiology or massage therapy may provide kinesiology or massage therapy by appointment only.
- 5.3 Section 5.1 of this Order does not prevent a place of business or entity listed or described in sections 1 and 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) as a location for a wedding ceremony or funeral service to occur.
- 5.4 An operator of a business or entity listed or described in section 7 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) 10% 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.
- 5.5 Despite section 5.4, in a shopping mall, the common areas of the shopping mall are not included when determining the total operational occupant load.
- 5.6 An operator of a business or entity listed or described in sections 8 and 9 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.
- 5.7 This Part except sections 5.4 and 5.5 is effective at 11:59 p.m. on May 9, 2021. Section 5.4 and 5.5 are effective May 5, 2021.

#### **Part 5.1 – Transitional - Businesses and entities**

- 5.1.1 Subject to section 5.1.2, an operator of a business or entity listed or described in sections 1, 2 and 3 of Appendix A must ensure that the place of business or entity is closed to the public.
- 5.1.2 Section 5.1.1 of this Order does not prevent a place of business or entity listed or described in sections 1 and 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 group physical activity, group performance activity and youth recreational activity to occur; or
- (p) as a location for a wedding ceremony or funeral service to occur.

5.1.3 Despite section 5.1.1 and 5.1.2, a hotel pool or hot tub may be used as a location for the exclusive use of a person and any member of their household.

5.1.4 This Part is effective May 5, 2021 and is rescinded on the coming into force of Part 5.

## **Part 6 - Restaurants, cafes, bars and pubs**

6.1 In this Part the following terms have the following meanings:

- (a) "food-serving business or entity" means a restaurant, café, bar, pub or similar business or entity.
- (b) "indoor food and beverage services" means services which an operator of a food-serving business or entity provides in an indoor area to persons who remain at the food-serving business or entity while consuming food or beverages.

- (c) “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.
- 6.2 No person may attend a food-serving business or entity for the purpose of receiving
- (a) indoor food and beverage services; or
  - (b) outdoor food and beverage services.
- 6.3 An operator of a food-serving business or entity is prohibited from offering or providing
- (a) indoor food and beverage services; and
  - (b) outdoor food and beverage services.
- 6.4 For greater certainty, an operator of a food-serving business or entity may provide food or beverages by take-out, delivery or drive-thru at any time.
- 6.5 An operator of a food-serving business or entity that offers or provides food and beverage services 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; or
  - (c) access to video lottery terminals.
- 6.6 This Part is effective at 11:59 p.m. on May 9.

**Part 6.1- Transitional – Restaurants, cafes, bars and pubs**

- 6.1.1 For the purposes of Part 6.1 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) “food-serving business or entity” means a restaurant, café, bar, pub or similar business or entity.

- (c) "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*.
- (d) "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*.
- (e) "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
  - iv. patios and dining areas with a roof must not have more than one enclosing wall;
  - v. patios and dining areas without a roof may have one or more enclosing wall;
  - vi. for the purposes of this Order umbrellas and pergolas are not considered to be roofs;
  - vii. for the purposes of this Order, a fence or a half-wall is not an enclosing wall.
- (f) "indoor food and beverage services" means services which an operator of a food-serving business or entity provides in an indoor area to persons who remain at the food-serving business or entity while consuming food or beverages.

6.1.2 An operator of a food-serving business or entity is prohibited from offering or providing indoor food and beverage services.

6.1.3 Subject to section 6.1.4 of this Order, 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 other persons who are members of their household.

6.1.4 A person who resides on their own and who attends a food-serving business or entity that offers or provides outdoor food and beverage services, may eat or drink 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 3.3 of this Order.

6.1.5 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 the 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 from interacting with persons seated at a different table.
- 6.1.6 A person who attends a food-serving business or entity that offers or provides outdoor food and beverage services must provide the following contact information to the operator or a designate prior to receiving any outdoor food and beverage services:
  - (a) their first and last name;
  - (b) their phone number and address; and
  - (c) the date and time the person attended the food serving business or entity.
- 6.1.7 An operator of a food-serving business or entity who provides outdoor food and beverage services must retain the contact information provided by a person under section 6.1.6 of this Order for 28 days following the person's attendance at the food-serving business or entity.
- 6.1.8 An operator of a food-serving business or entity that offers or provides outdoor food and beverage services 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; or
  - (c) access to video lottery terminals.
- 6.1.9 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:
  - (a) serving liquor after 10 p.m., and
  - (b) providing outdoor food and beverage services or allowing persons to remain seated to consume food or beverages after 11p.m.
- 6.1.10 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:

(a) serving liquor after 10 p.m., and

(b) providing outdoor food and beverage services or allowing persons to remain seated to consume food or beverages after 11 p.m.

6.1.11 Despite anything in Part 5.1 of this Order, an operator of a business or entity listed or described in section 3 of Appendix A that offers or provides outdoor food and beverage services may operate to the extent necessary to offer or provide outdoor food and beverage services.

6.1.12 For greater certainty, an operator of a food-serving business or entity may provide food or beverages by take-out, delivery or drive-thru at any time, including after 11 p.m..

6.1.13 This Part is effective May 5, 2021 and is rescinded on the coming into force of Part 6.

## **Part 7 - Places of worship**

7.1 A faith leader may conduct an outdoor drive-in worship service and any person may attend an outdoor drive-in worship service, if the persons who attend the drive-in worship service, other than the faith leader

(a) remain within a motor vehicle that is designed to be closed to the elements while attending the worship service except where necessary to use the washroom, and

(b) position their motor vehicle at least two meters away from other motor vehicles.

7.2 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 a maximum of fifteen persons.

7.3 The prohibition in sections 9.1 and 9.2 of this Order does not apply to an indoor group performance activity that occurs during a worship service conducted by a faith leader at a place of worship.

7.4 For greater certainty, the maximum number of persons who attend the worship service:

(a) include any performers in a performance activity described in section 7.3 and

(b) exclude the faith leader.

## **Part 8 – Physical activity**

8.1 In this Part the following terms have the following meanings:

- (a) “physical activity” includes, but is not limited to, team sports, fitness classes, training sessions and dance classes
- (b) “physical activity business or entity” means a business or entity operating to the extent necessary to offer or provide a location for a physical activity to occur.
- (c) “indoor physical activity services” means services which an operator of a physical activity business or entity provides in an indoor area.
- (d) “outdoor physical activity services” means services which an operator of a physical activity business or entity provides in an outdoor area.

8.2 No person may attend a physical activity business or entity for the purpose of receiving indoor physical activity services.

8.3 An operator of a physical activity business or entity is prohibited from offering or providing indoor physical activity services.

8.4 For greater certainty, an operator of a physical activity business that solely provides indoor physical activity services must ensure that the place of business or entity is closed to the public.

8.5 All persons are prohibited from participating in an outdoor group physical activity.

8.6 Section 8.5 of this Order does not apply to a group physical activity in which

- (a) all persons are members of the same household;
- (b) a person who resides alone is participating with persons referred to in section 3.3(a).

8.7 This Part is effective at 11:59 p.m. on May 9, 2021.

### **Part 8.1 – Transitional - Physical activity**

8.1.1 No person may attend an indoor location of a business or entity described in section 1, 2, 3 or 10 of Appendix A for the purposes of participating in an indoor physical activity.

- 8.1.2 An operator of a business or entity described in section 1, 2, 3 or 10 of Appendix A is prohibited from offering or providing services to or a location for persons to participate in indoor physical activity.
- 8.1.3 For the purposes of Parts 8.1, 9.1 and 10.1 of this Order,
- (a) “physical activity” includes, but is not limited to, team sports, fitness classes, training sessions and dance classes.
  - (b) “youth” means a person eighteen years of age or younger.
- 8.1.4 An operator of a business or entity described in section 10 of Appendix A must ensure that any physical activity that occurs at the place of business or entity complies with the requirements in Part 8.1 of this Order.
- 8.1.5 No more than ten persons may attend an outdoor location of a business or entity described in section 10 of Appendix A for the purposes of observing an outdoor physical activity.
- 8.1.6 A person attending an outdoor location of a business or entity described in section 10 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.
- 8.1.7 A coach, instructor or trainer described in this Part of this Order must
- (a) be counted towards the maximum number of persons participating in the group physical activity, maintain at least two metres physical distance outdoors from the person being guided or instructed unless doing so inhibits the guidance or instruction being provided, and
  - (b) wear a face mask while providing guidance or instruction.
- 8.1.8 Subject to section 8.1.6 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; and
  - (b) the outdoor group physical activity includes more than ten persons.
- 8.1.9 Section 8.1.8 of this Order does not apply to a group physical activity in which all persons are members of the same household.

8.1.10 This Part is effective May 5, 2021 and is rescinded on the coming into force of Part 8.

## **Part 9 – Performance Activity**

9.1 In this Part 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) “performance activity business or entity” means a any business or entity operating to the extent necessary to offer or provide a location for a performance activity to occur.
- (c) “indoor performance activity services” means services which an operator of a performance activity business or entity provides in an indoor area.
- (d) “outdoor performance activity services” means services which an operator of a performance activity business or entity provides in an outdoor area.

9.2 No person may attend a performance activity business or entity for the purpose of receiving indoor performance activity services.

9.3 An operator of a performance activity business or entity is prohibited from offering or providing indoor performance activity services.

9.4 For greater certainty, an operator of a performance activity business that solely provides indoor performance activity services must ensure that the place of business or entity is closed to the public.

9.5 All persons are prohibited from participating in an outdoor group performance activity.

9.6 Section 9.5 of this Order does not apply to a group performance activity in which

- (a) all persons are members of the same household;
- (b) a person who resides alone is participating with persons referred to in section 3.3(a).

9.7 This Part is effective at 11:59 p.m. on May 9, 2021.

### **Part 9.1 – Transitional - Performance Activity**

9.1.1 No person may attend an indoor location of a business or entity described in section 1, 2, 3 or 10 of Appendix A for the purposes of participating in performance activity.



- 9.1.2 An operator of a business or entity described in section 1, 2, 3 or 10 of Appendix A is prohibited from offering or providing services to or a location for persons to participate in an indoor performance activity.
- 9.1.3 An operator of a business or entity described in section 10 of Appendix A must ensure that any performance activity that occurs at the place of business or entity complies with the requirements in Part 9.1 of this Order.
- 9.1.4 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.
- 9.1.5 Subject to section 9.1.6 of this Order, no more than ten persons may attend an outdoor location of a business or entity described in section 10 of Appendix A for the purposes of observing outdoor performance activity.
- 9.1.6 An unlimited number of persons may attend an outdoor location of a business or entity described in section 10 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.
- 9.1.7 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.
- 9.1.8 A coach, instructor or trainer described in this Part of this Order must
- (a) be counted towards the maximum number of persons participating in the group physical activity, maintain at least two metres physical distance outdoors from the person being guided or instructed unless doing so inhibits the guidance or instruction being provided, and
  - (b) wear a face mask while providing guidance or instruction, and
- 9.1.9 Subject to section 9.1.10 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; and
- (b) the outdoor group performance activity includes more than ten persons.

9.1.10 Section 9.1.9 of this Order does not apply to a group performance activity in which all persons are members of the same household.

9.1.11 This Part is effective May 5, 2021 and is rescinded on the coming into force of Part 9.

### **Part 10 - Youth group recreational activity**

10.1 In this Part the following terms have the following meanings:

- (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
- (b) “youth group recreational activity business or entity” means a business or entity operating to the extent necessary to offer or provide a location for a recreational activity to occur.
- (c) “indoor youth group recreational activity services” means services which an operator of a youth group recreational activity business or entity provides in an indoor area.
- (d) “outdoor recreational activity services” means services which an operator of a youth group recreational activity business or entity provides in an outdoor area.

10.2 No person may attend a youth group recreational activity business or entity for the purpose of receiving indoor youth group recreational activity services.

10.3 An operator of a youth group recreational activity business or entity is prohibited from offering or providing indoor or outdoor youth group recreational activity services.

10.4 For greater certainty, an operator of a youth group recreational activity business that solely provides indoor or outdoor recreational activity services must ensure that the place of business or entity is closed to the public.

10.5 All persons are prohibited from participating in an outdoor youth group recreational activity.

- 10.6 Section 10.5 of this Order does not apply to a youth group recreational activity in which
- (a) all persons are members of the same household;
  - (b) a person who resides alone is participating with persons referred to in section 3.3(a).
- 10.7 This Part is effective at 11:59 p.m. on May 9, 2021.

### **Part 10.1 Transitional – Youth group recreational activity**

- 10.1.1 For the purposes of Part 10 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.
- 10.1.2 No youth may attend a location of a business or entity described in section 1, 2, 3, or 10 of Appendix A for the purposes of participating in a youth group recreational activity.
- 10.1.3 An operator of a business or entity described in section 1, 2, 3 or 10 of Appendix A is prohibited from offering or providing services to or a location for youth to participate in youth group recreational activity.
- 10.1.4 This Part of this Order is effective May 5, 2021 and is rescinded on the coming into force of Part 10 of this Order.

### **Part 11 – Workplace closures**

- 11.1 For the purposes of this Part, a “cluster” is defined as three or more documented cases of COVID-19, where an investigation initiated under the *Public Health Act* determines that transmission has likely occurred at a workplace location between staff or any other persons attending at the worksite location.
- 11.2 An operator of a business or entity must close all or part of a workplace location for ten days when a medical officer of health or executive officer issues an order under the Public Health Act for the closure of all or part of the workplace location.
- 11.3 The ten day closure period begins on the date the cluster of COVID-19 at the workplace location is determined to exist at the workplace location as set out in the order issued under the *Public Health Act*.

- 11.4 All persons are prohibited from attending that part of a workplace location of a business or entity that is closed.
- 11.5 Section 13.4 of this Order does not prevent a person from attending a workplace location that is closed for any of the following purposes:
- (a) to perform essential construction, renovations, repairs or maintenance;
  - (b) to respond to an emergency;
  - (c) to provide essential care for animals.

### **Part 12 – Work from one’s private residence**

- 12.1 An employer shall require a worker to work from their private residence unless the employer determines the worker’s physical presence at the workplace is required to effectively operate the workplace.

### **Part 13 – Post-secondary institution restrictions**

- 13.1 In this Part, the following terms have the following meanings
- (a) “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.
  - (b) “student” means a person who is eligible to or is currently attending a post-secondary institution.
- 13.2 All students in post-secondary institutions are prohibited from attending a post-secondary institution location means a person who is eligible to or is currently attending a school or post-secondary institution.
- 13.3 All students in post-secondary institutions are prohibited from attending any classes or programs offered at any post-secondary location.
- 13.4 Students in post-secondary institutions may attend a post-secondary institution location on the following conditions

- (a) the student, makes prior arrangements with post-secondary institution officials in advance of attending the post-secondary institution location for any purpose, and post-secondary institution officials support the attendance;
- (b) the post-secondary institution 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 will comply with all directions from post-secondary institution officials and the medical officer of health.

13.8 This Part is effective May 7, 2021.

**Part 14 – General**

14.1 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.

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

Signed on this 6 day of May, 2021.

  
Deena Hinshaw, MD  
Chief Medical Officer of Health



---

**Document:** Appendix A to Record of Decision – CMOH Order 19-2021

**Subject:** CMOH Order 19-2021 Restrictions

**Scope of Application:** As per Record of Decision – CMOH Order 19-2021

---

### **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 19-2021 remains in effect.

This document also sets out the areas of Alberta in which location-specific restrictions apply while Record of Decision – CMOH Order 19-2021 remains in effect.

### **Businesses or entities that must be closed to the public**

#### **1. 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;
  - Hotel pools, hot tubs, saunas and steam rooms.

#### **2. 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;
  - Sporting events
  - Sporting and performance competitions.

### **3. 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;
  - 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.

### **4. Personal Service Business or Entity (Effective May 9 at 11:59 p.m.)**

- 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*.

### **5. Wellness Service Business or Entity (Effective May 9 at 11:59 p.m.)**

- a business or entity offering or providing a wellness service, including massage therapy services and reflexology services.

### **6. Physical Activity, Performance Activity and Youth Group Recreational Activity Business or Entity (Effective May 9 at 11:59 p.m.)**

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

## **Businesses and entities that must limit capacity**

### **7. 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**

### **8. Lodging Business or Entity**

- a business or entity offering or providing accommodations, including hotels, motels, hunting and fishing lodges, and bed and breakfasts.

### **9. 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.

### **10. Physical Activity, Performance Activity and Youth Group Recreational Activity Business or Entity (Effective before May 9 at 11:59 p.m.)**

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

**11. Personal Service Business or Entity (Effective before May 9 at 11:59 p.m.)**

- 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*.

**12. Wellness Service Business or Entity (Effective before May 9 at 11:59 p.m.)**

- a business or entity offering or providing a wellness service, including massage therapy services and reflexology services.