

RECORD OF DECISION – CMOH Order 30-2021

2021 COVID-19 Response re: Stage 1 – Open for Summer Plan

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 it is possible to loosen certain restrictions currently in place while still protecting Albertans from exposure to COVID-19 and preventing the spread of COVID-19, I hereby make the following order:

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Part 1 – Application

- 1.1 This Order is effective on June 1, 2021, except for Part 7, which Part is effective on May 28, 2021 and applies throughout the Province of Alberta.
- 1.2 This Order rescinds: CMOH Order 19-2021, CMOH Order 20-2021, and CMOH Order 29-2021.
- 1.3 Effective July 1, 2021 at 11:59 p.m. Mountain Standard Time:

- (a) the words “and subject to sections 3.8 and 3.9” are deleted from section 3.3 of this Order;
 - (b) section 3.8 and section 3.9 is deleted from this Order.
- 1.4 If a section in Part 2 through Part 10 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 2 through Part 10 of this Order prevails to the extent of the inconsistency or conflict.
- 1.5 This Order does not apply to those subject matters covered by CMOH Order 10-2020. If a section in this Order is inconsistent, or in conflict with a provision in Record of Decision – CMOH Order 10-2020, the sections in CMOH Order 10-2020 apply to the extent of the inconsistency or conflict.

Part 2 – Private Residences

- 2.1 Subject to sections 2.3 and 2.4 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.
- 2.2 Section 2.1 of this Order does not prevent a person from entering the private residence of another person for any of the following purposes:
- (a) to provide health care, personal care or housekeeping services;
 - (b) for a visit between a child and a parent or guardian who does not normally reside with that child;
 - (c) to receive or provide child care;
 - (d) to provide tutoring or other educational instruction related to a program of study;
 - (e) to perform construction, renovations, repairs or maintenance;
 - (f) to deliver items;
 - (g) to provide real estate or moving services;
 - (h) to provide social or protective services;
 - (i) to respond to an emergency;
 - (j) to provide counselling services;
 - (k) for a visit between a person who is at the end of their life (last four to six weeks, as determined by that person’s primary health care provider) and a family member, friend, faith leader or other person as long as no more than three visitors enter the private residence of the dying person at one time;
 - (l) to provide or receive personal or wellness services; or
 - (m) to undertake a municipal property assessment.
- 2.3 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.

- 2.4 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.
- 2.5 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.
- 2.6 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 3 – Private social gatherings

- 3.1 For the purpose of Part 3 of this Order:
 - (a) “private place” means a private place as defined under the *Public Health Act*.
 - (b) “public place” means a public place as defined under the *Public Health Act*.
 - (c) “private social gathering” means any type of private social function or gathering at which a group of persons come together and move freely around to associate, mix or interact with each other for social purposes rather than remaining seated or stationary for the duration of the function or gathering, but does not include:
 - i. a gathering in which all persons are members of the same household; or
 - ii. a gathering in which a person who resides on their own interacts with the two other persons referred to in section 2.3 of this Order.
- 3.2 All persons are prohibited from attending a private social gathering at an indoor public place, except in accordance with Part 3 of this Order.
- 3.3 Subject to sections 3.5 and 3.6, and subject to sections 3.8 and 3.9 of this Order, all persons are prohibited from attending a private social gathering at an outdoor private place or public place where eleven or more persons are in attendance at the private social gathering.
- 3.4 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.
- 3.5 Despite anything in Part 2 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.
- 3.6 Despite anything in Part 2 of this Order and section 3.3 of this Order, a private social gathering of twenty persons or less may occur at an indoor or outdoor public or private place for the purposes of a funeral service.
- 3.7 For greater certainty, a private social gathering as described in sections 3.5 and 3.6 of this Order does not permit a gathering for the purposes of a funeral or wedding reception.
- 3.8 Despite sections 3.3 and 3.4, a person may attend at an outdoor public place to exercise their right to peacefully demonstrate for a protest or political purpose without limit to the number of persons in attendance if the person:

- (a) remains outdoors except where necessary to use the washroom;
 - (b) wears a face mask at all times, as that term is defined in Record of Decision – CMOH Order 22- 2021;
 - (c) maintains a minimum physical distance of two metres from any other person in attendance, including any other person who is a member of the person's household, unless:
 - i. either the person or the other person is, or both persons are, eleven years of age or younger; and
 - ii. both persons are members of the same household;
in which case this subsection does not apply;
 - (d) does not offer food or beverages to any other person in attendance, regardless of whether the food or beverage is provided for sale or not; and
 - (e) immediately disperses in a coordinated fashion at the conclusion of the gathering, while at all times adhering to the requirements in this section.
- 3.9 For greater certainty, a protest or political purpose as described in section 3.8 means for the purpose of expressing a position on a matter of public interest.

Part 4 – Businesses and entities

- 4.1 Subject to section 4.2 and section 4.5, 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.
- 4.2 Section 4.1 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; or
 - (o) as a location for a wedding ceremony or funeral service to occur.
- 4.3 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.
- 4.4 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 5 - Restaurants, cafes, bars and pubs

- 5.1 For the purposes of Part 5 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
 - (p) patios and dining areas with a roof must not have more than one enclosing wall;
 - i. patios and dining areas without a roof may have one or more enclosing wall;
 - ii. for the purposes of this Order umbrellas and pergolas are not considered to be roofs;
 - iii. 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.
- 5.2 An operator of a food-serving business or entity is prohibited from offering or providing indoor food and beverage services.

- 5.3 Subject to section 5.4 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.
- 5.4 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 2.3 of this Order.
- 5.5 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:
 - i. a maximum of four persons who are members of the same household; or,
 - ii. in accordance with section 2.3 of this Order, a maximum of three persons for persons who reside on their own;
 - (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.
- 5.6 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.
- 5.7 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 5.6 of this Order for 28 days following the person's attendance at the food-serving business or entity.
- 5.8 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.
- 5.9 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.
- 5.10 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.

5.11 Despite anything in Part 5 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.

5.12 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..

Part 6 – Drive-in activities

6.1 For the purposes of Part 6 of this Order “drive-in activities” means outdoor activities that a person can participate in or observe while remaining in a motor vehicle including the following:

- (a) a worship service;
- (b) a drive-in movie;
- (c) a graduation ceremony;
- (d) physical activity, performance activity or recreational activity as defined in Part 8;
- (e) any activity similar in nature to those listed in this section.

6.2 An unlimited number of persons may attend a drive-in activity if the persons who attend the drive-in activity:

- (a) remain within a motor vehicle that is designed to be closed to the elements while attending and observing or participating in the drive-in activity except where necessary to use the washroom or access other amenities; and
- (b) position their motor vehicle at least two metres away from other motor vehicles.

Part 7 - Places of worship

7.1 A faith leader may conduct a worship service at a place of worship, if the number of persons who attend the worship service at the place of worship is limited to 15% of the total operational occupant load as determined in accordance with the Alberta Fire Code and the fire authority having jurisdiction.

7.2 The prohibition in Part 8 section 8.2 of this Order does not apply to a performance activity that occurs indoors during a worship service conducted by a faith leader at a place of worship.

Part 8 – Physical, performance and recreational activities

8.1 For the purposes of Part 8 of this Order,

- (a) “adult” means a person nineteen years of age or older.
- (b) “coach, instructor or trainer” means:

- i. a professional, certified coach, instructor or trainer; or
 - ii. another person who is paid by the person who is receiving the guidance or instruction for the guidance or instruction.
 - (c) “face mask” means a medical or non-medical mask or other face covering that covers a person’s nose, mouth and chin.
 - (d) “performance activity” means singing, playing a musical instrument, dancing, acting, or similar activities and any rehearsal or theatrical performance of these activities.
 - (e) “physical activity” includes, but is not limited to, team sports, fitness classes, training sessions and dance classes.
 - (f) “recreational activity” means any structured or organized activity or program where the purpose of the activity or program is related to development including, but not limited to programming intended to develop a skill.
 - (g) “school” means a school as defined under the *Education Act*.
 - (h) “youth” means a person eighteen years of age or younger.
- 8.2 No person may attend an indoor location of a business or entity for the purposes of participating in a physical, performance or recreational activity.
- 8.3 An operator of a business or entity is prohibited from offering or providing services to or a location for persons to participate in an indoor physical, performance or recreational activity.
- 8.4 An operator of a business or entity described in section 9 of Appendix A must ensure that any activities that occur at the place of business or entity complies with the requirements in Part 8 of this Order.
- 8.5 An operator of a business or entity described in section 9 of Appendix A must ensure that any person or any group of persons who are participating in a physical, performance or recreational or activity do not interact with any other person or any other group of persons who are also participating in a physical, performance or recreational activity at the place of business or entity.
- 8.6 No more than ten persons may attend at an outdoor location of a business or entity described in section 9 of Appendix A for the purposes of participating in or observing a physical, performance or recreational activity.
- 8.7 A person attending a location of a business or entity described in section 9 of Appendix A for the purposes of participating in or observing a physical, performance or recreational activity must maintain a minimum physical distance of two metres from any other person unless the other person is a member of their household or the other person is one of the persons referred to in section 2.3 of this Order.
- 8.8 Notwithstanding Part 8 of this Order, youth may participate in a physical, performance or recreation activity as part of an education program where participation in the activity is limited to the students undertaking an education program at the school and where the activity is:
- (a) inside a school building;
 - (b) at an outdoor location;

(c) in groups of more than 10 youths.

Outdoor activities with a coach, instructor or trainer

- 8.9 During outdoor activities a coach, instructor or trainer must maintain at least two metres physical distance from any persons being guided or instructed unless doing so inhibits the guidance or instruction being provided.
- 8.10 If a coach, instructor or trainer is required to come within two metres physical distance for the purpose of providing guidance, then the coach, instructor or trainer must wear a face mask and complete hand hygiene before and after the interaction.
- 8.11 Any coach, trainer or instructor who participates in a physical, performance or recreational activity must be counted towards the ten persons participating in the activity.

Safety and security persons

- 8.12 Despite section 8.6 of this Order, up to two additional adults per youth or group of youths may attend an outdoor 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 physical, performance or recreational activity.

Part 9 – Post-secondary institution restrictions

- 9.1 For the purposes of Part 9 of this Order, 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.
- 9.2 All students in post-secondary institutions are prohibited from attending a post-secondary institution location.
- 9.3 All students in post-secondary institutions are prohibited from attending any classes or programs offered at any post-secondary location.
- 9.4 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.

Part 10 – Workplace closures

- 10.1 For the purposes of Part 10 of this Order, 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.
- 10.2 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.
- 10.3 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*.
- 10.4 All persons are prohibited from attending that part of a workplace location of a business or entity that is closed.
- 10.5 Section 10.4 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.

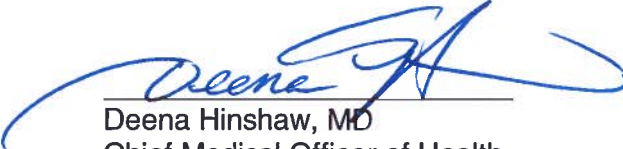
Part 11 - Work from one’s private residence

- 11.1 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 12 - General

- 12.1 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.
- 12.2 This Order remains in effect until rescinded by the Chief Medical Officer of Health.

Signed on this 28 day of May, 2021.


Deena Hinshaw, MD
Chief Medical Officer of Health



Document: Appendix A to Record of Decision – CMOH Order 30-2021

Subject: CMOH Order 30-2021 Restrictions

Effective Date: June 1, 2021.

Scope of Application: As per Record of Decision – CMOH Order 30-2021

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 30-2021 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.
- any indoor business or entity operating to offer or provide a location for a physical activity that falls within one of the categories below, or any similar business or entity:
 - Gyms;
 - Fitness centres;
 - Recreation centres;
 - Arenas;
 - Curling rinks;
 - Studios (e.g. dance, yoga, Pilates, cycling, rowing);
 - Pools, as defined under the *Public Swimming Pools Regulation*.
- any indoor business or entity operating to offer or provide a location for a performance or recreational activity.

Businesses and entities that must limit capacity

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.

Businesses and entities that may operate to provide outdoor services or locations

9. Physical Activity, Performance Activity and Recreational Activity Business or Entity

- any business or entity operating to the extent necessary to offer or provide an outdoor location for a physical activity, performance activity or recreational activity to occur.