

RECORD OF DECISION – CMOH Order 34-2021

2021 COVID-19 Response re: Stage 3 – 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 modify certain restrictions 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 July 1, 2021 and applies throughout the Province of Alberta.
- 1.2 This Order rescinds all Records of Decision - CMOH Orders signed between March 16, 2020 and June 10, 2021 that are still in effect except for the following Records of Decision - CMOH Orders:
 - (a) CMOH Order 10-2020;
 - (b) CMOH Order 06-2021;
 - (c) CMOH Order 16-2021; and
 - (d) CMOH Order 32-2021.
- 1.3 This Order amends section 3 and section 10 of CMOH Order 06-2021 by deleting “CMOH Order 05-2020” and substituting “CMOH Order 35-2021”.
- 1.4 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 – Masking Requirements

2.1 For the purposes of this Order:

- (a) “authorizing health professional” means one of the following regulated members under the *Health Professions Act* who holds a practice permit:
 - i. nurse practitioners;
 - ii. physicians;
 - iii. psychologists.
- (b) “commercial vehicle” means a vehicle operated on a highway by or on behalf of a person for the purpose of providing transportation, but does not include a private passenger vehicle;
- (c) “masking directive or guidance” means a directive or guidance document made by a regional health authority, or a contracted service provider of a regional health authority, which sets out directions or guidance respecting the use of face masks in facilities or settings operated by the regional health authority or the contracted service provider.
- (d) “face mask” means a medical or non-medical mask or other face covering that covers a person’s nose, mouth and chin;
- (e) “health condition” means the following mental or physical limitations:
 - i. sensory processing disorders;
 - ii. developmental delays;
 - iii. mental illnesses including anxiety disorders, psychotic disorders; dissociative identity disorder or depressive disorders;
 - iv. facial trauma or recent oral maxillofacial surgery;
 - v. contact dermatitis or allergic reactions to mask components; or
 - vi. clinically significant acute respiratory distress.
- (f) “highway” means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes:
 - i. a sidewalk, including a boulevard adjacent to the sidewalk,
 - ii. if a ditch lies adjacent to and parallel with the roadway, the ditch, and
 - iii. if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be,but does not include a place declared by regulation not to be a highway.
- (g) “medical exception letter” means written confirmation provided to a person by an authorizing health professional which verifies that the person has a health condition

that prevents the person from wearing a face mask while attending an indoor public place, is valid for a period of one year from the date on which it is made, and clearly sets out the following information:

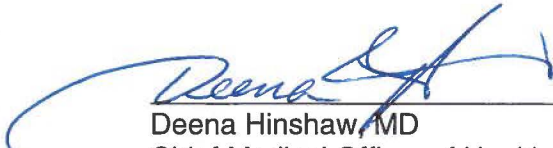
- (i) the name of the person to whom the exception applies;
- (ii) the name, phone number, email address, professional registration number, and signature of the authorizing health professional; and
- (iii) the date on which the written confirmation was provided.

- 2.2 A person driving or being transported in a commercial vehicle with one or more additional persons must wear a face mask at all times.
- 2.3 A person must comply with all masking directives or guidance while attending at a facility operated by a regional health authority under the *Regional Health Authorities Act* or a facility operated by a contracted service provider of a regional health authority.
- 2.4 Despite sections 2.2 and 2.3 of this Order, a person who is unable to wear a face mask due to a health condition who has a medical exemption letter provided by an authorizing health professional is excepted from wearing a face mask.
- 2.5 Despite sections 2.2 and 2.3 of this Order, a person is not required to wear a face mask if the person is:
 - (a) a child under two years of age;
 - (b) unable to place, use or remove a face mask without assistance;
 - (c) seated while consuming food or drink;
 - (d) providing or receiving care or assistance where a face mask would hinder that caregiving or assistance; or
 - (e) 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.

Part 3 – General

- 3.1 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.
- 3.2 This Order remains in effect until rescinded by the Chief Medical Officer of Health.

Signed on this 30 day of June, 2021.


Deena Hinshaw, MD
Chief Medical Officer of Health