

RECORD OF DECISION – CMOH Order 41-2021 which amends CMOH Order 40-2021

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 I made CMOH Order 40-2021 on September 3, 2021.

Whereas I have determined that it is necessary to revise Record of Decision – CMOH Order 40-2021 to clarify certain matters, including:

- (a) that commercial vehicles are indoor public places;
- (b) that for those matters which CMOH Order 40-2021 addresses, that Order provides the minimum standards for public health measures to limit the spread of COVID-19 in Alberta; and
- (c) the relationship between CMOH Order 40-2021 and any applicable federal, provincial or municipal law or regulation or any requirement of any lawful permit, order or licence covering the same subject matters as CMOH Order 40-2021.


I hereby make the following order, effective September 14, 2021:

1. CMOH Order 40-2021 is amended by inserting the word “face” immediately before the word “mask” in the following sections:
 - (a) 2.1(n)(v);
 - (b) 3.3;
 - (c) 4.1(e);
 - (d) 4.2; and
 - (e) 4.10.

2. CMOH Order 40-2021 is amended in section 2.1(r)(i) by deleting “4.3” and substituting “4.4”.
3. CMOH Order 40-2021 is amended by inserting:
 - “3.1.1 For greater certainty, commercial vehicles are an indoor public place.”immediately following section 3.1 of CMOH Order 40-2021.
4. CMOH Order 40-2021 is amended by deleting section 4.1(b) and substituting it with the following:
 - “(b) (i) seated at a table while consuming food or drink; or
 - (ii) standing at a standing table while consuming food or drink as long as the person remains at the standing table at all times while consuming the food or drink;”
5. CMOH Order 40-2021 is amended in section 4.4 by deleting “4.2” and substituting “4.3”.
6. CMOH Order 40-2021 is amended by deleting section 5.1 and substituting it with the following:
 - “5.1 An operator of a food-serving business or entity that offers or provides food and beverage services must require a person to remain:
 - (a) seated while consuming food or drink at a table; and
 - (b) at a standing table at all times while standing to consume food or drink.”
7. CMOH Order 40-2021 is amended by deleting Part 6 – General, in its entirety and substituting the following, revised, Part 6 - General:
 - “**Part 6 – General**
 - 6.1 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.
 - 6.2 This Order provides the minimum standards for public health measures in Alberta for those matters which are addressed in this Order.
 - 6.3 For greater certainty, nothing in this Order relieves a person from complying with any provision of any federal, provincial or municipal law or regulation or any requirement of any lawful permit, order or licence covering those matters which are addressed in this Order.
 - 6.4 This Order remains in effect until rescinded by the Chief Medical Officer of Health.”

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

Signed on this 13 day of September, 2021.



Deena Hinshaw, MD
Chief Medical Officer of Health