

## **RECORD OF DECISION – CMOH Order 59-2021**

### **Re: 2021 COVID-19 Response – Modification of Record of Decision CMOH Order 54-2021**

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 I have made Record of Decision - CMOH Order 54-2021 on December 10, 2021.

Whereas Record of Decision - CMOH Order 54-2021 was revised by Record of Decision - CMOH Order 56-2021 on December 16, 2021.

Whereas I have determined that it is necessary to further revise Record of Decision - CMOH Order 54-2021.

I hereby make the following Order, effective December 24, 2021:

1. The Table of Contents of Record of Decision - CMOH Order 54-2021 is amended by adding the following:
  - E. Occupancy limits
  - F. Interactive activity restrictions
  - G. Table restrictions
  - H. Liquor service and operating hours restrictions
  
2. Section 2.1 of Record of Decision - CMOH Order 54-2021 is amended by adding the following immediately after subsection 2.1(dd):
  - (ee) “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.*

- (ff) “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*.
- (gg) “food-serving business, entity or event” means a discretionary business, entity or event which is a restaurant, café, bar, pub, or similar discretionary business, entity or event. For greater certainty, an event includes both a private event and an event that is open to the public.
- (hh) “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*.
- (ii) “high capacity stadium seating” means a premises with stadium seating with an occupant load of 500 or more persons.
- (jj) “interactive activities” means the following activities engaged in by persons:
  - i. dancing;
  - ii. billiards;
  - iii. arcades;
  - iv. photo booths;
  - v. darts;
  - vi. other substantially similar multi-person or interactive activities
 but for greater certainty does not include a live performance activity observed by a person, or video lottery terminals where the person plays the video lottery terminal while masked and stationary.
- (kk) “low capacity stadium seating” means a premises with stadium seating with an occupant load of 499 or fewer persons.
- (ll) “occupant load” means total operational occupant load as determined in accordance with the *National Fire Code of Canada, Alberta Edition 2019* and the fire authority having jurisdiction in the area where the eligible participant’s premises is located.
- (mm) “Special Event 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*.

3. Section 4.3(h) of Record of Decision - CMOH Order 54-2021 is deleted and substituted with the following:

- (h) consuming food or drink while remaining seated in low capacity stadium seating. For greater certainty, a patron or attendee is prohibited from consuming food or drink in premises with high capacity stadium seating with the exception of a food-serving business, entity or event located on the premises that is physically separate from the stadium seating and offers table service food or drink; or

4. At Part 5 of Record of Decision - CMOH Order 54-2021, the following is added immediately following subsection D:

**E. Occupancy Limits**

- 5.12 An eligible participant must limit the number of persons that may attend the premises where an eligible participant is operating to:
- (a) fifty percent of the occupant load where the occupant load of the premises is 1,000 persons or greater; or
  - (b) a maximum of 500 persons, where the occupant load is less than 1,000 persons.

**F. Interactive activity and food and drink restrictions**

- 5.13 An eligible participant operating a food serving business, entity or event is prohibited from allowing patrons or attendees to participate in interactive activities at the premises.
- 5.14 An eligible participant is prohibited from offering food or drink in a premises with high capacity stadium seating with the exception of a food-serving business, entity or event located at the premises that is physically separate from the stadium seating and offers table service food or drink.

**G. Table restrictions**

- 5.15 An eligible participant operating a food-serving business, entity or event must limit the number of patrons or attendees seated at the same table to a maximum of ten.
- 5.16 An eligible participant operating a food-serving business, entity or event must require patrons or attendees to remain seated at a table while consuming food or drink or, if standing at their assigned standing table while consuming food or drink, and must prohibit patrons or attendees mingling with patrons or attendees at a different seated or standing table.

**H. Liquor service and operating hours restrictions including events**

- 5.17 An eligible participant with a Class A or C liquor licence, including but not limited to a food-serving business or entity, legion or private club, is prohibited from serving liquor after 11 p.m. and must close the premises by 12:30 a.m..
- 5.18 An eligible participant, in respect of the eligible participant's premises, with a Gaming Licence or Facility Licence or a Class B liquor licence, including but not limited to a bowling alley, casino, bingo hall, pool hall or indoor recreation entertainment center is prohibited from serving liquor after 11 p.m. and must ensure that liquor consumption ends by 12:30 a.m..
- 5.19 An eligible participant who holds a Special Event Licence is prohibited from serving liquor after 11 p.m. and must close the premises by 12:30 a.m..

**I. Take-out restriction exceptions**

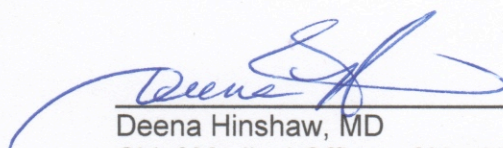
5.20 Despite Part 5, an eligible participant may, subject to applicable laws, provide food or beverages, by take-out, delivery or drive-thru at any time, including after 12:30 a.m..

**J. Exceptions for Wedding Receptions**

5.21 Notwithstanding Section 5.13, an event that is specifically for the purposes of a wedding reception may permit dancing but will restrict any other interactive activities at the event.

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

Signed on this 24 day of December 2021.

  
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Deena Hinshaw, MD  
Chief Medical Officer of Health