

MEDICAL NOTE FOR MASK EXCEPTION

Patient Name:	
Mask Exceptions for Health Conditions	
<p>A person who is unable to wear a face mask due to a qualifying health condition as determined by an authorizing health professional defined in CMOH Order 22-2021, is excepted from wearing a face mask while attending an indoor public place.</p>	
List of qualifying health conditions:	
<ul style="list-style-type: none">• Sensory processing disorders• Developmental delay• Cognitive impairment• Mental illness including:<ul style="list-style-type: none">• Anxiety disorders• Psychotic disorders• Dissociative identity disorders• Depressive disorders• Facial trauma or recent oral maxillofacial surgery• Contact dermatitis or allergic reactions to mask components• Clinically significant acute respiratory distress	
<p>It is important to continue practicing good hand hygiene and maintain 2 metres of physical distance from others to reduce the spread of COVID-19.</p>	
<p>It is strongly recommended that individuals who qualify for a masking exception avoid indoor public spaces and circumstances where physical distancing is not possible.</p>	
By signing below, I confirm that:	
<ul style="list-style-type: none">• I am one of the following authorized health professionals:<ul style="list-style-type: none">o Nurse practitionero Physiciano Psychologist• The individual named above has been assessed and confirmed to have one of the medical conditions listed above.	
<i>Additional comments:</i>	
Healthcare Provider Name (printed):	Professional Registration Number:
Email Address (optional):	Phone Number:
Signature:	Date:

RECORD OF DECISION – CMOH Order 22-2021

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 respecting masking 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 provides for new masking restrictions:

Part 1 – Application

- 1.1 This Order applies throughout the Province of Alberta and:
 - (a) rescinds Part 2 of Record of Decision – CMOH Order 19-2021 and Part 2 of Record of Decision – CMOH Order 20-2021; and
 - (b) deletes the references to Part 2 in the Table of Contents of Record of Decision – CMOH Order 19-2021 and Record of Decision – CMOH Order 20-2021.
- 1.2 If a section in this Order is inconsistent or in conflict with a provision in Record of Decision – CMOH Orders 10-2020, 13-2020, 33-2020, 07-2021 and 16-2021 the provisions in Record of Decision – CMOH Order 10-2020, 13-2020, 33-2020, 07-2021 and 16-2021 prevail to the extent of the inconsistency or conflict.
- 1.3 This Order is effective May 13, 2021.

Part 2 – Definitions

- 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:

- 4.4 For greater certainty, although the medical exception letter must verify that a health condition listed in Appendix A applies, it must not include specific information about the health condition.

Exceptions for children and students

- 4.5 Despite Part 3 of this Order, a child under two years of age does not need to wear a face mask at all times while attending an indoor public place.
- 4.6 Despite Part 3 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 preschool care;
 - (b) a family day home program;
 - (c) a group family child care program;
 - (d) an innovative child care program.
- 4.7 Despite Part 3 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.

Exception for farming or ranching operations

- 4.8 Despite Part 3 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.

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 13 day of May, 2021.


Deena Hinshaw, MD
Chief Medical Officer of Health





Document: Appendix A to Record of Decision – CMOH Order 22-2021

Subject: CMOH Order 22-2021 Health Conditions for Exceptions to Masking

Effective Date: May 13, 2021

Scope of Application: As per Record of Decision – CMOH Order 22-2021

Overview

This document lists the health conditions for which an authorizing health professional may issue a medical exception letter.

Health Conditions for Exceptions to Masking

- Sensory processing disorders.
- Developmental delay.
- Cognitive impairment.
- Mental illnesses including:
 - anxiety disorders;
 - psychotic disorders;
 - dissociative identity disorder;
 - depressive disorders.
- Facial trauma or recent oral maxillofacial surgery.
- Contact dermatitis or allergic reactions to mask components.
- Clinically significant acute respiratory distress.

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:

Table of Contents

Part 1	Application
Part 2	Masking Requirements
Part 3	General

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



RECORD OF DECISION – 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 having determined that additional measures are necessary to protect Albertans from exposure to COVID-19 and to prevent the spread of COVID-19, I hereby make the following order:

Table of Contents

- Part 1 – Application
- Part 2 – Definitions
- Part 3 – Indoor masking requirements
- Part 4 – Masking Exceptions
 - A. General exceptions to indoor masking
 - B. Exceptions for health conditions
 - C. Exceptions for children
 - D. Exceptions for farming or ranching operations
 - E. Exceptions for physical and performance activities
 - F. Exceptions for places of worship
- Part 5 – Time limitations on alcohol service and consumption
- Part 6 – General

- (g) "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*.
- (h) "family day home program" has the same meaning given to it in the *Early Learning and Child Care Act*;
- (i) "farming or ranching operation" means 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, an operation that produces cultured fish within the meaning of the *Fisheries (Alberta) Act*, and any other primary agricultural operation specified in the regulations, but does not include the operation of a greenhouse, mushroom farm, nursery or sod farm;
- (j) "fitness activity" means a physical activity that occurs at a gym, fitness studio, dance studio, rink, pool, arena or recreation centre and includes dance classes, rowing, spin, pole dancing, yoga, boxing, boot camp, Pilates and other activities of a similar nature;
- (k) "food-serving business or entity" means a restaurant, café, bar, pub or similar business or entity;
- (l) "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*.
- (m) "group family child care program" has the same meaning given to it in the former *Child Care Licensing Regulation*;
- (n) "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; and 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.
- (o) "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,

F. Exceptions for places of worship

- 4.11 Despite Part 3 of this Order, a person is not required to wear a face mask while participating at a worship service at a place of worship.

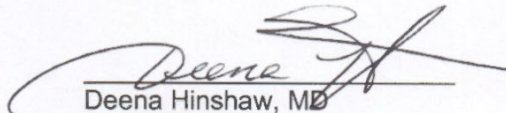
Part 5 – Time limitations on alcohol service and consumption

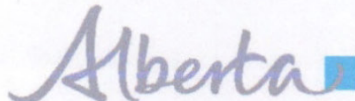
- 5.1 An operator of a food-serving business or entity that offers or provides food and beverage services must require persons to remain seated while consuming food or beverages.
- 5.2 An operator of a business or entity with a Class A or C liquor licence, including but not limited to restaurants, bars, lounges, pubs, cafes, legions or private clubs is prohibited from serving liquor after 10 p.m.
- 5.3 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 serving liquor after 10 p.m.
- 5.4 A person who holds a Special Event Licence is prohibited from serving liquor after 10 p.m. and must ensure that liquor consumption at the event ends at 11 p.m..
- 5.5 An operator of a food-serving business or entity with a Class A, B, or C liquor licence or with a Gaming Licence or Facility Licence must ensure that liquor consumption at the food-serving business or entity ends at 11 p.m..
- 5.6 For greater certainty, an operator of a business or entity with a Class A, B or C liquor licence, may, subject to applicable laws, provide liquor by take-out or delivery at any time, including after 10 p.m..

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

Signed on this 3 day of September, 2021.


Deena Hinshaw, MD
Chief Medical Officer of Health



RECORD OF DECISION – CMOH Order 42-2021

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* (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 a state of public health emergency for the province of Alberta was declared on September 15, 2021.

Whereas having determined that additional measures are necessary to protect Albertans from exposure to COVID-19 and to prevent the spread of COVID-19, I hereby make the following order:

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Part 1 Application

Part 2 Definitions

Part 3 Masking

- A. Indoor masking requirements
- B. General exceptions to indoor masking
- C. Exceptions for health conditions
- D. Exception for childcare programs
- E. Exceptions for performance activities
- F. Exceptions for professional physical activities and performance activities
- G. Exceptions for farming or ranching operations

Part 4 Physical distancing

- A. Two metres physical distance required
- B. General exceptions to two metre physical distance requirement
- C. Three metres physical distance required

- (t) “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; and depressive disorders;
 - iv. facial trauma or recent oral maxillofacial surgery;
 - v. contact dermatitis or allergic reactions to face mask components; or
 - vi. clinically significant acute respiratory distress.

- (u) “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.

- (v) “innovative child care program” has the same meaning given to it in the former *Child Care Licensing Regulation*.

- (w) “masking directive or guidance” means, as the context of this Order requires, either:
 - i. 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; or
 - ii. a directive or guidance document made by Alberta Health and posted on the Government of Alberta website which sets out directions or guidance respecting the use of face masks in the child care program setting.

- (x) “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 and
 - i. clearly sets out the information required by section 3.6 of this Order; and
 - ii. is valid for a period of one year from the date on which it is made.

- (y) “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

- (ii) to allow the greatest possible distance between seated persons.

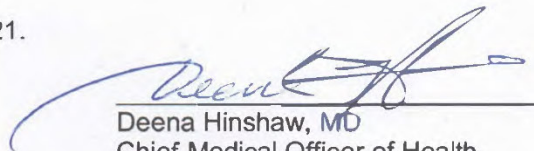
Part 14 – Exemptions under Alberta Government’s Restrictions Exemption Program

- 14.1 Notwithstanding anything in this Order, the Chief Medical Officer of Health may, pursuant the Alberta Government’s Restrictions Exemption Program, exempt a person or class of persons from the application of some, or all, parts of this Order.

Part 15 – General

- 15.1 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.
- 15.2 This Order provides the minimum standards for public health measures in Alberta for those matters addressed by this Order.
- 15.3 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.
- 15.4 This Order remains in effect until rescinded by the Chief Medical Officer of Health.

Signed on this 16th day of September, 2021.


Deena Hinshaw, MD
Chief Medical Officer of Health

- (e) “eligible person” means a person who is living, working or going to school in Alberta who is eligible to receive the COVID-19 vaccine.
- (f) “employee” means workers, contractors, repair workers, delivery workers, volunteers, students inspectors or others who are entering the eligible participant for work purposes and not as patrons or attendees.
- (g) “face mask” means a medical or non-medical mask or other face covering that covers a person’s nose, mouth and chin.
- (h) “fitness activity” means a physical activity that occurs at a gym, fitness studio, dance studio, rink, pool, arena or recreation centre and includes dance classes, rowing, spin, yoga, boxing, boot camp, Pilates and other activities of a similar nature.
- (i) “Guidelines” means the Requirements for the Restrictions Exemption Program published on the Government of Alberta website.
- (j) “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; and depressive disorders;
 - iv. facial trauma or recent oral maxillofacial surgery;
 - v. contact dermatitis or allergic reactions to face mask components; or
 - vi. clinically significant acute respiratory distress.
- (k) “masking 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 and:
 - i. clearly sets out the information required by section 4.6 of this Order; and
 - ii. is valid for a period of one year from the date on which it is made.
- (l) “medical contraindication to vaccination” means a condition diagnosed by an authorizing health professional as determined by guidance provided by the College of Physicians and Surgeons or the College and Association of Registered Nurses.
- (m) “personal identification” means a valid:
 - i. birth certificate issued by a government of a province of Canada and including the photograph of the holder;
 - ii. citizenship card;
 - iii. driver’s licence issued by a government of a province of Canada and including the photograph of the holder;

5.8 Despite section 5.2, the following persons are not required to provide proof of vaccination:

- (a) a person ineligible for immunization under the Alberta COVID-19 immunization program;
- (b) a person with a medical exemption letter for vaccination;
- (c) a person with a written or printed copy of a negative COVID-19 test.

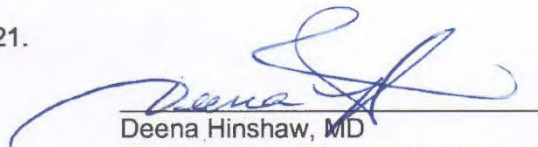
D. Positive Test Result

5.9 An eligible participant is prohibited from allowing a person presenting a positive COVID-19 test result from attending at the eligible participant's premises and must advise a person who presents a positive COVID-19 test result that the person must isolate in accordance with CMOH Order 06-2021.

Part 6 – General

- 6.1 This Order provides the minimum standards for public health measures in Alberta for those matters addressed by this Order.
- 6.2 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.
- 6.3 This Order remains in effect until rescinded by the Chief Medical Officer of Health.

Signed on this 18th day of September, 2021.


Deena Hinshaw, MD
Chief Medical Officer of Health

Alberta



Document: Appendix A to Record of Decision – CMOH Order 43-2021

Subject: CMOH Order 43-2021 Alberta Government's Restrictions Exemption Program

Scope of Application: As per Record of Decision – CMOH Order 43-2021

In Scope	Out of Scope
Restaurants	Events in Private Dwellings
Nightclubs	Retail & Shopping Malls
Casinos, Bingo Halls, VLT Lounges	Food Courts
Entertainment/Rec Centers, such as: <ul style="list-style-type: none"> • Bowling, racing entertainment, arcades, billiards halls, other similar entertainment • Museums, art galleries 	Libraries
Movie theatres	Employees in/on a worksite for the purposes of their employment
Recreation facilities for physical activity, performance activity or recreational activity	Schools, K-12
Conferences / Meeting Spaces / Halls/ Rented space (excluding dwelling units)	School curriculum based activity
Weddings and Funerals held in public facilities where the facility maintains responsibility for adherence to these requirements	Accommodations (e.g., hotel)
Spectator at a professional sport activity	Places of Worship – for faith services
Spectator at a professional performance activity	Health Services
Private social events held in public facilities where the facility maintains responsibility for adherence to these requirements	Personal Services
Adult sport activity participants	Wellness Services

RECORD OF DECISION – CMOH Order 44-2021

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* (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 a state of public health emergency for the province of Alberta was declared on September 15, 2021.

Whereas having determined that additional measures are necessary to protect Albertans from exposure to COVID-19 and to prevent the spread of COVID-19, I hereby make the following order:

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- Part 2 Definitions**
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 - B. General exceptions to indoor masking
 - C. Exceptions for health conditions
 - D. Exception for childcare programs
 - E. Exceptions for farming or ranching operations
- Part 4 Physical distancing**
 - A. Two metres physical distance required
 - B. General exceptions to two metre physical distance requirement
 - C. Three metres physical distance required
 - D. Exceptions to three metre physical distance requirement
- Part 5 Work from one's private residence**
- Part 6 Private residences**

- (r) "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*.
- (s) "group family child care program" has the same meaning given to it in the former *Child Care Licensing Regulation*.
- (t) "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; and depressive disorders;
 - iv. facial trauma or recent oral maxillofacial surgery;
 - v. contact dermatitis or allergic reactions to face mask components; or
 - vi. clinically significant acute respiratory distress.
- (u) "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.
- (v) "innovative child care program" has the same meaning given to it in the former *Child Care Licensing Regulation*.
- (w) "masking directive or guidance" means, as the context of this Order requires, either:
 - i. 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; or
 - ii. a directive or guidance document made by Alberta Health and posted on the Government of Alberta website.
- (x) "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 and
 - i. clearly sets out the information required by section 3.6 of this Order; and
 - ii. is valid for a period of one year from the date on which it is made.

- (i) to prevent persons who are seated from facing each other, and
- (ii) to allow the greatest possible distance between seated persons.

Part 14 – Exemptions under Alberta Government’s Restrictions Exemption Program

14.1 Notwithstanding anything in this Order, the Chief Medical Officer of Health may, pursuant the Alberta Government’s Restrictions Exemption Program, exempt a person or class of persons from the application of some, or all, parts of this Order.

Part 15 – General

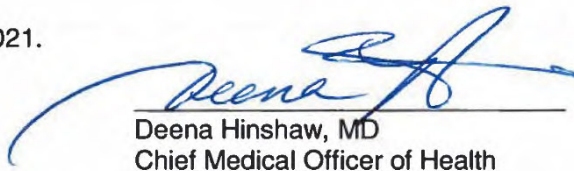
15.1 Notwithstanding anything in this Order, the Chief Medical Officer of Health may exempt a person or a class of persons from the application of this Order.

15.2 This Order provides the minimum standards for public health measures in Alberta for those matters addressed by this Order.

15.3 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.

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

Signed on this 23rd day of September, 2021.


Deena Hinshaw, MD
Chief Medical Officer of Health

Alberta 

RECORD OF DECISION – CMOH Order 45-2021

Re: 2021 COVID-19 Response – Alberta Government’s Restrictions Exemption Program; Rescinding and replacing RECORD OF DECISION – CMOH Order 43-2021

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*, 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 a state of public health emergency was declared in the province of Alberta on September 15, 2021.

Whereas I have determined it is possible to exempt eligible businesses, entities and events and patrons and attendees at their premises from certain restrictions found in Record of Decision CMOH Order 44-2021 provided that eligible participants screen patrons or attendees for proof of vaccination or a negative COVID-19 test result, I hereby make the following order:

Table of Contents

- Part 1 – Application
- Part 2 – Definitions
- Part 3 – Restrictions Exemption Program
- Part 4 – Masking Requirements
 - A. Indoor masking requirements
 - B. General exceptions to indoor masking
 - C. Masking exceptions for health conditions
- Part 5 – Obligations of eligible participants
 - A. Screening of patrons or attendees
 - B. Forms of proof of vaccination
 - C. Exceptions for proof of vaccination
 - D. Positive test result
- Part 6 - General

- (d) “eligible participant” means an operator of a discretionary business, entity or event that chooses to implement the Restrictions Exemption Program under this Order.
- (e) “eligible person” means a person who is living, working or going to school in Alberta who is eligible to receive the COVID-19 vaccine.
- (f) “first responders” means emergency medical responders registered with the Alberta College of Paramedics, police officers as defined in the *Police Act* and firefighters.
- (g) “employee” means workers, contractors, repair workers, delivery workers, volunteers, inspectors, or others who are entering the eligible participant for work purposes and not as patrons or attendees.
- (h) “face mask” means a medical or non-medical mask or other face covering that covers a person’s nose, mouth and chin.
- (i) “fitness activity” means a physical activity that occurs at a gym, fitness studio, dance studio, rink, pool, arena or recreation centre and includes dance classes, rowing, spin, yoga, boxing, boot camp, Pilates and other activities of a similar nature.
- (j) “Guidelines” means the Requirements for the Restrictions Exemption Program, as amended from time to time and as published on the Government of Alberta website.
- (k) “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; and depressive disorders;
 - iv. facial trauma or recent oral maxillofacial surgery;
 - v. contact dermatitis or allergic reactions to face mask components; or
 - vi. clinically significant acute respiratory distress.
- (l) “masking 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 and:
 - i. clearly sets out the information required by section 4.5 of this Order; and
 - ii. is valid for a period of one year from the date on which it is made.
- (m) “medical contraindication to vaccination” means a condition diagnosed by an authorizing health professional as determined by guidance provided by the College of Physicians and Surgeons or the College and Association of Registered Nurses.

- 6.2 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.
- 6.3 This Order remains in effect until rescinded by the Chief Medical Officer of Health.

Signed on this 24th day of September, 2021.

Deena Hinshaw, MD
Chief Medical Officer of Health

This is Exhibit "B" referred to in the Affidavit of: <u>David Thomas Dickson</u> Sworn before me this 18th day of October, 2021 Redacted _____ Commissioner for Oaths, Justice of the Peace, or Notary Public in and for Alberta A Commissioner for Oaths in and for the Province of Alberta _____ Appointment expires <u>2021/07/22</u> Print Name and Expiry Date
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Alberta ■