

**RECORD OF DECISION – CMOH Order 38-2020 which rescinds CMOH Order 36-2020 and Part 3 of CMOH Order 37-2020**

**Re: 2020 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 I made:

- (a) Record of Decision – CMOH Order 36-2020 on November 6, 2020; and
- (b) Record of Decision – CMOH Order 37-2020 on November 12, 2020.

Whereas having determined that additional measures are needed to protect Albertans from exposure to COVID-19 and to prevent the spread of COVID-19, I hereby make the following Order which rescinds Record of Decision – CMOH Orders 36-2020 and rescinds Part 3 of Record of Decision – CMOH Order 37-2020:

**Part 1 – Private residences**

1. Part 1 of this Order is effective November 24, 2020 and applies throughout the Province of Alberta.
2. If a section of Part 1 of this Order is inconsistent or in conflict with a provision in Record of Decision – CMOH Order 25-2020 and 26-2020 the section in this Part prevails to the extent of the inconsistency or conflict.
3. Subject to sections 4 and 5 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.
4. Section 3 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;
- (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.

5. 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.

6. 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.

## **Part 2 – Private social gatherings**

- 7. Part 2 of this Order is effective November 24, 2020 and applies throughout the Province of Alberta.
- 8. For the purpose of Part 2 of this Order, a “public place” has the same meaning given to it in the *Public Health Act*.
- 9. For the purpose of Part 2 of this Order, a “private place” has the same meaning given to it in the *Public Health Act*.

10. If a section of Part 2 of this Order is inconsistent or in conflict with a provision in Record of Decision – CMOH Order 25-2020 and 26-2020 the section in this Part prevails to the extent of the inconsistency or conflict.
11. For the purposes of this Order, a “private social gathering” is defined as 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
  - (a) a gathering in which all persons are members of the same household; and
  - (b) a gathering in which a person who resides on their own interacts with the two other persons referred to in section 5 of this Order.
12. All persons are prohibited from attending a private social gathering at an indoor public place, except in accordance with this Part of this Order.
13. A private social gathering of 10 persons or less may occur at an indoor public place for the following purposes only:
  - (a) a funeral service; or
  - (b) a wedding ceremony.
14. For greater certainty, a private social gathering as described in section 13 of this Order does not permit a gathering for the purposes of a funeral or wedding reception.
15. All persons are prohibited from attending a private social gathering at an outdoor private place or public place where 11 or more persons are in attendance at the private social gathering.

### **Part 3 - Places of worship**

16. Part 3 of this Order is effective November 24, 2020 and applies to any region in the Province of Alberta identified on the “List of active cases by region” found at <https://www.alberta.ca/maps/covid-19-status-map.htm#list-of-active-cases-by-region> where
  - (a) the “Active case rate” (per 100,000 population) for the region is identified as 50 or greater; and

(b) the “Active cases” for the region is identified as 10 or greater.

17. If, at any point in time while Part 3 of this Order is in effect, a region is identified on the “List of active cases by region” in accordance with section 16 of this Order, the region is deemed to continue to be identified on the “List of active cases by region” for the period of time this Part of this Order is in effect.
18. If a section of Part 3 of this Order is inconsistent or in conflict with a provision in Record of Decision – CMOH Order 25-2020 and 26-2020 the section in this Part prevails to the extent of the inconsistency or conflict.
19. Persons may attend a worship service at a place worship, if
  - (a) the number of persons who attend the worship service is limited to 1/3 of the usual attendance of the place of worship; and
  - (b) all persons wear a face mask as defined in section 24 of this Order and in accordance with sections 26 and 27 of this Order.

#### **Part 4 – Masks**

20. Part 4 of this Order is effective November 24, 2020 and applies to the Calgary Metropolitan Region and the Edmonton Metropolitan Region within the Province of Alberta.
21. For the purposes of Part 4 of this Order the “Calgary Metropolitan Region” means the lands lying within the boundaries of the following municipalities:
  - (a) City of Airdrie;
  - (b) Town of Cochrane;
  - (c) Town of High River;
  - (d) City of Calgary;
  - (e) City of Chestermere;
  - (f) Town of Okotoks;
  - (g) Rocky View County;

(h) Municipal District of Foothills.

22. For the purposes of Part 4 of this Order the “Edmonton Metropolitan Region” means the lands lying within the boundaries of the following municipalities:

- (a) City of Edmonton;
- (b) Town of Beaumont;
- (c) Town of Devon;
- (d) City of Fort Saskatchewan;
- (e) Town of Gibbons;
- (f) City of Leduc;
- (g) Leduc County;
- (h) Town of Morinville;
- (i) Parkland County;
- (j) City of St. Albert;
- (k) City of Spruce Grove;
- (l) Town of Stony Plain;
- (m) Strathcona County;
- (n) Sturgeon County;
- (o) Hamlet of Evansburg;
- (p) Town of Thorsby.

23. For the purpose of Part 4 of this Order, a “public place” has the same meaning given to it in the *Public Health Act*, but does not include a rental accommodation used solely for the purposes of a private residence.

24. For the purpose of Part 4 of this Order, a “face mask” means a medical or non-medical mask or other face covering that covers a person’s nose, mouth and chin.

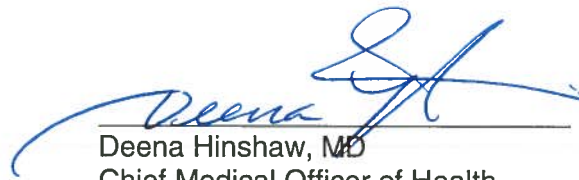
25. If a section in Part 4 of this Order is inconsistent or in conflict with a provision in Record of Decision – CMOH Orders 10-2020, 13-2020, 14-2020 and 33-2020, the provisions in Record of Decision – CMOH Order 10-2020, 13-2020, 14-2020 and 33-2020 prevail to the extent of the inconsistency or conflict.
26. Subject to section 27 of this Order, a person must wear a face mask at all times while attending an indoor public place. For greater certainty, an indoor public place includes any indoor location where a business or entity is operating.
27. Section 26 does not apply to a person attending an indoor public place if the person
- (a) is a child under two years of age;
  - (b) is unable to place, use or remove a face mask without assistance;
  - (c) is unable to wear a face mask due to a mental or physical concern or limitation;
  - (d) is consuming food or drink;
  - (e) is engaging in physical exercise;
  - (f) is providing or receiving care or assistance where a face mask would hinder that caregiving or assistance;
  - (g) is alone at a workstation and separated by at least 2 metres distance from all other persons;
  - (h) is the subject of a workplace hazard assessment in which it is determined that the person's safety will be at risk if the person wears a mask while working;
  - (i) is separated from every other person by a physical barrier that prevents droplet transmission; or
  - (j) is 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 5 - General**

28. 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.

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

Signed on this 24 day of November, 2020.



Deena Hinshaw, MD  
Chief Medical Officer of Health

