

RECORD OF DECISION – CMOH Order 31-2021

2021 COVID-19 Response re: Stage 2 – 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 loosen 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 June 10, 2021 and applies throughout the Province of Alberta.
- 1.2 This Order rescinds CMOH Order 30-2021.
- 1.3 Effective July 1, 2021 at 11:59 p.m. Mountain Standard Time:
 - (a) the words “or Part 3” are deleted from sections 3.6 and 3.7 of this Order; and
 - (b) section 3.8 and section 3.9 are deleted from this Order.
- 1.4 If a section in Part 2 through Part 14 of this Order is inconsistent or in conflict with a provision in Record of Decision – CMOH Order 25-2020 or 26-2020, the section in Part 2 through Part 14 of this Order prevails to the extent of the inconsistency or conflict.
- 1.5 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 – Private Residences

- 2.1 Subject to sections 2.3 and 2.4 and the exceptions in Part 3 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.
- 2.2 Section 2.1 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 related to a program of study;
 - (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;
 - (j) to provide counselling services;
 - (k) for a visit between a person who is at the end of their life (last four to six weeks, as determined by that person’s primary health care provider) and a family member, friend, faith leader or other person as long as no more than three visitors enter the private residence of the dying person at one time;
 - (l) to provide or receive personal or wellness services;

- (m) to provide or receive training for a physical, performance or a recreational activity as defined in Part 4 of this Order; or
- (n) to undertake a municipal property assessment.

2.3 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.

2.4 For the purposes of this Order, a single adult who only lives with one or more minors is deemed to be a person who resides on their own.

2.5 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.

2.6 A person who resides on their own may attend at the private residence of a person with whom they regularly interact only if the person with whom they regularly interact also lives on their own.

Part 3 – Private social gatherings

3.1 For the purposes of Part 3 of this Order:

- (a) “private place” means a private place as defined under the *Public Health Act*.
- (b) “public place” means a public place as defined under the *Public Health Act*.
- (c) “private social gathering” means a 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:
 - i. a gathering in which all persons are members of the same household; or
 - ii. a gathering in which a person who resides on their own interacts with the two other persons referred to in section 2.3 of this Order.

3.2 For the purposes of Part 3 and Part 4 of this Order “face mask” means a medical or non-medical mask or other face covering that covers a person’s nose, mouth and chin.

3.3 All persons are prohibited from attending a private social gathering at an indoor public place except in accordance with Part 3 of this Order.

3.4 Subject to any exceptions in Part 3 of this Order, all persons are prohibited from attending a private social gathering at an outdoor private place or public place where there are twenty-one or more persons in attendance at the private social gathering.

3.5 Any person who attends a private social gathering at an outdoor public or private place must maintain a minimum physical distance of two metres from any other person attending the private social gathering unless the other person is a member of their household or, if the person lives alone, the persons referred to in section 2.3 of this Order.

Weddings and funerals

- 3.6 Despite anything in Part 2 or Part 3 of this Order, a private social gathering of twenty persons or less may occur at an indoor or outdoor public or private place for the purposes of:
- (a) a wedding ceremony; or
 - (b) a funeral service.
- 3.7 Despite anything in Part 2 or Part 3 of this Order, a private social gathering of twenty persons or less may occur at an outdoor public or private place for:
- (a) a wedding reception; or
 - (b) a funeral reception.

Public demonstrations and protests

- 3.8 Despite Part 3 of this Order, a person may attend at an outdoor public place to exercise their right to peacefully demonstrate for a protest or political purpose without limit to the number of persons in attendance if the person:
- (a) remains outdoors except where necessary to use the washroom;
 - (b) wears a face mask at all times;
 - (c) maintains a minimum physical distance of two metres from any other person in attendance, including any other person who is a member of the person's household, unless:
 - i. either the person or the other person is, or both persons are, eleven years of age or younger; and
 - ii. both persons are members of the same household;in which case this subsection does not apply;
 - (d) does not offer food or beverages to any other person in attendance, regardless of whether the food or beverage is provided for sale or not; and
 - (e) immediately disperses in a coordinated fashion at the conclusion of the gathering, while at all times adhering to the requirements in this section.
- 3.9 For greater certainty, a protest or political purpose as described in section 3.8 means for the purpose of expressing a position on a matter of public interest.

Part 4 – Physical, performance and recreational activity restrictions

- 4.1 For the purposes of Part 4 of this Order,
- (a) "coach, instructor or trainer" means:
 - i. a professional, certified coach, instructor or trainer; or
 - ii. another person who is paid by the person who is receiving the guidance or instruction for the guidance or instruction.

- (b) “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.
- (c) “performance activity” means singing, playing a musical instrument, dancing, acting, or other activities of a similar nature and includes rehearsal.
- (d) “physical activity” means a fitness activity or sport activity.
- (e) “sport activity” means a physical activity including, sports training, practices, events, games, scrimmages, competitions, gameplay, league play, and other activities of a similar nature.
- (f) “recreational activity” means any structured or organized activity or program where the purpose of the activity or program is related to development including, but not limited to programming intended to develop a skill.

Physical activity

- 4.2 An operator of a business or entity must ensure that a person participating in a fitness activity maintains a distance of three metres from any other person while participating in indoor fitness activity unless the other person is a member of their household or, if the person lives alone, the persons referred to in section 2.3 of this Order.
- 4.3 An operator of a business or entity must ensure that a person participating in a fitness activity maintains a distance of two metres from any other person while participating in an outdoor fitness activity unless the other person is a member of their household or, if the person lives alone, the persons referred to in section 2.3 of this Order.
- 4.4 Any person who participates in an indoor fitness activity must maintain a distance of three metres from any other person while participating in the indoor fitness activity, unless the other person is a member of their household or, if the person lives alone, the persons referred to in section 2.3 of this Order.
- 4.5 Any person who participates in an outdoor fitness activity must maintain a distance of two metres from any other person while participating in an outdoor fitness activity, unless the other person is a member of their household or, if the person lives alone, the persons referred to in section 2.3 of this Order.
- 4.6 For greater certainty, the physical distancing requirements set out in this Part do not apply to a person participating in a sport activity where the business or entity manages the sport activity in a manner that complies with guidance the government of Alberta may post on-line, from time to time, on the government of Alberta website.

Performance activity

- 4.7 An operator of a business or entity must ensure that a person participating in a performance activity maintains a distance of two metres from any other person unless the other person is a member of their household or, if the person lives alone, the persons referred to in section 2.3 of this Order, except during rehearsal or performance.
- 4.8 Any person who participates in a performance activity must maintain two metres physical distance, except during rehearsal or performance.

- 4.9 For greater certainty, the physical distancing requirements set out in this Part do not apply to a person participating in a performance or rehearsal where the business or entity manages the performance activity in a manner that complies with guidance the government of Alberta may post on-line, from time to time, on the government of Alberta website.
- 4.10 Despite section 4.7, a person is not required to maintain two metres physical distance from any person who is a part of their household or, if the person lives alone, two metres distance from the persons referred to in section 2.3 of this Order,

Recreational activity

- 4.11 An operator of a business or entity must ensure that a person participating in a recreational activity, indoors or outdoors, maintains a distance of two metres from any other person, unless the other person is a member of their household, or if the person lives alone, the persons referred to in section 2.3 of this Order.
- 4.12 A person participating in a recreational activity must ensure that they maintain a distance of two metres from any other person, indoors or outdoors, unless the other person is a member of their household, or if the person lives alone, the persons referred to in section 2.3 of this Order.

Activities with a coach, instructor, or trainer

- 4.13 During an indoor sport, performance or recreational activity, a coach, instructor or trainer must maintain at least two metres physical distance from any persons being guided or instructed, unless doing so inhibits the guidance or instruction being provided.
- 4.14 During an indoor fitness activity, a coach, instructor or trainer must maintain at least three metres physical distance from any persons being guided or instructed, unless doing so inhibits the guidance or instruction being provided.
- 4.15 During an outdoor physical, performance or recreational activity, a coach, instructor or trainer must maintain at least two metres physical distance from any persons being guided or instructed, unless doing so inhibits the guidance or instruction being provided.
- 4.16 If a coach, instructor or trainer, in the course of providing guidance or instruction to a person engaged in an outdoor fitness activity, is unable to maintain the required two metres physical distance from the person who is performing the activity, then the coach, instructor or trainer must wear a face mask and complete hand hygiene before and after the interaction.

Part 5 – Public outdoor gatherings

- 5.1 For the purposes of Part 5 of this Order:
- (a) “public outdoor gathering” means an event at an outdoor public place, hosted, planned or organized by a business or entity where the persons attending are not required to remain seated for the duration of the outdoor event.
 - (b) “staff” means employees, contractors or volunteers of the business or entity who are attending the public outdoor gathering in the course of their duties.

- 5.2 No more than 150 persons, excluding staff, are permitted at a public outdoor gathering for the duration of a public outdoor gathering.
- 5.3 Businesses or entities that plan or host a public outdoor gathering must ensure:
- (a) the area in which the public outdoor gathering will occur is delineated;
 - (b) that no more than one outdoor public gathering takes place at a venue or location at one time;
 - (c) a person in attendance maintains a minimum physical distance of two metres from any other person attending the public outdoor gathering unless the other person is a member of their household or, if the person lives alone, the persons referred to in section 2.3 of this Order;
 - (d) the public outdoor gathering does not have any indoor components apart from:
 - i. washrooms;
 - ii. medical or first aid facilities;
 - iii. concession stands or other food services businesses;
 - iv. retail areas;
 - v. ticketing areas; and
 - (e) the outdoor public gathering complies with guidance the government of Alberta may post on-line, from time to time, on the government of Alberta website.
- 5.4 For greater certainty, a public outdoor gathering does not include a private social gathering.

Part 6 – Indoor and retail venues

- 6.1 For the purposes of Part 6 of this Order,
- (a) “indoor venue” means an indoor venue operated by a business or entity that includes:
 - i. casinos, racing entertainment centres and bingo halls;
 - ii. bowling alleys;
 - iii. pool halls;
 - iv. arenas;
 - v. museums and art galleries;
 - vi. pools, saunas, steam rooms and hot tubs;
 - vii. libraries;
 - viii. zoos;
 - ix. indoor children’s play centres;
 - x. interpretive centres;
 - xi. trade shows and exhibitions;
 - xii. or any other business or entity substantially similar to the businesses or entities listed in section 6.1(a) of this Order.

- (b) “retail venue” means a business or entity that includes:
- i. alcohol and cannabis stores;
 - ii. clothing stores;
 - iii. retail businesses and entities operating within a shopping centre or mall;
 - iv. shopping centres and malls;
 - v. grocery stores;
 - vi. pet supply stores;
 - vii. pharmacies;
 - viii. hardware stores;
 - ix. automotive parts stores;
 - x. computer technology stores;
 - xi. gift shops;
 - xii. sporting good stores;
 - xiii. indoor markets;
 - xiv. or any other business or entity substantially similar to the businesses or entities listed in section 6.1(b) of this Order.

- 6.2 A business or entity must limit capacity of an indoor venue or retail venue to thirty-three percent of the total operational occupant load as determined in accordance with the Alberta Fire Code and the fire authority having jurisdiction.
- 6.3 The thirty-three percent capacity limit set out in section 6.2 does not include persons who are employees or contractors of the business or entity who may enter the indoor venue or retail venue for the purposes of repair or maintenance.
- 6.4 Despite section 6.2, indoor venues including gyms, fitness studios, dance studios, rinks, arenas or recreation centres, are not subject to the capacity limit of thirty-three percent of the total operational occupant load, when offering fitness activities, as defined in Part 4.
- 6.5 A business or entity must ensure that any person in the indoor venue or retail venue maintains a minimum physical distance of two metres from any other person unless the other person is a
- (a) member of their household; or,
 - (b) for a person who resides on their own, the persons referred to in section 2.3 of this Order.
- 6.6 A business or entity must include an indoor seated venue if there is an audience to observe an activity.

Part 7 – Indoor seated venues

- 7.1 For the purposes of Part 7 of this Order, “indoor seated venue” means a business or entity that provides fixed, immovable, seating and includes:
- (a) cinemas, theatres, concert halls, arenas; and
 - (b) any venue of a similar nature to those listed in this section.

- 7.2 A business or entity must limit capacity of an indoor seated venue to thirty-three percent of the total seating capacity of the indoor seated venue.
- 7.3 The thirty-three percent capacity limit set out in in section 7.2 does not include persons who are employees or contractors of the business or entity who may enter the outdoor fixed seated venue for the purposes of repair or maintenance.
- 7.4 A business or entity must ensure a person attending the indoor seated venue:
- (a) remains seated, except where necessary to use the washroom or access other amenities; and
 - (b) maintains a minimum physical distance of two metres from any other person, unless the other person is a member of their household, or, for a person who resides on their own, the persons referred to in section 2.3 of this Order.

Part 8 – Outdoor fixed seated venues

- 8.1 For the purposes of Part 8 of this Order, “outdoor fixed seated venue” means an outdoor venue of a business or entity that provides fixed seating and includes:
- (a) theatres;
 - (b) grandstands; and
 - (c) any venue of a similar nature to the venues listed in this section.
- 8.2 A business or entity must limit capacity of an outdoor fixed seated venue to thirty-three percent of the total seating capacity of the outdoor fixed seated venue.
- 8.3 The thirty-three percent capacity limit set out in in section 8.2 does not include persons who are employees or contractors of the business or entity who may enter the outdoor fixed seated venue for the purposes of repair or maintenance.
- 8.4 A business or entity must ensure a person attending the outdoor fixed seated venue:
- (a) remains seated, except where necessary to use the washroom or access other amenities; and
 - (b) maintains a minimum physical distance of two metres from any other person, unless the other person is a member of their household, or, for a person who resides on their own, the persons referred to in section 2.3 of this Order.

Part 9 – Drive-in settings

- 9.1 For the purposes of Part 9 of this Order “drive-in settings” means outdoor activities that a person can participate in or observe while remaining in a motor vehicle including the following:
- (a) a worship service;
 - (b) a drive-in movie;
 - (c) a graduation ceremony;
 - (d) a physical activity, performance activity or recreational activity as defined in Part 4 of this Order;
 - (e) any activity similar in nature to those listed in this section.

- 9.2 An unlimited number of persons may attend a drive-in setting if the persons who attend the drive-in setting:
- (a) remain within a motor vehicle that is designed to be closed to the elements while attending and observing or participating in the drive-in setting except where necessary to use the washroom or access other amenities; and
 - (b) position their motor vehicle at least two metres away from other motor vehicles.

Part 10 – Businesses and entities that are closed

- 10.1 For the purposes of Part 10 and Part 11 of this Order,
- (a) “amusement park” means a park or attraction with high and low-velocity rides, other attractions, food services and retail operated by a business or entity.
 - (b) “waterpark” means a park or attraction with high and low-velocity water rides, other attractions, food services and retail operated by a business or entity but excludes high and low velocity rides located in a recreation centre or in a hotel, lodge, or other similar accommodation business or entity.
- 10.2 An operator of a business or entity must close the following businesses or entities to the public:
- (a) indoor amusement parks;
 - (b) indoor waterparks;
 - (c) night clubs; and
 - (d) any business or entity of a similar nature.

Part 11 – Amusement parks and waterparks

- 11.1 A business or entity operating an outdoor amusement park or outdoor waterpark must limit capacity of outdoor areas to thirty-three percent of the total normal capacity.
- 11.2 A business or entity operating an outdoor amusement park or outdoor waterpark with indoor attractions must close all indoor attractions.
- 11.3 For greater certainty, section 11.2 does not apply to
- (a) washrooms and change rooms;
 - (b) food-serving business or entity;
 - (c) medical or first aid facilities;
 - (d) retail venue;
 - (e) ticketing areas;
 - (f) any business or entity that is otherwise able to operate indoors under this Order.
- 11.4 The thirty-three percent capacity limit set out in section 11.1 does not include persons who are employees or contractors of the business or entity operating the outdoor amusement park or outdoor waterpark who may enter the amusement park or waterpark for the purposes of repair or maintenance.

- 11.5 For greater certainty, the thirty-three percent capacity limit set out in section 11.1 includes any person who attends a business or entity set out in section 11.3.
- 11.6 A business or entity must ensure that any person in the outdoor amusement park or outdoor waterpark maintains a minimum physical distance of two metres from any other person unless the other person is:
- (a) a member of their household; or,
 - (b) a person who resides on their own, the persons referred to in section 2.3 of this Order.

Part 12 - Restaurants, cafes, bars and pubs

- 12.1 For the purposes of Part 12 of this Order,
- (a) “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*.
 - (b) “food-serving business or entity” means a restaurant, café, bar, pub or similar business or entity.
 - (c) “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*.
 - (d) “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*.
 - (e) “food and beverage services” means services which an operator of a food-serving business or entity provides to persons who remain at the food-serving business or entity while consuming food or beverages.
 - (f) “quick service restaurant” means a food-serving business or entity that is focused on providing food as quickly as possible with minimal table service.
- 12.2 An operator of a food-serving business or entity that offers or provides food and beverage services must:
- (a) limit the number of persons seated at the same table to a maximum of six persons;
 - (b) require persons to remain seated while consuming food or beverages and prohibit persons seated at a table from interacting with persons seated at a different table.
- 12.3 For greater certainty, the maximum number of persons set out in section 12.2(a) applies in both indoor and outdoor areas.
- 12.4 A person who attends a food-serving business or entity with a Class A or C liquor licence must provide the following contact information to the operator, or a designate, prior to receiving any food and beverage services:
- (a) their first and last name;
 - (b) their phone number and address; and
 - (c) the date and time the person attended the food serving business or entity.
- 12.5 An operator of a food-serving business or entity who provides food and beverage services must retain the contact information a person provides under section 12.4 of this Order for

twenty-eight days following the date on which the person attended at the food-serving business or entity.

- 12.6 Sections 12.4 and 12.5 do not apply to a quick service restaurant.
- 12.7 An operator of a food-serving business or entity that offers or provides food and beverage services is prohibited from offering or providing any of the following entertainment or activities to persons who attend the food-serving business or entity:
- (a) live performances of any kind including musical, comedic and theatrical performances;
 - (b) billiard, arcade, video, or dart games, trivia contests.
- 12.8 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:
- (a) serving liquor after 11 p.m., and
 - (b) providing food and beverage services or allowing persons to remain seated to consume food or beverages after 12 a.m..
- 12.9 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:
- (a) serving liquor after 11 p.m., and
 - (b) providing food and beverage services or allowing persons to remain seated to consume food or beverages after 12 a.m..
- 12.10 For greater certainty, an operator of a food-serving business or entity may provide food or beverages by take-out, delivery, or drive-thru at any time, including after 12 a.m..

Part 13 – Places of worship

- 13.1 A faith leader may conduct a worship service at a place of worship, if the number of persons who attend the worship service at the place of worship is limited to thirty-three percent of the total operational occupant load as determined in accordance with the Alberta Fire Code and the fire authority having jurisdiction.

Part 14 – Workplace closures

- 14.1 For the purposes of Part 14 of this Order, a “cluster” means three or more documented cases of COVID-19, where an investigation initiated under the *Public Health Act* determines that transmission has likely occurred at a workplace location between staff or any other persons attending at the worksite location.
- 14.2 An operator of a business or entity must close all or part of a workplace location for ten days when a medical officer of health or executive officer issues an order under the *Public Health Act* for the closure of all or part of the workplace location.
- 14.3 The ten day closure period begins on the date the cluster of COVID-19 at the workplace location is determined to exist at the workplace location as set out in the order issued under the *Public Health Act*.

- 14.4 All persons are prohibited from attending that part of a workplace location of a business or entity that is closed.
- 14.5 Section 14.4 of this Order does not prevent a person from attending a workplace location that is closed for any of the following purposes:
- (a) to perform essential construction, renovations, repairs or maintenance;
 - (b) to respond to an emergency;
 - (c) to provide essential care for animals.

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

Signed on this 10 day of June, 2021.



Deena Hinshaw, MD
Chief Medical Officer of Health

