

**RECORD OF DECISION – CMOH Order 40-2020 which amends CMOH Order 38-2020 and 39-2020**

**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 Record of Decision – CMOH Order 38-2020 on November 24, 2020 that sets out the new measures in respect of private residences, private social gatherings, places of worship and requires persons to wear masks in certain regions in Alberta.

Whereas I made Record of Decision – CMOH Order 39-2020 on November 27, 2020 that sets out new measures for certain businesses and entities.

Whereas having determined that some of the measures in Record of Decision - CMOH Order 38-2020 and 39-2020 require further modification, I hereby make the following Order which modifies Record of Decision – CMOH Order 38-2020 and 39-2020:

**Record of Decision - CMOH Order 38-2020:**

Effective immediately, section 19 of Part 3 of Record of Decision - CMOH Order 38-2020 is rescinded and the following is substituted in its place:

19. A faith leader may conduct a worship service at a place of worship, if
  - (a) the number of persons who attend the worship service at the place of worship is limited to 1/3 of the total operational occupant load as determined in accordance with the Alberta Fire Code and the fire authority having jurisdiction; and

- (b) all persons who attend the worship service at the place of worship wear a face mask as defined in section 24 of this Order.

19.1 Section 19(b) of this Order, does not apply to a person attending a worship service at a place of worship 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 providing or receiving care or assistance where a face mask would hinder that caregiving or assistance;
- (f) is alone at a workstation and separated by at least 2 metres distance from all other persons;
- (g) is separated from every other person by a physical barrier that prevents droplet transmission; or
- (h) is a person who needs to temporarily remove their face mask 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.

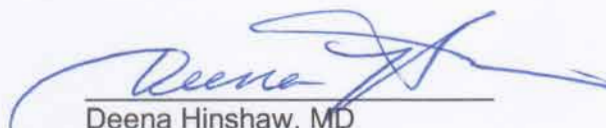
19.2 The prohibition in section 29 of Part 5 of Record of Decision – CMOH Order 39-2020 does not apply to an indoor group performance activity that occurs during a worship service conducted by a faith leader at a place of worship.

**Record of Decision – CMOH Order 39-2020:**

Effective November 29, 2020, section 17(c) of Part 3 of Record of Decision - CMOH Order 39-2020 is rescinded.

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

Signed on this 28 day of November, 2020.



Deena Hinshaw, MD  
Chief Medical Officer of Health