December 23, 2020

RE: CMOH ORDER 42-2020 – LIMITED EXEMPTION FOR A PERSON WHO RESIDES ON THEIR OWN

Pursuant to the recommendations of the Chief Medical Officer of Health (CMOH) for Alberta, a state of public health emergency was declared in the Province of Alberta on November 24, 2020 pursuant to s. 52.1 of the Public Health Act of Alberta.

Further to that declaration of a public health emergency the CMOH, pursuant to her authority under s. 29(2.1) of the Public Health Act, made CMOH Order 42-2020 (the Order) which rescinded CMOH Orders 38-2020 and 39-2020, as modified through Orders 40-2020 and 41-2020, in that CMOH Orders 38-2020 and 39-2020 were insufficient to protect Albertans from exposure to COVID-19 and to prevent the spread of COVID-19.

The purpose of the Order is to help protect Albertans from the exposure to and spread of COVID-19 by prohibiting persons from attending certain locations for certain periods of time and subjecting such persons to any conditions that the CMOH considers appropriate including prohibiting persons from engaging in activities that could transmit an infectious agent and which the CMOH considers necessary in order to lessen the impact of the public health emergency. In addition setting such conditions as the CMOH considers appropriate or necessary on businesses and entities to lessen the impact of the public health emergency when those business or entities are offering goods or services to the public.

Pursuant to Section 47 of the Order the CMOH may exempt in writing persons or classes of persons from the operation of the Order.

The CMOH has determined, based on discussions with public health officials, that a temporary exemption from certain restrictions in Part 2 and Part 3 of the Order would further support the mental health and wellbeing of a person who resides on their own during the holiday season.

Section 3 of the Order restricts who may enter or remain in a private residence subject to Section 4 and 5 of the Order.

As per Section 5 of the Order, 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.

As per Section 6 of the Order, a single adult who only lives with one or more minors is deemed to be a person who resides on their own.

As per Section 10(b) of the Order, a “private social gathering” does not include a gathering in which a person who resides on their own interacts with the two other persons referred to in section 5 of the Order.

As per Section 13 of the Order, despite anything in Part 2 of the Order, a private social gathering of 10 persons or less may occur at an indoor or outdoor public or private place only for the purpose of a funeral service or a wedding ceremony.

Pursuant to Section 47 of the Order I am satisfied that an exemption be granted from Sections 3, 5(a), 5(b) and 13 of the Order to the following premises and the following persons upon the following conditions:

1. Subject to paragraph 4, a person who resides in a private residence is exempt from Sections 3 and 13 of the Order and may permit up to two persons who reside on their own, as well as one or more minors who live with the adult if the adult only lives with the minors, and all of whom do not normally reside in that private residence to enter or remain in the private residence for one private social gathering between December 23 and 28, 2020. To clarify:

   a. This exemption applies to the “host” person who resides in a private residence but:

      i. is not a person who regularly interacts with the person who resides on their own as contemplated by section 5 of the Order; or

      ii. is a person who regularly interacts with the person who resides on their own, as contemplated by section 5 or the Order, but who also lives with one or more persons in the residence who do not regularly interact with the person who resides on their own and who will be present at the gathering.

   b. A “minor” is a person 17 years of age or younger.

2. Subject to paragraph 4, a person who resides on their own, as well as one or more minors who live with the adult if the adult only lives with the minors, are exempt from Sections 5(a) and 13 of the Order and may have either two persons or one household and one other person, with whom they do not regularly interact, attend at their private residence for one private social gathering between December 23 and 28, 2020.
3. Subject to paragraph 4, a person who resides on their own, as well as one or more minors who live with the adult if the adult only lives with the minors, are exempt from Sections 5(b) and 13 of the Order and may attend one private social gathering between December 23 and 28, 2020 at the private residence of a person:

   a. who does not regularly interact with the person who resides on their own as contemplated by Section 5 of the Order; or

   b. who does regularly interact with the person who resides on their own, as contemplated by section 5 of the Order, but who also lives with one or more persons in the private residence who do not regularly interact with the person who resides on their own and who will be present at the gathering.

4. All persons attending the private social gathering should, to the extent possible, follow appropriate public health measures including those relating to hand hygiene, maintaining 2 metres of distance from persons who are not part of the same household and masking when unable to maintain 2 metres of distance, to protect all persons in attendance and other Albertans from further transmission of COVID-19.

The exemption may be terminated or modified by the CMOH in writing without notice and for any reason as determined by the CMOH.

This exemption comes into effect on December 23, 2020 and terminates at 2400 hrs on December 28, 2020.

We trust this is satisfactory.

Yours Sincerely,

[Signature]

Deena Hinshaw
Chief Medical Officer of Health for Alberta