August 27, 2021

RE: EXEMPTION REQUEST – ORDER 34-2021 – FACE MASKS ON CHARTERED COMMERCIAL VEHICLES.

Whereas the Chief Medical Officer of Health (CMOH) 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.

Whereas under section 29(2)(b)(i) of the Public Health Act, the CMOH may make an order pursuant to her authority under section 29(2.1) of the Public Health Act. Further to the above, the CMOH, pursuant to her authority under section 29(2.1) of the Public Health Act, made:

• CMOH Order 34-2021 (the Order) which requires one or more persons operating or being transported by a commercial vehicle to wear a face mask.

The CMOH may, pursuant to section 3.1 of the Order, exempt in writing persons or classes of persons from the operation of the Order.

Currently persons attending or being transported on a commercial vehicle with one or more other persons, including the driver of the commercial vehicle, are required to wear a face mask, as per section 2.2 of the Order.

Upon discussion with the Minister of Health, and pursuant to section 3.1 of the Order, I am satisfied that an exemption from section 2.2 of the Order is in the public interest and granted to the following persons upon the following conditions:

I. Persons who are members of a travelling group, when being transported in a chartered commercial vehicle. A travelling group is a group of persons who are one of the following:

   a. Persons who all live in the same residence;
   b. Persons who all have a familial relationship to each other; or
   c. Persons who are all members of, or formally associated with a team, society, religious group, business or other organization.

II. Members of the travelling group as described in paragraph I must meet the following criteria to be considered eligible for the exemption:
a. The commercial vehicle is privately chartered for the purpose of exclusively transporting the travelling group for the duration of the journey.
b. Members of the travelling group being transported on the commercial vehicle must consent to all members of the travelling group not being required to wear a face mask for the duration of the journey.
c. The travelling group must provide a pre-determined origin and destination for their journey with the chartered commercial vehicle.

III. Notwithstanding paragraphs I and II, persons and commercial vehicle operations described as follows are not eligible for the exemption:

a. The commercial vehicle is contracted by, or otherwise providing services for the transportation of “student” on behalf of, or by, a “school board” as defined by the Education Act.
b. The commercial vehicle is contracted by, or otherwise providing services for the transportation of the general public on behalf, or by, a “municipality” as defined in the Municipal Government Act.
c. The commercial vehicle operates as a taxicab or is contracted through a ride-sharing service.
d. The commercial vehicle is contracted by, or otherwise providing services for the transportation of the general public where persons using the services of the commercial vehicle do not all have a pre-existing relationship with all the passengers on that same journey as described in paragraph I (a) to (c).

IV. Notwithstanding paragraph I, the person driving a commercial vehicle with one or more additional persons must wear a face mask at all times.

V. Notwithstanding paragraph I, the exemption ceases to be in force, and all persons attending a commercial vehicle must wear a face mask, if any of the following occur:

a. The commercial vehicle is accessed, or otherwise, capable of being accessed by a member of the general public;
b. A person who is not a member of the travelling group is transported on the commercial vehicle for any part of the duration of the journey;
c. One or more persons who is part of the travelling group rescinds their consent to not wear a face mask;
d. The operator of a commercial vehicle has not prepared, or otherwise made available a COVID Risk Mitigation Plan as described in paragraph VI to the members of the travelling group on the chartered commercial vehicle.
VI. The operator of a commercial vehicle must prepare a COVID Risk Mitigation Plan identifying measures taken to reduce the risk of transmission of COVID-19 for persons being transported on the commercial vehicle without a face mask.

a. The commercial vehicle operator must ensure the COVID Risk Mitigation Plan is available for inspection by any person being transported in the commercial vehicle.

b. The operator and any staff members must be continuously masked (or appropriate physical barriers or distancing in lieu of masking) when patrons are present of a commercial vehicle.

c. The commercial vehicle operator must make available the COVID Risk Mitigation Plan to Alberta Health or Alberta Health Services upon request.

VII. The exempted persons as described in paragraph I shall comply with any conditions in the most relevant guidelines which may be amended from time found at https://www.alberta.ca/guidance-documents.aspx.

VIII. The persons described in paragraph I shall also comply with any public health guidelines, conditions or requirements that may be provided from time to time in writing by Alberta Health or Alberta Health Services.

Although the persons, businesses and entities identified above are exempt per section 3.1 of the Order, all persons, businesses and entities who are identified in this exemption are subject to the appropriate hygiene, and all other measures identified by public health authorities to protect these persons and other Albertans from further transmission of COVID-19.

This 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 August 27, 2021.

We trust this is satisfactory.

Yours Sincerely,

Deena Hinshaw, BSc, MD, MPH, CCFP, FRCP
Chief Medical Officer of Health for Alberta