

## **Special Measures Order (Masks)**

### **Made pursuant to Section 28 of the Public Health Protection and Promotion Act**

August 24, 2020

TO: All Individuals and businesses operating in Newfoundland and Labrador

#### **WHEREAS:**

- A.** While a declaration of a public health emergency is in effect, the Chief Medical Officer of Health may do one or more of the special measures authorized under section 28 of the **Public Health Protection and Promotion Act** for the purpose of protecting the health of the population and preventing, remedying or mitigating the effects of the public health emergency;
- B.** On March 18, 2020, the Minister of Health and Community Services, on the advice of the Chief Medical Officer of Health, declared:
  - a. a public health emergency as a result of the COVID-19 pandemic;
  - b. the public health emergency is in effect for the entire province of Newfoundland and Labrador; and
  - c. the public health emergency is in effect for a period of 14 days effective immediately;
- C.** The public health emergency has been extended for 14-day intervals and is currently still in effect.
- D.** The Chief Medical Officer of Health, pursuant to subsection 28(2) of the **Public Health Protection and Promotion Act**, may provide notice in any manner that can reasonably be expected to give actual notice;
- E.** The Chief Medical Officer of Health, pursuant to section 28 of the **Public Health Protection and Promotion Act**, made Special Measures Order (General – Alert Level 2) effective June 25, 2020;
- F.** The Chief Medical Officer of Health believes that further special measures are necessary for the purpose of protecting the health of the population and preventing, remedying or mitigating the effects of the public health emergency; and

- G. The Chief Medical Officer of Health believes, in accordance with section 13 of the **Public Health Protection and Promotion Act**, that the restrictions set out in this Special Measures Order (Masks) are the least intrusive measures reasonably required in the circumstances to respond to the public health emergency,

Pursuant to section 28 of the **Public Health Protection and Promotion Act**, I, Dr. Janice Fitzgerald, Chief Medical Officer of Health HEREBY ORDER:

1. **Mandatory Masks**. Subject to the exemptions set out below, all individuals shall wear a mask that covers the nose and mouth when in the following indoor settings:
  - a. public transit, including buses, taxis, car services and public areas of ferries;
  - b. a retail business;
  - c. a service company;
  - d. a professional's private office, where physical distancing cannot be maintained or physical barriers are not in place;
  - e. common areas of an office building including lobby, elevators, reception areas, conference rooms, hallways, stairways, washrooms and breakrooms;
  - f. a place where municipal or government services are offered;
  - g. a personal care business including hair salons, tattoo shops, tanning salons;
  - h. an animal daycare or grooming business;
  - i. a shopping mall or community market;
  - j. a place of worship;
  - k. a funeral home;
  - l. a theatre or performing arts venue;
  - m. a movie cinema;
  - n. an indoor entertainment business;
  - o. a rental room, community centre, or other venue used to host gatherings;
  - p. a sports-related clubhouse;
  - q. a community museum or historic site;
  - r. a bingo hall;
  - s. a fitness centre, dance studio or yoga studio;
  - t. an arena;
  - u. a place where sports or recreational activities are practiced;
  - v. a restaurant or lounge;
  - w. a common area, including an elevator, of a tourist accommodation establishment such as a hotel, motel, bed and breakfast, rental cabins or cottages; and
  - x. a post-secondary educational institution including colleges, universities and trades schools.
2. **Exemptions**. Notwithstanding Order No. 1 above, masks are not required for the following individuals or in the following circumstances:

- a. **Children under the age of 5;**
  - b. **People with physical or mental health conditions** - People whose particular physical condition or mental health prevents them from wearing a mask (please see <https://www.gov.nl.ca/covid-19/non-medical-masks-use-in-public/>) for further explanation of these conditions);
  - c. **During treatments, services or physical activity** where a mask must be removed, for the duration of the treatment, service or activity only;
  - d. **Showing identification;**
  - e. **Seated areas** – Provided physical distancing of two metres can be achieved between individuals or bubbles and provided they wear a mask when moving around the indoor setting, masks are not required when individuals are seated, including in these places:
    - a. in the classrooms of a post-secondary educational institution,
    - b. in a place where activities or services of a religious, cultural, or entertainment nature are offered, and
    - c. in a restaurant, a food court, or a lounge.
3. **Occupational Health and Safety Act and Regulations.** Notwithstanding Order No. 1 above, individuals working in an indoor setting are not required to wear masks while working where for occupational health and safety reasons they cannot wear masks. However, masks are required in common areas including a lobby, elevators, reception areas, conference rooms, hallways, stairways, washrooms and breakrooms.
4. **School Buses.** Notwithstanding Order No. 2(a) above, masks are required for all students and adults who ride a school bus to and from school during the school year.
5. **Junior High schools and High schools.** Masks are required in common areas of all high schools and junior high schools where cohorts of students change classes.
6. **Staff in schools.** Staff are also required to wear masks in schools when:
  - a. Physical distancing is not achievable outside of their student cohort;
  - b. They move between cohorts or instruct multiple cohorts and if distancing cannot be maintained between themselves and other staff or students;
  - c. Preparing and serving food to students or staff; and
  - d. Physical distancing is not achievable and physical barriers are not in place in the school office environment.
7. **Type of Masks.** Masks required to be worn may be non-medical masks. Surgical masks, medical procedure masks and respirators such as N95 masks are not required. Medical masks are best kept for health care professionals, as much as possible.

### IT IS FURTHER ORDERED THAT:

1. This Order applies to all individuals and businesses operating in Newfoundland and Labrador.
2. This Special Measures Order (Masks) is effective August 24, 2020 and replaces the Special Measures Order (Masks) dated August 17, 2020.
3. All other Special Measures Orders and Exemption Orders remain in full force and effect.

### TAKE NOTICE THAT:

1. Failure to comply with this order may result in an application to the Supreme Court, in accordance with section 42 of the **Public Health Protection and Promotion Act** to enforce the relevant provisions of this Order.
2. A person who is subject to an order made by the Chief Medical Officer of Health may request that the Chief Medical Officer of Health reconsider the order by filing a written request for reconsideration within 7 days after the day on which the order is served on a person. A written request for review or reconsideration of this order shall include:
  - (i) the reasons for the request;
  - (ii) a summary of the facts relevant to the request;
  - (iii) whether the order should be revoked or how it should be varied; and
  - (iv) the contact information of the person making the request and shall be sent to the following address:

The Chief Medical Officer of Health  
Department of Health and Community Services  
PO Box 8700  
St. John's, NL A1B 4J6

3. The Chief Medical Officer of Health shall review this Order no less than once every 5 days while the Order is in effect.
4. This Order remains in effect during any review or reconsideration.
5. Failure to comply with this Order is an offence for which you may be liable on summary conviction in accordance with section 56 of the **Public Health Protection and Promotion Act**.

6. For greater certainty, compliance with this Order is required in addition to and not in substitution for any requirement imposed by or under any applicable law.

Signed at St. John's, Newfoundland and Labrador, this 24<sup>th</sup> day of August, 2020.



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Dr. Janice Fitzgerald  
Chief Medical Officer of Health