

**Special Measures Order  
(Re-Opening – Masks – Step 2 – Updated September 18, 2021)**

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

September 18, 2021

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 (Re-Opening – Masks – Step 2), effective August 10, 2021 and Special Measures Order (Alert Level 3 – Certain Towns and Communities on the Northern Peninsula – East Region), effective September 7, 2021;
- 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 (Re-Opening – Masks – Step 2 – Updated September 18, 2021) 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. common areas of an office building which the public has access, including lobbies, elevators, reception areas, hallways, stairways, and public washrooms;
  - e. a place where municipal or government services are offered to the public;
  - f. a shopping mall or community market;
  - g. a place of worship;
  - h. a funeral home;
  - i. a theatre or performing arts venue;
  - j. a movie cinema;
  - k. an indoor entertainment business;
  - l. a rental room, community centre, or other venue used to host gatherings;
  - m. a sports-related clubhouse;
  - n. a community museum or historic site;
  - o. a bingo hall;
  - p. a fitness centre, dance studio or yoga studio;
  - q. an arena;
  - r. a place where sports or recreational activities are practiced;
  - s. a restaurant or lounge;
  - t. a common area, including an elevator, of a tourist accommodation establishment such as a hotel, motel, bed and breakfast, rental cabins or cottages; and
  - u. a post-secondary educational institution including colleges, universities and trades schools.
2. **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 of indoor

settings where the public has access, including lobbies, elevators, reception areas, hallways, stairways, and public washrooms.

3. **School Buses.** Masks are required for all students and adults who ride a school bus to and from school during the school year, including children under the age of 5.
4. **Schools – Common Areas.** Unless there are significant communication impediments to wearing a mask, students in kindergarten through high school are required to wear masks at all times while in common areas of the school, including children under the age of 5.
5. **Schools – Classroom.** Unless there are significant communication impediments to wearing a mask, students in Grade 4 through high school are required to wear masks while in the classroom.
6. **Staff in schools.** Unless there are significant communication impediments to wearing a mask, staff are required to wear masks while in common areas of the school and while in the classroom.
7. **Exemptions.** Notwithstanding Order No. 1 through 6 above, masks are not required for the following individuals or in the following circumstances:
  - a. **Children under the age of 5, unless otherwise specified in an Order above;**
  - 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; and**
  - e. **Eating or Drinking -** Provided individuals wear a mask when moving around in an indoor setting, masks are not required when individuals are actively eating or drinking.

**IT IS FURTHER ORDERED THAT:**

1. This Order applies to all individuals and businesses operating in Newfoundland and Labrador.
2. This Special Measures Order (Re-Opening – Masks – Step 2 – Updated September 18, 2021) is effective as of 12:01 a.m. on September 18, 2021.
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 17<sup>th</sup> day of September, 2021.

  
\_\_\_\_\_  
Dr. Janice Fitzgerald  
Chief Medical Officer of Health