

## Special Measures Order (Declaration Exemption Order)

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

May 16, 2020

TO: All individuals arriving in Newfoundland and Labrador from outside the province

#### 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:
  - (i) a public health emergency as a result of the COVID-19 pandemic;
  - (ii) the public health emergency is in effect for the entire province of Newfoundland and Labrador; and
  - (iii) 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 made a Special Measures Order effective noon on April 27, 2020 whereby all individuals arriving in Newfoundland and Labrador must complete and submit a declaration form and specifics of a plan to self-isolate;
- E. In accordance with section 13 of the **Public Health Protection and Promotion Act**, restrictions to an individual's rights or freedoms must be no greater than is reasonably required in the circumstances to respond to the public health emergency;
- F. The Chief Medical Officer of Health believes that it is appropriate for certain asymptomatic workers who are essential to the movement of goods and people and protection of the food supply chain, as well as certain asymptomatic individuals to be exempted from the requirement to complete and submit a declaration and specifics of a plan to self-isolate where they are required to enter into

Newfoundland and Labrador on a frequent and regular basis, while still maintaining measures to protect the health of the population;

Pursuant to section 28 of the **Public Health Protection and Promotion Act, I**, Dr. Janice Fitzgerald, Chief Medical Officer of Health, **HEREBY MAKE THE FOLLOWING EXEMPTION TO THE REQUIREMENT TO COMPLETE AND SUBMIT A DECLARATION AND SPECIFICS OF A PLAN TO SELF-ISOLATE UPON ARRIVAL IN THE PROVINCE:**

1. Individuals who arrive in the province but whose final destination is not Newfoundland and Labrador are exempt from the requirement to complete and submit a declaration form and a self-isolation plan, provided their stay in the province is not more than 24 hours.
2. Individuals who arrive daily or several times a day in the province from Quebec via the Newfoundland and Labrador-Quebec border and who are exempted from the requirement to self-isolate are also exempted from the requirement to complete and submit a declaration form and a self-isolation plan each time they enter into the province, provided they have completed and submitted the declaration form and self-isolation plan at least once in the previous 30 days of their arrival in the province.
3. Individuals who arrive weekly or several times a week in the province and who are exempted from the requirement to self-isolate are also exempted from the requirement to complete and submit a declaration form and a self-isolation plan each time they enter the province, provided they have completed and submitted the declaration form and self-isolation plan at least once in the previous 30 days of their arrival in the province.

**IT IS FURTHER ORDERED THAT:**

1. This Exemption Order is in effect for the duration of the Special Measures Order.
2. 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 May, 2020.

  
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Dr. Janice Fitzgerald  
Chief Medical Officer of Health