

**Special Measures Order
(Re-Opening – Masks – Step 2)**

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

August 9, 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 (Masks) effective August 24, 2020 and Special Measures Order (Masks) (Schools Amendment) effective February 26, 2021;
- F. The Chief Medical Officer of Health believes that 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) 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, excluding residents of the facilities referenced in this Order No. 1, shall wear a mask that covers the nose and mouth when indoors in a congregate living facility for seniors, including long-term care homes, personal care homes and assisted living facilities.
2. **Common Areas:** Masks are required while in all common areas of such congregate living facilities referenced in Order No. 1, including lobbies, elevators, reception areas, conference rooms, hallways, stairways, washrooms and breakrooms.
3. **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); and
 - c. **Showing identification.**
4. **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.

IT IS FURTHER ORDERED THAT:

1. This Order applies to all individuals and businesses operating in Newfoundland and Labrador as referenced above.
2. This Special Measures Order (Re-Opening – Masks – Step 2) is effective August 10, 2021 at 12:01 a.m. and replaces the Special Measures Order (Masks) dated August 24, 2020 and Special Measures Order (Masks) (Schools Amendment) dated February 26, 2021.

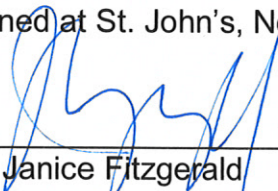
3. All other Special Measures Orders and Exemption Orders remain in full force and effect.

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 9th day of August, 2021.



Dr. Janice Fitzgerald
Chief Medical Officer of Health