

## Special Measures Order (Travel Exemption Order)

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

May 5, 2020

TO: All individuals arriving in Newfoundland and Labrador from outside of 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 Chief Medical Officer of Health made a Special Measures Order effective May 4, 2020 whereby all individuals are prohibited from entering Newfoundland and Labrador except for residents of the province, asymptomatic workers and individuals who are subject to the Updated Exemption Order effective April 22, 2020 and individuals who have been permitted entry to the province in extenuating circumstances, as approved in advance by the Chief Medical Officer of Health;
- D. 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;
- E. The Chief Medical Officer of Health believes that it is appropriate that individuals in certain extenuating circumstances be exempted from the prohibition of entering Newfoundland and Labrador 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 PROHIBITION OF ENTERING IN NEWFOUNDLAND AND LABRADOR:

1. Individuals who enter the province:
  - a. who have a significant injury, condition or illness and require the support of family members resident in Newfoundland and Labrador;
  - b. who are visiting a family member in Newfoundland and Labrador who is critically or terminally ill;
  - c. to provide care for a family member who is elderly or has a disability;
  - d. to permanently relocate to the province;
  - e. who are recently unemployed and who will be living with family members;
  - f. to fulfill a short term work contract, education internship or placement;
  - g. who are returning to the province after completion of a school term out of province; and
  - h. to comply with a custody, access, or adoption order or agreement. (This includes a child/children arriving in the province, as well as individuals who are accompanying the child/children.)

are exempted from the prohibition of entering Newfoundland and Labrador provided they make a formal request to the Chief Medical Officer of Health in accordance with the direction provided at: [gov.nl.ca/covid-19](http://gov.nl.ca/covid-19) and provided they comply with all other Special Measures and Exemption Orders.

**IT IS FURTHER ORDERED THAT:**

1. This Exemption Order is in effect for the duration of the Special Measures Order effective May 4, 2020.
2. All other Special Measures 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 5<sup>th</sup> day of May, 2020.

  
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Dr. Janice Fitzgerald  
Chief Medical Officer of Health