

**IN THE MATTER OF the *Public Health Act*,
RSPEI 1988, Cap. P-30.1 (the "Act")**

COVID-19 PREVENTION AND SELF-ISOLATION ORDER

TO: All persons residing in or present in Prince Edward Island; and

All businesses, services and organizations operating or carrying on business in Prince Edward Island

AND WHEREAS in consultation with the Lieutenant Governor in Council, I believe it is reasonably necessary to impose requirements in Prince Edward Island ("the Province") in order to protect the health of the population;

AND WHEREAS pursuant to subsection 39(1) of the Act, I, as the Chief Public Health Officer, may require a person to take or refrain from taking any action that is specified in this Order in respect of a communicable disease;

AND WHEREAS I, as the Chief Public Health Officer, pursuant to subsection 39(2) of the Act, believe on reasonable and probable grounds that:

- (a) a communicable disease, COVID-19, including any new variants of the virus causing COVID-19, exists or may exist in the Province;
- (b) the communicable disease presents a risk to the health of persons in the Province; and
- (c) the requirements specified in this Order are necessary to prevent, decrease or eliminate the risk to health presented by the communicable disease;

AND WHEREAS the reasons for this Order are the global COVID-19 pandemic, the health risks posed by the pandemic, including health risks posed by new variants of the virus causing COVID-19, and the necessity to prevent, decrease or eliminate those health risks;

AND WHEREAS isolating individuals who test positive for COVID-19, and any variants of concern, will prevent transmission of the virus and the associated illness and death and protect Prince Edward Island's health care system;

AND WHEREAS I recognize the effect which the requirements I am putting in place to protect the health of the public have on persons in PEI and, with this in mind, have engaged and will continue to engage in a process of reconsideration of these requirements, based upon the information and evidence available to me, including infection rates, sources of transmission, the presence of clusters and outbreaks, the number of people in hospital and in intensive care, deaths, the emergence of and risks posed by virus variants of concern, vaccine availability, immunization rates, the vulnerability of particular populations, and reports from the rest of Canada and other jurisdictions, with a view to balancing the interests of the people affected by this Order, including constitutionally protected interests, against the risk of harm to the public health;

AND WHEREAS I issued previous public health orders that are no longer in effect, including a Long-Term Care and Nursing Homes COVID-19 Order, and there is an increased risk of severe COVID-19 outcomes, such as hospitalizations and deaths, among the population of certain health facilities such as long-term care facilities and nursing homes;

AND WHEREAS pursuant to subsection 56(1) of the Act, I, as the Chief Public Health Officer, may require any person to provide information that the Chief Public Health Officer reasonably considers necessary to:

- (a) assess the threat that a disease presents to public health and plan for and address the threat; or
- (b) evaluate and monitor the health and safety of the general public;

AND WHEREAS pursuant to section 60 of the Act, a public health official may request assistance from a peace officer in conducting an inspection, investigation, inquiry, search or in enforcing an order made under the Act;

AND WHEREAS pursuant to subsection 61(4) of the Act, no person shall knowingly provide false or misleading information, either orally or in writing, to a public health official;

NOW THEREFORE, pursuant to my authority under sections 39 and 56 of the Act, I hereby order as follows:

Definitions

1. In this Order:

(a) "close contact" means:

- (i) A person who had face-to-face interaction, indoors or outdoors, for at least 15 minutes (including 15 minutes in total over a 24-hour period) with a person with COVID-19 during the infectious period of the person with COVID-19;
- (ii) A person who was within two metres indoors for at least 15 minutes (including 15 minutes in total over a 24-hour period) with a person with COVID-19 during the infectious period of the person with COVID-19;
- (iii) A person who comes into direct contact with the body or infectious body fluids (for example: a hug, cough or sneeze) of a person with COVID-19 during the infectious period of the person with COVID-19; or
- (iv) A person who is exposed to COVID-19 in such other conditions as determined by the Chief Public Health Officer,

but does not include:

- A. a person who consistently and appropriately uses personal protective equipment while caring for a person with COVID-19; or
- B. a person who has contact described in sub-clauses (i) to (iii) where the person with COVID-19 was wearing a mask throughout the contact period.

(b) "COVID-19 antigen test" means a COVID-19 screening or diagnostic immunoassay that:

- (i) detects the presence of a viral antigen indicating the presence of COVID-19; and
 - (ii) is authorized for sale or distribution in Canada or in the jurisdiction in which it was obtained.
- (c) “COVID-19 molecular test” means a COVID-19 screening or diagnostic test, including a test performed using the method of polymerase chain reaction (PCR), nucleic acid test (NAT), nucleic acid amplification (NAAT) or reverse transcription loop-mediated isothermal amplification (RT-LAMP).
- (d) “facility” means the following establishments:
- (i) community care facilities as defined in clause 1 (d) of the *Community Care Facilities and Nursing Homes Act*, RSPEI 1988, Cap. C-13;
 - (ii) community hospitals and provincial hospitals, both as defined in clauses 1(1)(b) and 1(1)(g) of the *Hospitals Act*, RSPEI 1988 Cap. H-10.1, respectively;
 - (iii) long term care facilities which are operated by or on behalf of the Department of Health and Wellness or Health PEI; and
 - (iv) nursing homes as defined under clause 1(j) of the *Community Care Facilities and Nursing Homes Act*;
- (e) “infectious period” means, in relation to an individual who is a person with COVID-19, the period of time that starts 48 hours prior to onset of that person’s symptoms, or if the person with COVID-19 does not have symptoms of COVID-19, 48 hours prior to when that person received their initial positive test result for COVID-19 and ends at least 7 days after the onset of COVID-19 symptoms or at least 7 days after the date of their initial positive COVID-19 test, whichever is the earlier date, and for such additional time as indicated by a public health official.
- (f) “mask” means any mask, including a non-medical mask, that meets all of the following requirements:
- (i) it is made of at least three multiple layers of tightly woven material such as cotton or linen or is a medical-grade mask;
 - (ii) it completely covers a person’s nose, mouth and chin without gaping; and
 - (iii) it can be secured to a person’s head with ties or ear loops.
- (g) “operator”, for the purposes of this Order, includes an owner.
- (h) “person with COVID-19”, for the purposes of this Order, means a person who has received a positive test result for COVID-19 using a COVID-19 antigen test or a COVID-19 molecular test;
- (i) “self-isolate” means compliance with the following requirements:

- (i) A person must remain in their residence or residence grounds, except to seek medical care or due to extraordinary circumstances including reasons of personal safety. A person who resides in an apartment building, condominium, rental accommodation, rooming house, or other attached housing must remain on the residence's property and maintain a two-metre distance from other persons at all times while in common areas, corridors, stairwells, elevators, other shared spaces, and outdoors;
- (ii) If a person must leave their residence or the residence's property for a reason outlined in sub-clause (i), the person must maintain a two-metre distance from other persons at all times, other than during treatment by a health care worker; and
- (iii) all additional self-isolation requirements published at: <https://www.princeedwardisland.ca/en/information/health-and-wellness/covid-19-self-isolation>.

Mandatory Self-Isolation

- 2. Unless otherwise directed by a public health official, persons residing in or present in Prince Edward Island who fall under any of the categories below shall follow the requirements and self-isolate for the periods of time specified here:
 - (a) Persons who:
 - (i) are persons with COVID-19;
 - (ii) are persons who cannot isolate away from an individual identified in (i); or
 - (iii) are close contacts who have symptoms of COVID-19, except as outlined in (c);
 - A. must self-isolate for a period of at least 5 days after the onset of COVID-19 symptoms or at least 5 days after the date of their initial positive COVID-19 antigen or molecular test, whichever is the earlier date, and for such additional time as indicated by a public health official (including 10 days for immunocompromised individuals and other individuals as outlined at: <https://www.princeedwardisland.ca/en/information/health-and-wellness/information-for-people-who-have-tested-positive-for-covid-19>); and
 - B. if they leave isolation after 5 days, must wear a mask for the next 5 days in all indoor public places and in all indoor settings (including workplaces, schools or public transportation) where physical distancing of more than two metres cannot be maintained from other persons;
- (b) Persons who isolated in accordance with (a)(i) but who:
 - (i) experience a return of symptoms of COVID-19 within 8 days of recovering from symptoms of COVID-19; and

- (ii) test positive for COVID-19 by a COVID-19 antigen test after the return of COVID-19 symptoms;

must self-isolate for a period of at least 5 days after the date of the return of COVID-19 symptoms or for such additional time as indicated by a public health official as outlined at <https://www.princeedwardisland.ca/en/information/health-and-wellness/information-for-people-who-have-tested-positive-for-covid-19> ;

- (c) Persons identified in (a) (iii):
 - (i) who receive a negative COVID-19 molecular test result from a Health PEI clinic may exit isolation at an earlier date than applicable to them under (a), but these persons should continue to be tested for COVID-19 at a Health PEI clinic if they continue to have symptoms of COVID-19 after receiving the negative COVID-19 molecular test result; or
 - (ii) who tested positive for COVID-19 (by a COVID-19 molecular test at a Health PEI clinic or as determined by a public health official) and completed their isolation period in the 60 (sixty) days previous to being a close contact do not need to isolate in accordance with (a) but must monitor for symptoms of COVID-19 and, if symptomatic, self-isolate until symptoms resolve or are improving;
- (d) Persons not identified in (a), (b) or (c) who are symptomatic for COVID-19 and awaiting the results of a COVID-19 antigen test or COVID-19 molecular test shall self-isolate until they receive a negative test result.

Masking Requirements – Certain Facilities

- 3. Except as outlined in section 4, all persons must wear a mask while present in:
 - (a) a facility; or
 - (b) a setting listed on the Chief Public Health Officer's List of Settings Where Masks are Required, which list will be publicly released, amended and updated by the Chief Public Health Officer as necessary to prevent or decrease the risk to health presented by COVID-19.
- 4. The following persons are exempt from the requirement to wear a mask while present in a facility or a setting referenced in section 3:
 - (a) a person who is less than 2 years of age;
 - (b) a person who is age 2 to 5 years and will not wear a mask;
 - (c) a person for whom the wearing of a mask is not possible because of the person's medical condition;
 - (d) a person who cannot remove their mask without assistance;
 - (e) a person who is reasonably accommodated by not wearing a mask in accordance with the *Human Rights Act*, R.S.P.E.I 1988, Cap. H-12;

- (f) a person who removes the mask momentarily for identification or ceremonial purposes;
- (g) a person who is in the facility receiving care or being provided a service or while participating in a physical or other activity requiring the mask be removed, in which case the person may remove the mask for the duration of the care, service or activity;
- (h) a person who is consuming food or a beverage; and
- (i) a person who resides at a facility, except in situations where the Chief Public Health Officer issues Guidance applicable to residents of their facility.

Child Care and Schools

- 5. Operators of licensed child care centres and unlicensed child care centres must comply with the Chief Public Health Officer's Licensed Child Care Centre Guidance and Chief Public Health Officer's Unlicensed Child Care Centre Guidance as applicable to them, which Guidance documents may be amended by the Chief Public Health Officer from time to time.
- 6. All kindergarten – grade 12 public and private schools in the Province, when offering in-person learning, must comply with the Prince Edward Island COVID-19 Back to School Public Health Guidance for Public and Private Kindergarten to Grade 12 Schools 2022-23 as applicable to them, which Guidance document may be amended by the Chief Public Health Officer from time to time.

General

- 7. Notwithstanding anything in this Order, the Chief Public Health Officer may on written request by a person sent to the Office of the Chief Public Health Officer at the address noted below with the subject line Request for COVID-19 Prevention and Self-isolation Order Exemption:
 - (a) exempt a person or class of persons from the application of any section of this Order under exceptional circumstances or on reasonable grounds; and
 - (b) impose, on any person or class of persons being exempted from the application of any section of this Order under clause (a), public health requirements consistent with this Order to minimize the risk of introduction or spread of COVID-19.
- 8. For greater certainty, nothing in this Order limits the operation of the Act or its regulations or restricts the ability of the Chief Public Health Officer to issue public health orders or other orders or directives, as necessary.
- 9. This Order:
 - (a) is effective on September 9, 2022 at 12:00 a.m., revoking and replacing my Order of August 12, 2022; and

- (b) shall remain in effect until October 6, 2022 at 11:59 p.m., unless earlier amended or revoked by the Chief Public Health Officer if the requirements specified in this Order are no longer necessary to prevent, decrease or eliminate the risk to health presented by the communicable disease.

TAKE NOTICE that failure to comply with this Order is an offence for which you may be liable on summary conviction in accordance with section 66 of the Act.

DATED at Charlottetown, Queens County, Prince Edward Island this 8th day of September, 2022.



Dr. Heather Morrison
Chief Public Health Officer
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