

IN THE MATTER OF the *Public Health Act*, RSPEI 1988, c 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;

WHEREAS a state of public health emergency was declared in Prince Edward Island on March 16, 2020 as a result of the COVID-19 pandemic pursuant to Order in Council EC2020-174, and continued on April 15, 2020 by Order in Council EC2020-254, on May 15, 2020 by Order in Council EC2020-305, on June 15, 2020 by Order in Council EC2020-350, on July 14, 2020 by Order in Council EC2020-435, on August 14, 2020 by Order in Council EC2020-488, on September 13, 2020 by Order in Council EC2020-542 and on November 12, 2020 by Order in Council EC2020-649;

AND WHEREAS in consultation with the Lieutenant Governor in Council, I believe it is reasonably necessary to impose special measures in the Province in order to protect the health of the population;

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, 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 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 pursuant to clauses 49(2)(c.1) and (d) of the Act, I, as the Chief Public Health Officer, may order persons to refrain from entering or attending a public place or premises; to refrain from assembling in a public gathering in a specified area; limit the number of persons who will be permitted to attend a public gathering; or limit the purpose for a public gathering;

AND WHEREAS pursuant to clause 49(2)(g) of the Act, I, as the Chief Public Health Officer, may order any other measure that is reasonably believed to be necessary for the protection of the health of the population during the public health emergency;

AND WHEREAS the reasons for this order are the global COVID-19 pandemic, the health risks posed by the pandemic, and the necessity to prevent, decrease or eliminate those health risks;

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.

NOW THEREFORE, pursuant to my authority under subsections 39(1), 49(2), 49(3), and 56(1) of the Act, I hereby order as follows:

Definitions

1. In this Order:

- (a) "allowable services" means services that are not essential services and are appropriate to open to the public, as determined by the Chief Public Health Officer, with certain public health measures in place.
- (b) "close contact" means:
 - (i) A person who provides care for or has close physical contact with a person who is confirmed or suspected to be infected with COVID-19; or
 - (ii) A person who comes into direct contact with the infectious body fluids of a person who is confirmed or suspected to be infected with COVID-19;

but does not include

- A) a person who consistently and appropriately uses personal protective equipment while caring for a person who is confirmed or suspected to be infected with COVID-19; or
- B) effective September 1, 2020, a person who is a member of the household of a person who is suspected to be infected with COVID-19 and is awaiting a COVID-19 test result.
- (c) "essential services" means services that, if interrupted, would endanger the life, health, or personal safety of the whole or part of the population.
- (d) "household" means persons who normally reside together and a maximum of two additional members who reside elsewhere.
- (e) "mask" means a commercial medical or non-medical mask or home-made mask made in accordance with the Public Health Agency of Canada instructions located at: <https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection/prevention-risks/sew-no-sew-instructions-non-medical-masks-face-coverings.html>, that covers the nose and mouth;

- (f) “public place” means any part of the following places accessible to the public, insofar as it is enclosed:
- (i) a retail business, a shopping centre, or a building or room of a business where services are provided;
 - (ii) a restaurant or a liquor licensed establishment;
 - (iii) a place of worship or faith gathering;
 - (iv) a place where activities or services of a cultural or entertainment nature are offered;
 - (v) a place where sports are played or recreational activities are carried on;
 - (vi) a rental hall or other place used to hold events, including conventions and conferences, or to hold receptions;
 - (vii) a place where Government services are available to the public;
 - (viii) a common area, including an elevator, in a tourism establishment, as defined under the *Tourism Industry Act* R.S.P.E.I. 1988, Cap. T-3.3;
 - (ix) a lobby, reception area, stairwell or elevator in an office building other than an apartment building;
 - (x) a common area or public space on a university or college campus; and
 - (xi) a train or bus station, a ferry terminal, or an airport.
- (g) “self-isolate” means compliance with the following measures:
- (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 clause (i) above, 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>

Points of Entry

2. Every person arriving on Prince Edward Island at any and all points of entry shall:

- (a) stop when instructed to do so by a peace officer or public health official;
- (b) answer any questions posed and provide all information requested by a peace officer, public health official, or health practitioner, including but not limited to: name, place of ordinary residence, license plate number, contact information, travel details, reason for travelling into the Province, occupation, employer, employer contact, work location and symptom information;
- (c) if requested, submit to such tests and examinations as may be required;
- (d) declare if they are experiencing symptoms of COVID-19 including coughing, difficulty breathing, or fever; and
- (e) provide complete details of their self-isolation plan.

Mandatory Self-Isolation

3. Unless exempted by the Self-Isolation Exemption Order, persons travelling into, residing in or present in Prince Edward Island who fall under any of the categories below shall self-isolate for the period of time specified:
- (a) Persons diagnosed with COVID-19 shall self-isolate for a period of at least 14 days after the onset of symptoms and such additional time until the person is cleared by a public health official.
 - (b) Persons who are symptomatic and awaiting the results of a test for COVID-19 shall self-isolate as follows:
 - (i) Persons who are symptomatic with exposure criteria (history of travel or a close contact with a positive case) shall self-isolate for 14 days from the last potential exposure (date of return from travel or last contact with a positive case), regardless of whether a negative test result is received during that period.
 - (ii) Persons who are symptomatic without exposure criteria (no history of travel, no known contact with a positive case) are not required to self-isolate after receipt of a negative COVID-19 test result, unless otherwise instructed by a public health official.
 - (c) Persons identified as a close contact of a confirmed or suspected case of COVID-19, shall self-isolate for a period of 14 days from the last day of being a close contact, regardless of whether a negative test result for COVID-19 is received during that period. For greater certainty, a person is no longer considered a suspected case if they fall under clause 3(b)(ii) and have received a negative COVID-19 test result.
 - (d) Persons travelling into the Province from outside Canada on and after March 8, 2020 shall self-isolate for 14 days from the date of their entry to Canada or for the duration of their stay in the Province (if shorter than 14 days), regardless of whether a negative test result for COVID-19 is received during that period.
 - (e) Persons travelling into the Province from within Canada on and after March 21, 2020 shall self-isolate for 14 days or for the duration of their stay in the Province

(if shorter than 14 days), regardless of whether a negative test result for COVID-19 is received during that period.

Mandatory Self-Isolation – Temporary Foreign Workers

4. Subject to section 5, effective April 17, 2020 at 8:00 a.m., all temporary foreign workers travelling into the Province shall self-isolate for 14 days at a quarantine facility designated by the Minister of Health and Wellness, regardless of whether a negative test result for COVID-19 is received during that period.
5. The following temporary foreign workers are exempt from the requirements in section 4:
 - (a) temporary foreign workers employed by an employer that has submitted a transition plan which addresses self-isolation requirements, and which plan has been approved by the Chief Public Health Officer; and
 - (b) such other temporary foreign workers as may be otherwise exempted by the Chief Public Health Officer under exceptional circumstances, provided satisfactory arrangements have been made for the temporary foreign worker to comply with self-isolation requirements.
6. Temporary foreign workers exempted from the requirements of section 4 who travel into the Province shall remain subject to the requirement to self-isolate in accordance with this Order, an applicable transition plan, and applicable directions of the Chief Public Health Officer.

Masking Requirements

7. Effective 12:01 a.m. November 20, 2020, all persons must wear a mask while present in a public place.
8. Notwithstanding section 7, a person is exempt from the requirement to wear a mask while present in a public place if the person:
 - (a) is less than 2 years of age;
 - (b) is age 2 to 5 years and will not wear a mask;
 - (c) for whom the wearing of the mask is not possible because of the person's medical condition;
 - (d) cannot remove their mask without assistance;
 - (e) 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) is in the public place 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;
 - (g) removes the mask momentarily for identification or ceremonial purposes;

- (h) is in a courtroom, jury room or secured area in a courthouse, or room where a proceeding or meeting of an administrative tribunal established by legislation is being held;
 - (i) is consuming food or a beverage in a public place;
 - (j) is a performer, performers in a small group or an officiant in the course of performing activities requiring the playing of a wind instrument, or vocalization such as talking or singing at the following events or activities:
 - (i) conventions, conferences or speaking engagements;
 - (ii) social events;
 - (iii) arts and culture events;
 - (iv) sports and physical activity; or,
 - (v) weddings, funerals and other faith gatherings.
9. Effective 12:01 a.m. November 20, 2020, all persons must wear a mask while travelling on vehicles providing transportation to the public, including:
- (a) any public transit, including municipally-operated buses;
 - (b) any public passenger vehicle, including community transit vehicles, commercial vehicles (shuttle vans), and vehicles providing charters or tours or both;
 - (c) any school buses operated by an education authority under the *Education Act*, R.S.P.E.I. 1988 Cap. E.-.02, and any vehicles of any capacity operated by private schools registered under the *Private Schools Act*, R.S.P.E.I. 1988, Cap. 20.01;
 - (d) commuter vehicles, courtesy vehicles, vans, mini-buses, or buses of any passenger capacity providing services to the public;
 - (e) taxicabs, as defined in the *Highway Traffic Act*, R.S.P.E.I. 1988, Cap. H-5, operating in Prince Edward Island.
10. Notwithstanding section 9, the following persons are exempt from the requirement to wear a mask while travelling on vehicles providing transportation to the public:
- (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; and
 - (e) a person who is reasonably accommodated by not wearing a mask in accordance with the *Human Rights Act*, *supra*.

11. A person may remove the mask momentarily for identification purposes when boarding any public transit set out in section 9.
12. This Order does not apply to persons in public places that are in compliance with the following, as applicable:
 - (a) Directive on Visitation to Long-Term Care Facilities and Nursing Homes;
 - (b) Directive on Schools;
 - (c) Directive on Licensed Child Care Centres;
 - (d) Guidance for Unlicensed Child Care Centres; and
 - (e) Private Community Care Facilities Visitation Guidance.
13. For greater certainty, the requirement to wear a mask as set out in this Order is the minimum standard that persons, businesses, services and organizations must adhere to, and where the business, service or organization's operational plan required in accordance with this Order imposes a greater standard, then that standard applies.
14. For greater certainty, the requirements to wear a mask as set out in this Order do not replace the importance of compliance with all other public health preventative measures required such as physical distancing and hand hygiene.
15. For greater certainty, nothing in this Order affects in any way the masking requirements set out in the Self-Isolation Exemption Order.

Businesses, Services and Organizations

16. Effective March 17, 2020, businesses, services and organizations that are not an essential service or an allowable service shall not offer or provide services to the public at a location that is accessible to the public.
17. Effective December 7, 2020, businesses, services and organizations outlined here must comply at all times with the preventative measures described in this section:
 - (i) Operators of the following businesses, services and organizations must close to the public: libraries, fitness facilities, gyms, bingo halls, casinos, any business or service that offers organized recreation or team sports.
 - (ii) Operators of businesses, services and organizations that are food premises must close their dining rooms to the public;
 - (iii) Operators of businesses, services and organizations that offer allowable services that are personal services must ensure services are based on appointments and that a non-medical mask is worn at all times by employees and clients;
 - (iv) Operators of businesses, services and organizations that offer retail services, such as retail stores and markets, must ensure the occupancy

of the operational retail space of the retail service is restricted to 50% of the usual capacity of that space and that entrances and exits are monitored to ensure that capacity is not exceeded. Where reasonably possible, the business, service and organization must ensure there is two metres of distance between persons in the operational retail space.

18. Businesses, services and organizations that are closed to the public under section 17 may continue to operate serving the public by means of telephone, virtual services, delivery, and pick-up, provided that owners and operators of those services comply at all times with the preventative measures described under this Order.
19. Owners and operators of businesses, services and organizations that are permitted to operate under this Order, shall take the following preventative measures:
 - (a) take every reasonable step to ensure minimal interaction of people (including employees and clients) within two metres of each other;
 - (b) take every reasonable step necessary to prevent employees who are required to self-isolate, as provided above, from entering workplaces;
 - (c) develop and follow an exclusion policy that ensures symptomatic employees are immediately excluded from work activities;
 - (d) develop and follow an operational plan detailing how risk of transmission of COVID-19 will be mitigated;
 - (e) ensure enhanced cleaning and disinfection of shared areas and surfaces;
 - (f) ensure hand washing stations are available;
 - (g) ensure compliance with masking requirements set out in this Order;
 - (h) follow any direction issued to a specific class of businesses, services or organizations, as referenced in Appendix A, as may be amended from time to time; and
 - (i) follow any other direction issued to the business, service or organization by the Chief Public Health Officer.
20. Effective May 22, 2020, all child care facilities, including licensed and unlicensed centres, are permitted to re-open to the public. Licensed centres must comply with the Chief Public Health Officer's Directive on Licensed Child Care Centres, as may be amended from time to time. Unlicensed centres must comply with the Chief Public Health Officer's Guidance for Unlicensed Child Care Centres, as may be amended from time to time.
21. Effective September 23, 2020, all public and private schools in the Province must comply with the Chief Public Health Officer's Directive on Schools, as may be amended from time to time.

Personal Gatherings

22. All persons are prohibited from attending a personal gathering with persons outside their household at an indoor or an outdoor location. A personal gathering includes a gathering at a private dwelling, public space or public place which includes members from different households, and is not associated with a business, service or organization. For greater certainty, as outlined in the definition of household, a household may add two persons who reside elsewhere to their household.
23. For greater certainty, section 22 does not apply to:
 - (a) organized gatherings which are conducted in accordance with the Organized Gatherings section of this Order;
 - (b) businesses, services or organizations (including child care facilities) which are permitted to operate under the Businesses, Services and Organizations section of this Order or any specific direction of the Chief Public Health Officer; or

facilities where health care or social services are provided.

Organized Gatherings

24. Except as permitted under sections 25, no person shall hold an organized gathering at an indoor location or at an outdoor location.
25. Organized gatherings of up to 10 persons, in addition to staff and officiants necessary for the gathering, are permitted to be held at an indoor or outdoor location provided the organizer:
 - (a) develops, follows and makes available for inspection, an operational plan detailing how risk of transmission of COVID-19 will be mitigated; and
 - (b) takes every reasonable step to ensure minimal interaction of people within two metres of each other.
26. In addition to the requirements above, a business, service or organization holding an organized gathering must comply with the Businesses, Services and Organizations section of this Order.
27. The operator of a business or facility must not knowingly rent, reserve or allow the business or facility to be used for an organized gathering that would contravene the Organized Gatherings section of this Order.
28. Any person attending an organized gathering shall take every reasonable step to maintain a distance of two metres or more from persons who do not reside in their household.

Long-Term Care Facilities and Nursing Homes Visitation

29. Visitation to long-term care facilities and nursing homes is permitted provided the facility complies with the Chief Public Health Officer's Directive on Visitation to Long-Term Care Facilities and Nursing Homes, as may be amended from time to time.

General

30. Notwithstanding anything in this Order, the Chief Public Health Officer may exempt a person or class of persons from the application of any section of this Order under exceptional circumstances or on reasonable grounds.
31. 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.
32. This Order:
- (a) revokes and replaces my order of December 4, 2020;
 - (b) is effective on December 7, 2020 at 8:01 a.m., except where stated in this Order to have retroactive effect; and
 - (c) shall remain in effect for the duration of the public health emergency in the Province, unless earlier amended or revoked.

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 6th day of December, 2020.



Dr. Heather Morrison
Chief Public Health Officer

Appendix A
Specific Requirements for Businesses, Services and Organizations

1. In addition to the requirements in clauses 19 (a) to (i) of this Order, limitations are imposed on certain businesses, services and organizations as may be indicated in the following documents:

- (a) Restaurants and bars in accordance with the Chief Public Health Officer's "Food Premises Guidance".
- (b) Personal services in accordance with the Chief Public Health Officer's "Personal Services Guidance".
- (c) Funeral homes in accordance with the Chief Public Health Officer's "Funeral Homes Guidance".
- (d) Golf Courses, private and public, in accordance with the Chief Public Health Officer's "Golf Course Guidance".
- (e) Employers of Temporary Foreign Workers in accordance with the Chief Public Health Officer's "Employers of Temporary Foreign Workers Guidance".