

Bill No. 45 of 1945.

A BILL TO AMEND THE PUBLIC HEALTH ACT

NOTE.

Section 1 of this Bill amends section 7 of the Act by adding at the end of paragraph (*k*) the words set out. This paragraph is included in the matters with respect to which the Provincial Board of Health, with the approval of the Lieutenant Governor in Council, may make regulations. The paragraph now reads: "the location, construction, maintenance and operation of cemeteries". The added words extend the authority to regulate cemeteries.

Section 2 of the Bill introduces a new section 7*a* dealing with the subject of pasteurization of milk. Cities, towns and villages (except those under three hundred population) are authorized to pass by-laws on this subject requiring milk sold in the municipality to be pasteurized. The by-law must be approved by the Provincial Board of Health and does not apply to milk brought into the municipality by producers and sold to wholesalers, processing plants, etc. Provision is made that the by-law shall not be finally passed unless approved by sixty-five per cent of the electors in a plebiscite. "Elector" is defined as meaning a person entitled to vote for a member of the council.

Section 3 of the Bill strikes out section 13*c* and substitutes a new section 13*c*. The present section limits the authority of the Provincial Board to require alterations, etc. to a water or sewerage system for the purpose of guarding against injury or danger to the public health. The proposed new section extends this authority to changes necessary to provide a sufficient supply of water at adequate pressure at all times to meet the ordinary needs of occupants of houses connected with the system.

Section 4 of the Bill adds two new subsections, (5) and (6), to section 13*f*. Subsections (1) to (4) of this section deal with the powers of the Provincial Board of Health with respect to waterworks, water purification plants and sewerage systems in municipalities. The new subsection (5) deals with the power of the Board outside municipalities, that is, outside cities, towns or villages, and provides that where the owner or lessee of land constructs or maintains premises capable of housing one hundred or more persons, the Board may require the installation of a waterworks or water purification plant or a sewerage project. The new subsection (6) makes any works constructed pursuant to the Board's order public utilities and thus subject to the control of the Board of Public Utility Commissioners as to rates.

The amendment to section 13*g* made by section 5 of the Bill is made necessary by the introduction of the new subsection (5) of section 13*f*.

Section 6 of the Bill introduces into the Act a new section 15*a* which authorizes the Provincial Board to inquire into complaints with respect to the discharge into the atmosphere of dust, vapour, smoke or fumes and the consequent impairment and corruption of the air, and the consequent impairment of the comfort or health of the public. The Board is authorized to report to the Minister fixing the responsibility for the above, and advising as to what remedial measures are necessary. Provision is made for the Board requiring a report from the person held responsible as to the equipment necessary to eliminate the injury complained of and its cost. Provision is made by subsection (5) for application to a judge for an order requiring the person responsible to carry out recommendations of the Board and restraining him from continuing the injury until the elimination or alleviation called for by the judge's order have been carried out.

Section 7 of the Bill strikes out subsections (1) and (2) of section 25 and substitutes three new subsections. These subsections deal with the organization of full-time health districts. Subsection (1) now provides for such districts consisting of a number of municipalities. The new subsection (1) enables one municipality to be organized as a health district, or parts of municipalities to be included in health districts, the change being made necessary by the organization of the enlarged municipal districts. Subsection (2) extends the staff which may be appointed to include a dentist, a nutritionist, and other technical staff where deemed necessary. A health district may now be established with a staff consisting of a medical practitioner, a dentist, one or more trained nurses, a sanitary inspector, a nutritionist, or any of them. The new subsection (2*a*) provides for dental service where a full-time dentist is not employed.

W. S. GRAY,
Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 45 of 1945.

An Act to amend The Public Health Act.

(Assented to _____, 1945.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Public Health Act*, being chapter 183 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 7 by adding immediately at the end of paragraph (k) of subsection (1) thereof the following words: "including the setting aside free of charge of a specified portion of each cemetery for the burial of former members of His Majesty's Forces or the forces of allied nations and fixing fees which may be charged on the burial of any such person for opening and closing the grave".

2. The said Act is further amended by adding immediately after section 7 thereof the following new section:

"7a.—(1) In this section,—

"(a) 'Elector' means a person entitled to vote at an election of members of the council of a city, town or village under the appropriate Act applying to such city, town or village;

"(b) 'Pasteurization' means the process of heating every particle of milk to a temperature of not less than 143 degrees Fahrenheit, of holding it at such temperature for not less than thirty minutes, or such other temperature and time as may be set by the Provincial Board of Health, and of cooling it immediately thereafter to 50 degrees Fahrenheit or lower, and 'pasteurized' shall have a corresponding meaning.

"(2) The council of any city, town or village of a population of three hundred or over may pass a by-law subject to a plebiscite as hereinafter provided for the purpose of requiring milk sold, offered for sale or delivered within the limits of the city, town or village to be pasteurized before being sold, offered for sale or delivered as aforesaid.

"(3) No such by-law shall be finally passed unless and until it has been approved by the Provincial Board of Health.

"(4) Any by-law passed pursuant to subsection (2) shall not apply to milk brought into the city, town or village

by the producer and sold by wholesale to a distributor, a milk processing plant, a creamery or a cheese factory, nor to products of milk prepared in a plant and by methods approved by the Provincial Board of Health.

“(5) Before the by-law is finally passed by the Council, it shall be submitted to a vote of the electors of the city, town or village, as the case may be, and a copy thereof shall be posted up in at least fifteen conspicuous places in the city, or five conspicuous places in the town or village, as the case may be, one of which places shall be the office of the clerk or secretary-treasurer, and there shall also be inserted in a newspaper of general circulation in the city, town or village a notice in the following or a like form:

“Public notice is hereby given that there has been introduced in the council of _____ a by-law of which the following is a short synopsis (here insert short synopsis of by-law), and that a copy of the same may be seen at the office of the city clerk (or secretary-treasurer, as the case may be), and further that the said by-law will be submitted to the vote of the electors of the _____ of _____, and if sixty-five per cent of those voting on the plebiscite vote in favour of the by-law, it will be finally passed.”

“(6) The procedure antecedent to, at and subsequent to, the taking of the vote shall be that provided for the taking of a vote on a debenture by-law in so far as the same is applicable, and the by-law shall be declared to be carried if it receives the approval of sixty-five per cent of the electors voting thereon.

“(7) If the by-law is carried as provided for by subsection (6), the council shall proceed to finally pass the same, but if the by-law is not carried as provided in the said subsection, nothing further shall be done by the council with respect to the by-law.”

3. The said Act is further amended as to section 13c by striking out the same and by substituting therefor the following:

“**13c.** If in the opinion of the Provincial Board for the purpose of guarding against injury or danger to the public health or for the purpose of providing a sufficient supply of water at adequate pressure at all times to meet the ordinary needs of the occupants of all houses connected with any existing system of water works or sewerage project, alterations or additions are necessary in such existing system of water works or sewerage project, as the case may be, the Board may by notice in writing require the alterations or additions to be made within a prescribed period of time, failing which the owners of the system of water works or sewerage project, as the case may be, shall be guilty of an offence and liable on summary conviction to a fine of not less than fifty dollars nor more than two hundred dollars for each day during which the default continues.”

4. The said Act is further amended as to section 13*f* by adding immediately at the end thereof the following new subsections:

“(5) In any area not included in a municipality where the owner or the lessee of any land constructs or permits or authorizes the construction of or maintains one or more houses on the said land housing or capable of housing one hundred or more persons, and the Provincial Board is of the opinion that it is necessary in the interest of the public health that an adequate water works system or an adequate water purification plant or an adequate sewerage project be established or that modern plumbing together with accompanying sewer and water connections be provided in and for any or all of the said houses, it may by notice in writing require the owner or lessee concerned to take such steps as the Board considers necessary as set out in the notice within the time prescribed therein.

“(6) Any water works system, water purification plant or sewerage project constructed in compliance with such a notice as is referred to in subsection (5), shall be a public utility and all the provisions of *The Public Utilities Act* shall apply thereto and no rates for water or sewerage shall be imposed until they have been approved by the Board of Public Utility Commissioners.”

5. The said Act is further amended as to section 13*g*,—

(a) by adding immediately after the word “municipality”, where the same occurs in the first line thereof, the words “or any owner or lessee mentioned in subsection (5) of section 13*f*”;

(b) by adding immediately after the word “it”, where the same occurs in the second line thereof, the words “or him”.

6. The said Act is further amended by adding immediately after section 15 thereof the following new section:

“15*a*.—(1) The Provincial Board of Health may inquire into and hear and determine any complaint made by, or on behalf of any person to the effect that dust, vapour, smoke or fumes or any of them is being discharged into the atmosphere either within or without the confines of any building, and that as a result of such discharge the quality of the air is being impaired, or corrupted, and the comfort or health of the public or a portion of the public is being injuriously affected.

“(2) The Provincial Board may make a report to the Minister upon such complaint, including a finding as to who is responsible for the condition complained of, and as to what remedial measures, if any, are required in respect to any alleged injury or invasion of right as it may deem just.

“(3) For the purpose of assisting in the preparation of a report such as is provided for in subsection (2) of

this section, the Provincial Board may order the person held responsible for the alleged injury or invasion of right to submit a report to the Provincial Board describing the different types of equipment available and necessary to eliminate the alleged injury or invasion of right, and estimates of its cost.

“(4) Any person refusing or neglecting to carry out the requirements of any order given him by the Provincial Board under the provisions of subsection (3) within thirty days after the expiration of the time fixed by the order for the submission of the report and estimates, shall be guilty of an offence and liable on summary conviction to a fine of not less than twenty dollars nor more than fifty dollars for each day during which the default continues.

“(5) Where the report of the Provincial Board recommends the treatment which the person held responsible should apply in order to secure the elimination of the condition complained of, or the degree of treatment to be applied to alleviate the condition, any person directly affected, or the Minister may apply to a judge of the Supreme Court or to a District Court judge by way of originating notice according to the practice of the court for an order for the elimination, or alleviation of the injury or invasion of right in terms of the report of the Provincial Board and to restrain the person found responsible by the Provincial Board from continuing the injury or invasion of right until the order for elimination or alleviation has been complied with.

“(6) The judge may make such order, upon the report of the Provincial Board and upon such further evidence as he may deem meet and on such terms and conditions as may be deemed proper.”

7. The said Act is further amended as to section 25 by striking out subsections (1) and (2) thereof and by substituting therefor the following:

“25.—(1) The Minister may prepare a scheme for the organization of full-time health districts consisting of one or more municipalities or portions thereof, and may submit the same for the approval of their respective councils.

“(2) The scheme shall name the municipality, municipalities or portions thereof, as the case may be; provide for the appointment of a District Board of Health consisting of nominees of the municipalities with authority to enforce the provisions of *The Public Health Act* and the regulations made thereunder; provide for the appointment of a staff which may consist of a duly qualified medical practitioner, a duly qualified dentist, one or more trained nurses, a nutritionist, a sanitary inspector, a secretary, or any of them, and other technical staff where deemed necessary, who shall devote their whole time to the promotion of the health and sanitation of the district; give an estimate of the expense involved, and state what proportion of the expense is to be borne by the municipalities.

“(2a) The scheme may also provide for dental service by methods other than the employment of a full-time dentist.”

8. This Act shall come into force on the day upon which it is assented to.

No. 45.

FIRST SESSION
TENTH LEGISLATURE

9 GEORGE VI

1945

BILL

An Act to amend The Public Health
Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. DR. CROSS.

EDMONTON:
A. Shnitka, King's Printer
1945