

1969 Bill 94

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Second Session, 16th Legislature, 18 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

## **BILL 94**

**An Act to amend The Public Health Act (No. 2)**

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THE MINISTER OF HEALTH

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First Reading .....

Second Reading .....

Third Reading .....

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# BILL 94

1969

An Act to amend The Public Health Act (No. 2)

(Assented to \_\_\_\_\_, 1969)

**H**ER 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* is hereby amended.

2. Section 42 is amended by striking out subsection (5) and by substituting the following:

(5) In a prosecution under this section a certificate of a Provincial analyst stating that he has analyzed or examined a substance and stating the result of his analysis or examination shall be admitted in evidence as *prima facie* proof of the matters so stated, without proof of the signature or official character of the person appearing to have signed the certificate.

3. The following section is added after section 42:

42a. (1) a peace officer may, without warrant,

- (a) search any person whom on reasonable and probable grounds he believes is committing an offence under section 42,
- (b) arrest any person whom he finds committing an offence under section 42, and
- (c) seize as evidence any article or substance that he suspects to be or to contain a hallucinogenic drug.

(2) Upon information on oath by a peace officer that he suspects or believes that a hallucinogenic drug is kept or had, in contravention of section 42, in any building, vehicle or premises, a justice by warrant under his hand may authorize and empower the peace officer or any persons named therein to enter and search the building, vehicle or premises and each part thereof, and for that purpose to break open any door, lock or fastening of the building, ve-

## Explanatory Notes

- 1.** This Bill amends chapter 255 of the Revised Statutes.
  
- 2.** Section 42 which prohibits the use or possession of hallucinogenic drugs is amended to authorize use of analyst certificates in evidence. The present subsection (5) is re-enacted as part of section 42a—see the following clause. Section 42 (5) presently reads:
  - (5) A peace officer, without a warrant,
    - (a) may arrest any person whom he finds committing an offence under this section, and
    - (b) may seize as evidence any article or substance he suspects to be or to contain a hallucinogenic drug.
  
- 3.** Section 42 (5) re-enacted and search authorization provisions added.

hicle or premises or any part thereof or any closet, cupboard, box or other receptacle therein that might contain a hallucinogenic drug.

(3) A peace officer who is authorized in writing for the purpose by the Attorney General and who believes that a hallucinogenic drug is kept or had, in contravention of section 42, in any building, vehicle or premises, may without warrant, enter and search the building, vehicle or premises and each part thereof and for that purpose may break open any door, lock or fastening of the building, vehicle or premises or any part thereof, or any closet, cupboard, box or other receptacle therein which might contain a hallucinogenic drug.

(4) An authorization referred to in subsection (3) shall be a general one and is effective until revoked.

(5) A person who is in, on or in charge of a building or premises referred to in this section and who

(a) refuses or fails to admit a peace officer who has demanded entry pursuant to this section, or

(b) obstructs or attempts to obstruct the entry of the peace officer or the search by him,

is guilty of an offence and liable on summary conviction to a fine of not more than \$500 and in default of payment to imprisonment for a term of not more than 60 days, or to a term of imprisonment of not more than 60 days without the option of a fine.

4. This Act comes into force on the day upon which it is assented to.

