

1970 Bill 70

Third Session, 16th Legislature, 19 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 70

An Act to amend The Public Health Act

THE MINISTER OF HEALTH

First Reading

Second Reading

Third Reading

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An Act to amend The Public Health Act

(Assented to _____, 1970)

HER 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 2 is amended by striking out clause (r).
3. Sections 3, 4 and 5 are struck out and the following sections substituted:
 3. (1) There shall be a Provincial Board of Health consisting of the following members, namely,
 - (a) the Deputy Minister of Health, who shall be chairman,
 - (b) the Director of the Division of Environmental Health of the Department of Health, who shall be vice-chairman,
 - (c) the Director of the Provincial Laboratory of Public Health, and
 - (d) any other members appointed by the Lieutenant Governor in Council.
 - (2) The members of the Provincial Board appointed by the Lieutenant Governor in Council may be paid such remuneration as may be prescribed by the Lieutenant Governor in Council.
 - (3) In accordance with *The Public Service Act, 1968* the following officers shall be appointed, namely,
 - (a) the Director of the Division of Environmental Health of the Department of Health, and
 - (b) the Director of the Provincial Laboratory of Public Health.
4. (1) The vice-chairman of the Provincial Board shall act as the chairman in the event of the absence or in-

Explanatory Notes

1. This Bill amends chapter 255 of the Revised Statutes.

2. The definition of "Provincial Medical Officer of Health" is removed as that office is being abolished, and his functions transferred to the Deputy Minister of Health.

3. Sections 3, 4 and 5 presently read:

3. There shall be a board of health in the Province which shall be known as the Provincial Board of Health and consist of the Provincial Medical Officer of Health, who shall be chairman, the Provincial Sanitary Engineer and the Provincial Bacteriologist.

4. (1) In the absence of the chairman from any meeting the Provincial Board shall appoint one of its members present to act as chairman during the meeting, and the acting chairman shall perform all duties of the chairman under this Act.

(2) Any order, instrument or other document made or issued under this Act or the regulations or any other Act or regulations thereunder and that may be or is required to be made or signed by the chairman may be signed by any member of the Provincial Board in the absence of the chairman.

5. (1) The Provincial Board shall meet three times a year and at such other times and at such places as may be fixed from time to time by resolution of the Provincial Board.

(2) Two members constitute a quorum for the transaction of business, and they have power to make and adopt rules regulating the transaction of business and may provide therein for the appointment of committees to whom they may delegate authority and power for the work committed to them.

The new sections bring the constitution of the Provincial Board of Health up to date.

ability to act of the chairman or in the event of vacancy in the office of Deputy Minister of Health, and when so acting has the powers and duties of the chairman.

(2) A regulation, order, approval, instrument or other document that the Provincial Board is empowered or required to make may be made or signed on its behalf by the chairman or vice-chairman of the Provincial Board.

(3) A regulation, order, approval, instrument or other document purporting to be signed by the chairman or vice-chairman of the Provincial Board on behalf of the Provincial Board shall be admitted in evidence as *prima facie* proof

(a) that the regulation, order, approval, instrument or document is the act of the Provincial Board or a quorum thereof, and

(b) that the person signing it was duly authorized to do so,

without proof of the appointment of the person signing it or of his signature.

5. (1) The Provincial Board shall meet at the call of the chairman and at such other times as may be fixed by resolution of the Board.

(2) A majority of the members of the Provincial Board constitute a quorum.

(3) The Provincial Board may make rules respecting the calling of meetings, the conduct of business thereat and generally as to the conduct of its business and affairs.

4. Sections 26 and 28 and section 29, subsection (3) are amended by striking out the words "Provincial Medical Officer of Health" and by substituting the words "Deputy Minister of Health".

5. The following section is added after section 42a:

42b. (1) No person shall for the purposes of inducing euphoria, hallucinations or intoxication

(a) inhale, administer or otherwise introduce into his respiratory system, or

(b) assist or cause another to inhale, administer or otherwise introduce into his respiratory system an intoxicating vapour.

(2) No person shall for the purpose of inducing euphoria, hallucinations or intoxication

(a) manufacture for himself or another, or

(b) give, sell or otherwise distribute

4. See note to clause 2 of this Bill. Sections 26, 28 and 29 contain the only other references in the Statutes to the Provincial Medical Officer of Health.

5. Prohibition against sniffing intoxicating vapours.

any regulated matter which emits, gives off or produces or can be made to emit, give off or produce an intoxicating vapour.

(3) In this section,

- (a) “regulated matter” means plastic solvents, adhesive cement, cleaning agents, glue, dope, nail polish remover, lighter fluid, gasoline, paint or lacquer thinner or any other matter specified by a regulation of the Lieutenant Governor in Council as a regulated matter for the purpose of this section;
- (b) “intoxicating vapour” means any vapour, fume or liquid that is emitted, given off or produced from a regulated matter.

(4) This section does not apply to

- (a) the manufacture or sale of a regulated matter for medical purposes, or
- (b) to the inhalation, administration or other introduction of an intoxicating vapour into the respiratory system under the supervision of a duly qualified medical practitioner, or
- (c) a duly qualified medical practitioner or dentist or a person acting under his direction who assists or causes another to inhale, administer or otherwise introduce into his respiratory system an intoxicating vapour.

(5) A person who contravenes a provision of this section is guilty of an offence and liable on summary conviction to a fine of not more than \$100 and in default of payment to imprisonment for a term of not more than 30 days.

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

