

1982 BILL 30

---

Fourth Session, 19th Legislature, 31 Elizabeth II

---

THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 30**

**PUBLIC HEALTH AMENDMENT ACT, 1982**

---

---

THE MINISTER OF SOCIAL SERVICES  
AND COMMUNITY HEALTH

---

---

First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

---

---

## BILL 30

1982

### PUBLIC HEALTH AMENDMENT ACT, 1982

(Assented to \_\_\_\_\_, 1982)

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

1 *The Public Health Act is amended by this Act.*

2 *Sections 1 to 5 are repealed and the following is substituted:*

1 In this Act,

(a) “communicable disease” means an illness caused by an organism or micro-organism or its toxic products which is transmitted directly or indirectly to a person from an infected person, an animal or the environment;

(b) “council” means, except in section 30,

(i) the council of a city, town, village, summer village, municipal district or county,

(ii) the board of administrators of a new town,

(iii) in the case of an improvement district or a special area, the Minister of Municipal Affairs or a person he designates in writing for the purpose, and

(iv) in the case of a Metis settlement, the Minister of Municipal Affairs or a person he designates in writing for the purpose;

(c) “Department” means the Department of Social Services and Community Health;

(d) “executive officer” means a person designated as an executive officer under section 23.4;

(e) “health unit” means a health unit established or deemed to be established under this Act;

## Explanatory Notes

1 This Bill will amend chapter P-27 of the Revised Statutes of Alberta 1980.

2 Sections 1 to 5 presently read:

1 In this Act,

(a) "Board" means the Provincial Board constituted by this Act;

(b) "communicable disease"

(i) means an illness due to an infectious agent or its toxic products which is transmitted directly or indirectly to a well person from an infected person or animal, or through the agency of an intermediate animal host, of a vector, or of the inanimate environment, and

(ii) includes anthrax, botulism, brucellosis (undulant fever), chancre, chicken pox, cholera, conjunctivitis (acute infectious), diarrhoea of the newborn (epidemic), diphtheria, diphtheria carrier-state, dysentery (amoebic), dysentery (bacillary), encephalitis (infectious, arthropodborne), food poisoning (salmonella infection), food poisoning (staphylococcus intoxication), gonorrhoea, granuloma inguinale, hepatitis (infectious), hepatitis (serum), impetigo contagiosa, influenza (epidemic), leprosy, leptospirosis, lymphogranuloma venereum, malaria, measles, meningitis (viral or aseptic), meningococcal infections, mumps, ophthalmia neonatorum (gonococcal), paratyphoid fever, paratyphoid carrier-state, pediculosis, pemphigus neonatorum (impetigo of the newborn), pertussis (whooping cough), plague, poliomyelitis (paralytic), psittacosis and ornithosis, puerperal pyrexia, Q-fever, rabies in man, relapsing fever (louse-borne), rickettsial infections, ringworm, Rocky Mountain spotted fever, rubella, scabies, scarlet fever and streptococcal sore throat, smallpox, syphilis, tetanus, trichinosis, tuberculosis, tularaemia, typhoid fever, typhoid carrier-state, typhus (louse-borne), venereal diseases, Vincent's infection (of mouth or throat), yellow fever, and any disease which the Board with the approval of the Lieutenant Governor in Council declares to be a communicable disease;

- (f) “hospital” means an approved hospital as defined in the *Hospitals Act*;
- (g) “local board” means the local board of a health unit;
- (h) “medical officer” means a medical officer designated under this Act or otherwise employed as a medical officer for the purposes of this Act;
- (i) “Minister” means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;
- (j) “municipality” means, except in section 30, a city, town, new town, village, summer village, municipal district, county, improvement district, special area and Metis settlement;
- (k) “nuisance” means a condition that is or might become injurious or dangerous to health, or that might hinder in any manner the prevention or suppression of disease;
- (l) “owner” means
- (i) the registered owner, and
  - (ii) any person in the actual or apparent possession or control
- of land or a premises;
- (m) “Provincial Board” means the Provincial Board of Health established under section 2;
- (n) “public place” includes
- (i) public conveyances and stations and terminals used in connection with them,
  - (ii) places of business and places where business activity is carried on,
  - (iii) institutions,
  - (iv) places of entertainment or amusement,
  - (v) dining facilities and licensed premises,
  - (vi) accommodation facilities,
  - (vii) recreation facilities,
  - (viii) medical and social care facilities, and
  - (ix) any other place visited by or accessible to the public.

- (c) *“Deputy Minister” means a Deputy Minister of the Department of Social Services and Community Health designated by the Minister as the Deputy Minister for the purposes of this Act;*
- (d) *“executive officer” means any officer appointed by proper and competent authority for the enforcement of this Act or any other law, order or regulation relating to the public health;*
- (e) *“health district” means a health district as defined in or constituted under section 16;*
- (f) *“health unit” means a health unit constituted under the Health Unit Act;*
- (g) *“house” includes*
- (i) *a school, factory or other building,*
  - (ii) *a hut or tent for human habitation, whether used permanently or temporarily and whether stationary or movable, and*
  - (iii) *an outhouse used for any purpose;*
- (h) *“local board” means the local board of health of a health district;*
- (i) *“maternity home”*
- (i) *means a house in which one or more pregnant women receive nursing or other care during the confinement period in return for a money payment or other compensation, and*
  - (ii) *includes every house used or known as a nursing or children’s home;*
- (j) *“medical officer of health” means any medical officer of health appointed under this Act;*
- (k) *“Minister” means the Minister of Social Services and Community Health;*
- (l) *“nuisance” means any condition existing in any locality and that is or that might become injurious or dangerous to health or that might hinder in any manner the prevention or suppression of disease;*
- (m) *“owner”*
- (i) *means the registered owner, and*
  - (ii) *includes any person in the actual or apparent possession or control of any land or premises;*
- (n) *“public place” means any hotel, restaurant, church, railroad station, barber shop, saloon, manufacturing plant, store, hospital, theatre or other place of amusement, public or private school, public building, public institution, or other place visited by or accessible to the public;*
- (o) *“street” means a highway, road, square, lane, mews, court, alley and passage, whether a thoroughfare or not;*
- (p) *“unorganized territory” means territory not included in a city, town, village, county or municipal district.*

**2(1)** There is hereby established a Provincial Board of Health consisting of at least 7 but not more than 11 members who shall be appointed by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council shall designate members as chairman, vice-chairman and secretary of the Provincial Board.

(3) The vice-chairman shall act as chairman in the event of the absence or inability to act of the chairman.

(4) The members of the Provincial Board shall elect from their number an alternate vice-chairman, who shall act as chairman in the event of the absence or inability to act of the chairman and vice-chairman.

(5) The vice-chairman and alternate vice-chairman when acting under subsection (3) or (4) have the authority and duties of the chairman.

(6) The members of the Provincial Board shall be appointed for terms not exceeding 3 years and may be reappointed for additional terms.

(7) The members of the Provincial Board may be paid remuneration prescribed by the Lieutenant Governor in Council.

(8) A member of the Provincial Board continues to hold office after the expiry of his term until

(a) the expiration of 30 days, or

(b) his successor is appointed,

whichever occurs first.

(9) Notwithstanding any vacancy in the membership of the Provincial Board, if at least 7 members remain in office, the remaining members have, and may exercise and perform, the authority, duties and functions of the Provincial Board.

(10) The Provincial Board shall meet at the request of the Lieutenant Governor in Council, at the call of the chairman and at the times fixed by resolution of the Provincial Board.

(11) The Provincial Board may make rules governing the calling of meetings, the procedure to be used at meetings and the conduct of the meetings.

(12) Any secretarial or clerical assistance that the Provincial Board requires may be provided by the Minister.

*Provincial Board of Health*

2(1) *There shall be a Provincial Board of Health consisting of*

- (a) the Deputy Minister, who shall be chairman,*
- (b) the Director of the Provincial Laboratory of Public Health, and*
- (c) any other members appointed by the Lieutenant Governor in Council.*

*(2) The Minister may appoint a member of the Board as a vice-chairman of the Board.*

*(3) The members of the Board appointed by the Lieutenant Governor in Council may be paid the remuneration prescribed by the Lieutenant Governor in Council.*

*(4) In accordance with the Public Service Act there shall be appointed a Director of the Provincial Laboratory of Public Health.*

*3(1) The vice-chairman of the Board shall act as the chairman in the event of the absence or inability to act of the chairman or in the event of vacancy in the office of the Deputy Minister, and when so acting has the powers and duties of the chairman.*

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

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

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

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

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

*4(1) The Board shall meet at the call of the chairman and at any other times fixed by resolution of the Board.*

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

*(3) The Board may make rules respecting the calling of meetings and the conduct of business at them and generally as to the conduct of its business and affairs.*

*5(1) The Board shall take cognizance of the interests of health and life among the people of Alberta, and in particular it shall*

*(a) classify, tabulate and study the vital statistics of Alberta and endeavour to make an intelligent and profitable use of the collected records of death and of sickness among the people,*

**3** The Provincial Board shall

- (a) advise the Lieutenant Governor in Council through the Minister on matters pertaining to public health,
- (b) conduct reviews under section 4, and
- (c) perform any other duties and functions the Lieutenant Governor in Council assigns to it.

**4(1)** A person who

- (a) is directly affected by an act done or decision made by a local board or by a member of its staff in the course of carrying out this Act or the regulations,
- (b) considers himself aggrieved by the act or decision, and
- (c) is, after taking reasonable steps in an attempt to resolve the matter with the local board, unable to do so,

may, within 30 days after the act or decision complained of, request the Provincial Board to review the act or decision.

(2) The Provincial Board shall, if it is satisfied that the requirements of subsection (1) have been met, review the act or decision within 30 days after receiving the request, and shall give the person making the request and the local board an opportunity to make representations.

(3) Notwithstanding subsections (1) and (2), the Provincial Board may, if it considers it appropriate to do so, extend the time within which a review may be requested under subsection (1) or within which it must act under subsection (2).

(4) For the purposes of conducting a review under this section, the Provincial Board has all the authority and immunities of a commissioner appointed under the *Public Inquiries Act*.

(5) The Provincial Board may confirm, reverse or vary the act or decision of the local board and shall give written notice of its decision to the person requesting the review and the local board.

**5(1)** The person requesting the review may, within 30 days after receipt of the written notice under section 4(5), appeal the decision to the Court of Queen's Bench by originating notice.

(2) The originating notice shall state the reasons for the appeal and shall be served on the chairman of the local board and any other person the Court directs not less than 15 days before the motion is returnable, and the practice and procedure of the Court pertaining to applications by originating notice applies to an application under this section, except as otherwise provided by this section.



*(b) make investigations and inquiries respecting sanitation, the causes of disease, epidemics and mortality, and the effects of localities, employments, conditions, habits and other circumstances on the health of the people, and*

*(c) make whatever suggestions and take whatever steps for the prevention, limitation and suppression of communicable diseases that it considers most effective and proper.*

*(2) The Board shall inquire*

*(a) into the measures that are being taken by local boards or by boards of health units for the limitation of any dangerous or communicable disease, and*

*(b) into the performance of any duty, or the exercise of any power, conferred on local boards or boards of health units under this or any other Act,*

*and should it appear*

*(c) that efficient measures are not being taken, or*

*(d) that any duty or power is not being performed or exercised by a local board or by a board of a health unit,*

*the Board shall, in the interests of the public health, require the local board or the board of the health unit, as the case may be, to perform its duties and to exercise any of its powers that in the opinion of the Board the urgency of the case demands that it should exercise.*

*(3) If a local board, or the board of a health unit, then neglects or refuses to perform those duties or to exercise those powers, the Board may*

*(a) at the expense of the city, town, village, county or municipal district in question, perform or exercise any of the duties or powers of the local board or the board of the health unit that under the circumstances the Board considers it necessary to perform or exercise, and*

*(b) give directions to officers of the Government or the local board or the board of the health unit with regard to the means to be adopted to safeguard the public health, including directions as to the location, drainage and water supply of any houses or public places, the disposal of excreta from them, and the methods of heating, lighting and ventilation to be adopted in them.*

(3) The application shall be supported by an affidavit of the applicant setting forth fully all the facts in support of the application.

(4) An appeal under this section shall be a rehearing of the matter on the merits and, in addition to any further evidence adduced by the applicant, the Court may direct that any transcript or minutes taken by the Provincial Board at the review be put in evidence on the appeal and may direct that further evidence be given as it considers necessary.

(5) An order of the Court under this section is not subject to appeal.

(6) The Court may make whatever order as to the costs of the application that it considers fit.

(7) The Court, on hearing the appeal, may make any findings of fact that in its opinion ought to have been made and may

(a) confirm, reverse or vary any decision or order made by the Provincial Board or substitute its own decision for the decision of the Provincial Board, or

(b) refer the matter back to the Provincial Board for further consideration by it.

**3 Section 6 is amended**

*(a) in subsection (1)*

*(i) by striking out "Board may, subject to the approval of the Lieutenant Governor in Council," and substituting "Lieutenant Governor in Council may";*

*(ii) by repealing clause (a) and substituting the following:*

(a) the management, maintenance, functions, duties, and jurisdiction of local boards;

(a.1) the management, functions, duties, qualifications, appointments, conditions of employment and dismissal and jurisdiction of staff of local boards;

*(iii) by repealing clauses (b) and (b.1) and substituting the following:*

(b) the cleansing, purifying, lighting, heating, ventilating, plumbing and disinfecting of public places by the owner of them;

(b.1) the inspection of public places;

**3** Section 6 presently reads in part:

*6(1) The Board may, subject to the approval of the Lieutenant Governor in Council, make regulations for the protection and improvement of health and the prevention, mitigation and suppression of disease, and in particular, but without limiting the generality of the foregoing, it may make regulations in respect of the following matters:*

*(a) the management, maintenance, functions, duties, qualifications, appointments, dismissal and jurisdiction of local boards, boards of health units, medical and sanitary staff of health units, medical officers of health, executive officers or any class of executive officers;*

*(b) the cleansing, purifying, lighting, heating, ventilating, plumbing and disinfecting of houses, public and charitable institutions, buildings and places of assembly, public places and carriages, cars and other public conveyances by the owners and occupiers or persons having the care and management thereof;*

*(b.1) the inspection of hospitals, jails, orphanages, maternity homes, reformatories, houses, buildings and places of assembly, public places and carriages, cars and other public conveyances;*

*(s) the employment, maintenance, duties and management of one or more public health nurses in any health district as and when required by the Board;*

*(iv) by repealing clause (s);*

*(v) in clause (u.1) by striking out “and boards of health units”;*

*(vi) in clause (w) by striking out “Board” and substituting “Lieutenant Governor in Council”;*

*(vii) by adding the following after clause (y):*

**(y.1) respecting the kinds and levels of services that must be provided by local boards;**

**(y.2) respecting the kinds and levels of services that may be provided by local boards;**

**(y.3) respecting accounting policy and procedures of local boards, including the manner of funds administration by local boards;**

**(y.4) respecting the manner in which local boards may borrow money, the rate of interest on that borrowing, the terms of borrowing and the periods of borrowing for the purposes of section 23.3(2)(d);**

**(y.5) prescribing the form and manner of submission of the copy of the budget, and the date prior to which it must be submitted for the purposes of section 23.5(1);**

**(y.6) requiring a local board to submit reports to the Minister or a person designated by him and prescribing the form of the reports, the manner of submission and the time within which they must be submitted;**

**(y.7) respecting the establishment of committees to carry out certain of the activities of a local board specified in the regulations;**

**(y.8) specifying professions and occupations for the purposes of section 32.1(6)(i);**

**(y.9) respecting the manner of publication of notice of a contravention of this Act or the regulations for the purposes of section 41;**

*(b) by repealing subsection (2) and substituting the following:*

**(2) Regulations under subsection (1) may be made applicable to all of Alberta or may be limited in their application to a part or parts of Alberta.**

*(u.1) the responsibility of local boards and boards of health units for the treatment and maintenance of persons suffering from a communicable disease, the persons by whom and the manner in which the expense of the treatment is to be borne and the method of determining the residence of persons so suffering;*

*(w) the prohibition of the use of any specified substance or substances, or of any of the derivatives of any such substances, for the disinfestation or disinfection of any building by any person who is not authorized by the Board to use the substance or derivative, and the authorization of persons to use such a substance or derivative and the method in which it may be used;*

*(2) Any regulations may be made applicable to a portion or portions of Alberta only, and may be enforced at the expense of any city, town, village, county or municipal district in whole or in part affected by them, or at the expense of any other portion of Alberta affected by them.*

*4 Sections 7 and 8 are repealed and the following is substituted:*

**7** The Minister may enter into agreements with the Government of Canada, the government of another province and any person or association of persons for the purpose of providing or facilitating the provision of any services under this Act.

**8(1)** In this section, “municipal nurse” has the meaning assigned to it in the *Nursing Service Act*.

(2) If a health unit includes an area being served by a municipal nurse, the local board, with the approval of the Lieutenant Governor in Council, may enter into an agreement with the municipality or municipalities employing the municipal nurse whereby the local board is authorized to administer and operate the municipal nursing service in that area on behalf of the municipality or municipalities.

**8.1** With the approval of the Lieutenant Governor in Council, the Minister, if for any reason he considers it inadvisable or impractical for a health unit to provide emergency treatment services or any other services that this Act or the regulations require or permit a health unit to provide in any area, may provide those services in that area.

**8.2** With the approval of the Lieutenant Governor in Council and on any terms and conditions that the Lieutenant Governor in Council may specify in each case, the Minister may give financial assistance to a health unit that, through circumstances beyond its control, is faced with expenses that place too great a burden on its financial resources.

**8.3** The Minister may in writing delegate any power, duty or function conferred on him by this Act or the regulations to any employee of the department or any member, officer or employee of an agent of the Crown in right of Alberta.

*5 The heading “Pasteurization of Milk” preceding section 9 is struck out.*

*6 Section 9 is amended by striking out “Board” wherever it occurs and substituting “Lieutenant Governor in Council”.*

4 Sections 7 and 8 presently read:

*7(1) The expenses incurred by the Board for the purposes of public health and the suppression, prevention and mitigation of diseases, as well as in connection with any epidemic occurring outside any city, town, village, county or municipal district, shall be defrayed out of money voted by the Legislature for that purpose.*

*(2) The expenses incurred by local boards or by the medical officers of health or executive officers of local boards in connection with an epidemic or in the execution of or in the superintending of the execution of this Act and the regulations shall be borne by the cities, towns, villages, counties or municipal districts having jurisdiction over the respective places affected.*

*8(1) In the event of a dispute or uncertainty as to the amount payable by a health district to any other health district, the Minister may apply in a summary way to the Court of Queen's Bench to adjudge the amount payable by the health district.*

*(2) The Court may adjudge and fix the amount payable and give all proper and necessary directions for that purpose, and the order adjudging the amount has the operation and effect of a judgment of the Court against the health district and in favour of Her Majesty.*

5 Repeal of heading.

6 Section 9 presently reads:

*9(1) In this section "pasteurization" means the process of*

- (a) heating every particle of milk to a temperature set by the Board,*
- (b) holding it at that temperature for the time set by the Board, and*
- (c) cooling it immediately thereafter to a temperature set by the Board.*

*(2) Subject to this section, the council of a municipality may pass a by-law for the purpose of requiring the pasteurization of all milk sold, offered for sale or delivered within the limits of the municipality before the milk is sold, offered for sale or delivered.*

7 The heading **“Abatement of Nuisances”** preceding section 10 is struck out.

8 Section 10 is amended by striking out **“Board”** wherever it occurs and substituting **“Minister”**.

9 The heading **“Medical Officers of Health”** preceding section 11 and sections 11, 12, 13 and 14 are repealed.



*(3) No by-law under this section shall be finally passed until it has been approved by the Board.*

*(4) No by-law under this section applies to milk brought into the municipality by the producer and sold by wholesale to a distributor, a milk processing plant, a creamery or a cheese factory, or to products of milk prepared in a plant and by methods approved by the Board.*

**7** Repeal of heading.

**8** Section 10 presently reads:

*10(1) The Board may inquire into and hear and determine any complaint made by or on behalf of any person in respect of a nuisance.*

*(2) The Board may make a report on a complaint and as to what remedial measures, if any, that it considers are required in respect of the nuisance complained of.*

*(3) When the report of the Board recommends the removal of a thing causing a nuisance or the abatement of a nuisance, the Minister or the complainant may apply to the Court of Queen's Bench by way of originating notice for an order*

*(a) for the removal of the cause of the nuisance or abatement of the nuisance in terms of the report of the Board, and*

*(b) to restrain the persons from continuing the nuisance, or any other persons from continuing the acts complained of, until the nuisance has been abated, or the cause of the nuisance removed, to the satisfaction of the Board.*

*(4) The Court may, on the report of the Board, or on any further evidence it thinks necessary, make such order and on such terms and conditions as it considers proper.*

**9** Sections 11 to 14 presently read:

*Medical Officers of Health*

*11 If the Deputy Minister considers the appointment of a medical officer of health in unorganized territory temporarily necessary, he may with the approval of the Lieutenant Governor in Council make the appointment, and the expenses thereof shall be borne by the Government.*

*12 In unorganized territory, the Board may do and perform all matters and things required or authorized by this Act or the regulations to be done or performed by a local board.*

*13(1) If the Deputy Minister considers the appointment of a medical officer of health in any village, county or municipal district temporarily necessary, he shall by notice in writing direct the local board of the village, county or municipal district to make the appointment, and the local board shall bear the expense thereof.*

10 The heading "**Postponement of Elections**" preceding section 15 is struck out.

11 Section 15(1) is repealed and the following is substituted:

**15(1)** In this section, "epidemic" means the occurrence of cases of a communicable disease in a number that exceeds normal expectancy.

(1.1) If, on the advice of the Provincial Board, the Lieutenant Governor in Council is satisfied that the presence in any health unit of an epidemic would make the holding of an intended election dangerous to the health of the public, the Lieutenant Governor in Council may,

(a) issue a proclamation postponing the holding of the election for a period not exceeding 3 months, and

(b) from time to time further postpone the election if, in the opinion of the Provincial Board, the necessity for the postponement continues.

12 The heading "**Health Districts**" preceding section 16 and sections 16 to 23 are repealed and the following is substituted:

**16(1)** The Lieutenant Governor in Council may establish any area of Alberta as a health unit.

*(2) The local board shall within 3 days make the appointment and advise the Deputy Minister of its compliance with the notice and of the name of the person appointed.*

*(3) If the local board neglects to make the appointment in compliance with the conditions contained in the notice, the Deputy Minister may, with the approval of the Lieutenant Governor in Council, make the appointment and arrange the remuneration of the medical officer of health, which shall be paid by the local board and is recoverable by the medical officer of health as an ordinary debt.*

*14(1) A medical officer of health, who must be a physician, shall be appointed in every city and town by the council.*

*(2) When any medical officer of health in a city or town becomes temporarily or permanently incapable of performing his duties, resigns his office or leaves the locality for which he has been appointed, the council shall forthwith appoint another medical officer of health in his place.*

*(3) If a council fails to make an appointment in accordance with this section, the Deputy Minister may, with the approval of the Lieutenant Governor in Council, make the appointment and arrange the remuneration of the medical officer of health which shall be paid by the council and is recoverable by the medical officer of health as an ordinary debt.*

**10** Repeal of heading.

**11** Section 15(1) presently reads:

*15(1) If the Board reports to the Lieutenant Governor in Council that on account of the presence in a health district of an epidemic or contagious disease it would be dangerous to hold an election in the health district, the Lieutenant Governor in Council may,*

*(a) issue a proclamation postponing the holding of an intended election for a period not exceeding 3 months, and*

*(b) from time to time further postpone the election if, in the opinion of the Board, the necessity for postponement continues.*

**12** Sections 16 to 23 presently read:

*16(1) For the purposes of this Act each city, town, village, county and municipal district is constituted a health district.*

*(2) The Minister may constitute any portion of Alberta a health district, whether that portion lies within or outside an existing health district or may add any such portion to an existing health district.*

(2) A health unit shall not be established in whole or in part within a municipality unless the council of the municipality by resolution requests it of the Minister.

(3) The order of the Lieutenant Governor in Council establishing a health unit shall

- (a) establish the boundaries of the health unit,
- (b) divide the health unit into wards, and
- (c) prescribe the date on which the health unit comes into operation.

**17(1)** A health district constituted under this Act that is in existence at the time this section comes into force is deemed to be a health unit established under section 16, and to consist of 1 ward, the boundaries of which are the same as the boundaries of the municipality that constitutes the health district.

(2) A health unit constituted under the *Health Unit Act* and in existence at the time this section comes into force is deemed to be a health unit established under section 16.

**18(1)** The local board of a health unit may pass a resolution requesting the alteration of the boundaries of the health unit and may submit the resolution to the Minister.

(2) The Lieutenant Governor in Council may alter the boundaries of the health unit by adding land to it or taking land from it.

**19** The Lieutenant Governor in Council may disestablish a health unit and the order shall provide for all matters pertaining to the winding-up of its affairs.

**20(1)** If a national park, penitentiary, defence establishment or Indian reserve is surrounded by or adjacent to a health unit, the local board may, with the approval of the Minister, enter into agreements for the purpose of extending the services of the health unit to the national park, penitentiary, defence establishment or Indian reserve.

(2) If a national park or an Indian reserve is surrounded by or adjacent to a health unit, the Minister may, with the approval of the local board, enter into agreements whereby the health unit may be extended to include the national park or Indian reserve.

(3) The Minister may enter into agreements to establish the area constituting a national park or an Indian reserve as a health unit.

(4) An agreement entered into under subsection (3) shall

### *Local Boards of Health*

*17(1) In a health district there shall be a local board of health, which is responsible for carrying out this Act and the regulations in the health district.*

*(2) The Board may, by regulations, delegate to the local board such of the power and authority of the Board as in the opinion of the Board is necessary to enable the local board to carry out this Act satisfactorily.*

*(3) The Board may, when it considers it necessary within any health district, carry out directly this Act or the regulations.*

*18(1) In a village, county or municipal district the local board of health shall be composed of*

- (a) the members of the council,*
- (b) the medical officer of health, if any, and*
- (c) the sanitary inspector, if any,*

*and the secretary-treasurer of the council shall be the secretary of the local board.*

*(2) When a health district is formed within an existing health district, or outside a city, town, village, county or municipal district, the Minister shall nominate the members of the local board.*

*(3) In a city or town the local board shall consist of*

- (a) the mayor,*
- (b) the medical officer of health,*
- (c) the municipal engineer, if any, and*
- (d) 3 proprietary electors appointed by the council for a term of 3 years.*

*(4) Notwithstanding subsection (3), the local board of health of a city having a population in excess of 100 000 shall consist of*

- (a) one member of the council of the city who shall be appointed for a term of one year,*
- (b) the medical officer of health, and*
- (c) 8 residents of the city appointed by the council of the city.*

*(5) A member appointed under subsection (4)(c) shall be appointed for a term of not more than 3 years.*

*(6) A member of a local board continues to hold office after the expiry of his term of office until his successor is appointed.*

*(7) When the office of a member of the local board of a city or town is vacated for any reason other than the expiration of his term of office, the council may appoint a person as a member of the local board for the remainder of the term of office of the former member.*

(a) notwithstanding anything in this Act, make whatever provisions are considered necessary respecting the establishment and constitution of the local board of the health unit, and

(b) make any other provisions of this Act that are considered advisable, either as they appear in this Act or as amended by the agreement, applicable to the local board and the health unit.

**21(1)** Each health unit shall be administered by a local board.

(2) A local board shall consist of at least 5 but not more than 10 persons appointed in accordance with this section.

(3) On a local board,

(a) at least 1 of the members shall be a member of the council of a municipality wholly or partly within the health unit,

(b) if there is more than 1 ward in the health unit, each ward shall be represented by 1 member, and

(c) all of the members shall be persons who are residents of the health unit.

(4) No employee of a local board may be a member of that local board.

(5) If a health unit consists of only 1 municipality, all of the members of the local board shall be appointed by the council of that municipality.

(6) If there is more than 1 municipality wholly or partly within a ward, the member representing that ward shall be appointed by 1 of the councils of the municipalities in a manner agreed on by the councils.

(7) A member of a local board who is a member of a council shall be appointed for a term of 1 year and a member who is not a member of a council shall be appointed for a term of not more than 3 years.

**22(1)** Subject to subsection (2), the local boards of health of health districts referred to in section 17(1) and boards of health units referred to in section 17(2) continue as the local boards of the health units for the purposes of this Act, and the members continue to be members until they are reappointed or replaced under this Act.

(2) If, on the coming into force of this section, a local board continued by virtue of subsection (1) does not meet the requirements of section 21(2) to (4), the council or councils, as the case may be, shall, within 6 months after the coming into force of

*19(1) A majority of the voting members of a local board constitute a quorum for the transaction of business.*

*(2) The members of a local board shall elect a chairman from among their number.*

*(3) The medical officer of health shall not vote on any matter before a local board and is not eligible to be chairman of a local board.*

*20 The local medical officer of health shall, in the intervals between the meetings of the local board, exercise the authority and perform the duties of the local board.*

*21(1) The local board of health of a city having a population in excess of 100 000 is a corporation consisting of the members of the local board and with a name consisting of the name of the city followed by the words "Local Board of Health".*

*(2) A local board of health established as a corporation pursuant to this section has the power*

*(a) with the approval of the Minister, to acquire and alienate in any manner any estate or interest in real property, and*

*(b) to invest in any manner approved by the Minister any funds not required for immediate use.*

*22(1) If a local board neglects or refuses to perform any duty imposed on it by this Act or the regulations, every member of the local board is guilty of an offence, except that a member is not guilty of an offence if he establishes to the satisfaction of the court that he was willing and ready at all times to do the things within his power and authority that were necessary for the proper performance by the local board of its duties.*

*(2) If the council of a city, town, village, county or municipal district fails to appoint or organize, as the case may be, its local board in January of each year, the city, town, village, county or municipal district, as the case may be, is guilty of an offence and liable to a fine of \$50.*

*23(1) The local board of a city, and the local board of a health district that has within its area a city or town, may, with the approval of the council of the city or town, as the case may be, make provision for*

*(a) the supply of medical, dental and surgical services to any persons or class or classes of persons within the health district, and*

*(b) without derogating from the generality of the foregoing, the care of the health of all children attending school within the health district, all children of pre-school age and expectant mothers.*

*(2) For the purposes of subsection (1), the local board may*

*(a) employ any physicians, dentists and nurses it considers proper, and prescribe the terms of employment, remuneration and duties of any person so employed, and*

*(b) enter into an agreement with a school authority that is wholly or partially situated within the health district whereby the local board may undertake the provision of any or all of the services mentioned in subsection (1) that the school board is empowered or is under a duty to provide pursuant to the School Act.*

this section, take whatever steps are necessary under section 21 to constitute the local board so that it meets those requirements.

**23(1)** When the office of a member of a local board is vacated for any reason other than the expiration of his term of office, a person may be appointed, in the same manner as the former member was appointed, for the remainder of the former member's term.

(2) Notwithstanding any vacancy in the membership of a local board, if at least 5 members remain in office, the remaining members have, and may exercise and perform, the authority, duties and functions of the local board.

(3) A member of a local board continues to hold office after the expiry of his term until

(a) the expiration of 30 days, or

(b) his successor is appointed,

whichever occurs first.

**23.1** If a local board is at any time not constituted in accordance with this Act, the Minister may appoint the members necessary to properly constitute the local board.

**23.2(1)** A local board may pass a resolution requesting the alteration of the manner of appointment of its members under section 21(5) and (6) and may submit the resolution to the Minister.

(2) The Lieutenant Governor in Council may, by order, approve the alteration of the manner of appointment of members of the local board in accordance with the local board's request and, thereafter

(a) the members of the local board shall be appointed in accordance with the manner of appointment as altered and approved, and

(b) no appointment made in accordance with the altered manner of appointment is valid until the alteration of the manner of appointment is approved in accordance with this section.

**23.3(1)** A local board is a corporation.

(2) A local board has the authority

(a) to receive, administer and spend funds received by it;

(b) with the approval of the Minister, to acquire, hold and alienate in any manner real property or any interest in real property;



*(3) An agreement made pursuant to subsection (2) shall be for a period of not less than 3 years from the date of its execution and may be determined*

*(a) by agreement between all the parties to it, or*

*(b) by any party giving one year's notice in writing of its desire to terminate the agreement after*

*(i) that party has passed, not later than November 1 in any year, a resolution authorizing the termination of the agreement, and*

*(ii) the resolution referred to in subclause (i) has been submitted to a vote of the electors of the district that is desirous of terminating the agreement and has been approved by a majority of the electors voting on it.*

*(4) When the party desirous of determining an agreement is a town school district and it has passed a resolution for that purpose, the secretary of the district shall, within 7 days after the passing of the resolution, deliver a certified copy of it to the clerk of the city or the secretary-treasurer of the town, as the case may be.*

*(5) After the certified copy of the resolution has been so delivered the question as to whether or not the resolution is to be ratified shall be submitted to the electors of the town school district*

*(a) at the same time as is fixed for the annual election of members of the council of the city or town, and*

*(b) in the same manner as is provided for the submission of a plebiscite for the approval of the electors of the city or town.*

(c) to invest in any manner approved by the Minister any funds not required for immediate use;

(d) to borrow money in the manner, at the rate of interest, pursuant to the terms and for the periods prescribed in the regulations;

(e) to authorize the payment to the members of the local board of

(i) remuneration for carrying out their duties as members, and

(ii) reasonable allowances for travelling, subsistence and out of pocket expenses incurred while carrying out their duties as members.

(3) Subject to subsection (2)(e), a local board shall not employ the services of any of its members in any capacity for remuneration or reward.

(4) A local board shall elect one of its members as chairman.

(5) A local board shall hold meetings at least 10 times a year.

(6) If, pursuant to regulations under this Act a committee is established to carry out certain of the activities of a local board, the committee has the local board's authority, duties and functions that are necessary to enable the committee to carry out those activities.

**23.4(1)** A local board shall

(a) provide the office accommodation and equipment required for the work of the health unit;

(b) determine the location of the office or offices of the staff of the health unit;

(c) employ a secretary for the local board;

(d) employ the staff required for the operation of the health unit;

(e) designate a member of its staff as a medical officer;

(f) designate members of its staff as executive officers for the purpose of carrying out this Act and the regulations;

(g) designate the member of its staff who shall be the chief executive officer of the health unit, who shall in the intervals between meetings of the board exercise the authority and perform the duties of the local board;



(h) designate the member of its staff who shall be the assistant chief executive officer of the health unit, who shall in the absence or incapacity of the chief executive officer assume the duties of the chief executive officer;

(i) do all things necessary to administer the health unit and to provide the services prescribed in the regulations.

(2) The Minister may appoint a medical officer if a local board fails to do so.

**23.5(1)** A local board shall, before each fiscal year, prepare a budget of its estimated expenses for that fiscal year and shall submit a copy to the Minister in the form and manner and prior to the date prescribed in the regulations.

(2) If the Minister approves the budget of a local board for a fiscal year he may, out of money appropriated by the Legislature for the purpose, pay grants to the local board for health unit services provided in that fiscal year.

**23.6(1)** A local board shall appoint an official auditor.

(2) The books and accounts of a health unit shall be audited by the official auditor and copies of the report of the auditor shall be sent to each member of the local board and the Minister within 90 days after the end of each fiscal year of the health unit.

(3) A local board may, with the written consent of the Minister, retain at the end of a fiscal year any unexpended balance of the grants that are shown to be surplus by the audited financial statement prepared under subsection (2).

(4) A local board shall prepare financial disbursement statements quarterly in the form and manner prescribed by the Minister pursuant to estimates in the budget and shall forward a copy of those statements to the Minister within 30 days after the end of each quarter.

(5) The records, books and accounts of a local board may be inspected at any time by the Minister, and the local board shall, for that purpose, give to the Minister free access to the records, books and accounts.

**23.7** A local board shall perform the duties and may exercise the powers imposed on or given to it under this Act and the regulations.

**23.8** A local board

(a) shall provide the services that it is required by the regulations to provide, and

(b) may provide



(i) any other services that the regulations permit it to provide, and

(ii) diagnostic or treatment services for those communicable diseases and other conditions that are prescribed in the regulations.

**23.9(1)** The Minister may for cause dismiss the members of the local board and appoint an official administrator in their place.

(2) An official administrator appointed under subsection (1)

(a) has all the authority conferred by this Act and the regulations on a local board,

(b) shall perform all the duties of a local board imposed on it by this Act and the regulations, and

(c) shall be paid a salary determined by the Minister together with proper expenses, as an operating expense of the local board.

(3) The Minister may terminate at any time the appointment of an official administrator and restore the affairs of the health unit to a local board established in accordance with this Act.

*13 The heading “Advisory Council of Nursing” preceding section 24 is repealed.*

*14 The heading “Miscellaneous” preceding section 25 is repealed.*

*15 Section 25 is repealed.*

*16 Section 32 is amended*

*(a) in subsection (1) by striking out “Board” and substituting “Lieutenant Governor in Council”;*

*(b) by repealing subsection (2).*

**13** Repeal of heading.

**14** Repeal of heading.

**15** Section 25 presently reads:

*25 An executive officer who is certified by the Board to be capable of performing vaccinations or inoculations may vaccinate or inoculate any person who desires to be vaccinated or inoculated.*

**16** Section 32 presently reads:

*32(1) The provisions of this Act prevail over the provisions of any other Act with which they conflict, and any regulation made by the Board in respect of any matter over which it has jurisdiction prevails over any by-law, rule, order or regulation made under the authority of any other Act with which it conflicts.*

*(2) Subsection (1) does not apply to a by-law, rule, order or regulation made under the authority of any other Act if the by-law, rule, order or regulation has been approved by the Board.*

17 *The following is added after section 32:*

**32.1(1)** In this section “legal representative” means a lawyer, an executor or administrator of the estate of a deceased person, the trustee or guardian of a dependent adult under the *Dependent Adults Act* and the trustee or guardian of a minor.

(2) A local board shall cause a record to be kept of the diagnostic, preventive and treatment services provided to every person by the health unit.

(3) For the purposes of assessing the standards of care furnished to persons under this Act or improving services, facilities or procedures or for any other purpose considered by the Minister to be in the public interest, the Minister or any person authorized in writing by the Minister may require that all or any of the following be sent to the Minister or any person designated by the Minister:

(a) medical and other records in the possession of a local board;

(b) extracts from and copies of the records referred to in clause (a);

(c) diagnoses, charts or information available in respect of any person who is receiving or has received diagnostic, preventive or treatment services from the health unit.

(4) Information obtained from records referred to in subsection (3) or from persons having access to them shall be treated as private and confidential information in respect of the person who is receiving or has received diagnostic, preventive or treatment services under this Act and shall be used solely for the purposes described in subsection (3), and the information shall not be published, released or disclosed in any manner that would be detrimental to the personal interest, reputation or privacy of that person or that person’s attending physician or nurse.

(5) Any person who knowingly and wilfully releases or discloses information described in subsection (4) to a person not authorized to receive it is guilty of an offence and is liable to a fine of not more than \$500.

(6) Notwithstanding subsection (4) or any other law, a local board, a person authorized by a local board or a physician may disclose any diagnosis, record or information relating to a person who is receiving or has received diagnostic, preventive or treatment services under this Act

(a) to any person when required by law to do so;

(b) to the person to whom the diagnosis, record or information relates or his legal representative;





(c) to a department or agency of the Government, the board of an approved hospital under the *Hospitals Act* or a physician, if the department, agency, approved hospital or physician is responsible for providing continued treatment to the person to whom the diagnosis, record or information relates or if the disclosure is necessary in the administration of this Act or the regulations or in the best interests of the person to whom the diagnosis, record or information relates;

(d) to a teacher or administrator of a school where the disclosure is in the best interests of a student in the school to whom the diagnosis, record or information relates;

(e) to another local board;

(f) to a person conducting bona fide research or medical review if the disclosure is made so as to ensure confidentiality of the diagnosis, record or information;

(g) to the Director of Medical Services under the *Occupational Health and Safety Act* when the diagnosis, record or information relates to an accident that occurred in respect of the person's occupation or former occupation, or to a disease which is related to the person's occupation or former occupation;

(h) to a Workers' Compensation Board, the Department of National Health and Welfare, the Alberta Hospital Association or a provincial hospital insurance authority, if the information is required in order to establish its liability for payment;

(i) to a person or body conducting an investigation or disciplinary proceedings pursuant to legislation governing a profession or occupation that is specified in the regulations when

(i) the diagnosis, record or information is requested by the person or body in accordance with the procedure governing the investigation or disciplinary proceedings, and

(ii) the person to whom the diagnosis, record or information relates consents to the disclosure.

(7) Notwithstanding subsection (4) or any other law, when a local board, a person authorized by a local board or a physician

(a) is unable to disclose any diagnosis, record or information relating to a person by reason of subsection (4), or

(b) refuses to disclose any diagnosis, record or information relating to a person pursuant to subsection (6),



the person or his legal representative may apply to the court for an order directing the person having the diagnosis, records or information to release them or a copy of them to the person to whom the information relates or his legal representative or to some other person named in the order.

(8) An application under subsection (7) shall be made

(a) on motion in the course of any action or proceedings to which the person to whom the diagnosis, record or information relates or his legal representative is a party, to a judge of the court in which the action or proceedings is taken, or

(b) by way of originating notice to the Court of Queen's Bench, in any other case.

(9) An application under subsection (7) shall be heard in private and on the hearing of the motion the onus of showing why the order should not be made for the release of the diagnosis, record or information, or a copy of it, is on the respondent to the motion.

*18 Section 35(1) is amended by striking out "the Board,".*

*19 Section 39 is amended*

*(a) in subsection (2) by striking out "\$500" and substituting "\$2000";*

*(b) in subsection (3) by striking out "less than \$50 nor more than \$500" and substituting "more than \$2000".*

**18** Section 35(1) presently reads:

*35(1) When, under this Act or any order or regulation under this Act, the Board, an officer of the Department of Social Services and Community Health, a local board or officer of a local board, a medical officer of health or a municipality or officer of a municipality (in this section called a "health authority") is required or permitted to serve a notice to any person (in this section called the "respondent") the notice may be served*

*(a) personally,*

*(b) if the respondent's actual address or postal address is known to the health authority, by mail, or*

*(c) subject to subsections (2) and (3), by newspaper advertisement.*

**19** Section 39 presently reads in part:

*(2) A person who contravenes a regulation made under section 6(1)(e) and prescribing the situation or method of carrying on a noxious or offensive trade or business or the abatement of any nuisance is liable to a fine of not more than \$500 for each day the regulation is contravened.*

*(3) A person who is guilty of an offence under subsection (1), if no penalty in respect of that offence is prescribed elsewhere in this Act or the regulations, is liable to a fine of not less than \$50 nor more than \$500 and in default of payment to imprisonment for a term of not more than 3 months.*

20 *Section 40 is amended*

(a) *in clause (b) by striking out “, of the board of a full-time health unit or of the Board”;*

(b) *by striking out “less than \$5 nor more than \$20” and substituting “more than \$100”.*

21 *The following is added after section 40:*

**41** A local board shall publish in accordance with the regulations notice of the particulars of a contravention of this Act or the regulations where the offence is one to which section 40 applies.

22 *Regulations made by the Provincial Board of Health before the coming into force of section 3 of this Act continue in force after the coming into force of section 3 until they are repealed or amended under section 6 of the Public Health Act as amended by this Act.*

23 *The Department of Social Services and Community Health Act is amended in section 11(1)*

(a) *in clause (a) by repealing subclause (i);*

(b) *in clause (f) by repealing subclauses (v) and (vi) and substituting the following:*

(v) a local board of a health unit under the *Public Health Act*,

24 *The Nursing Service Act is amended by striking out “established under the Health Unit Act” and substituting “under the Public Health Act” and by adding “local” before “board” wherever it occurs.*

25 *The Public Service Pension Act is amended in section 38(b) by repealing subclause (iv) and substituting the following:*

(iv) any or all health units under the *Public Health Act*,

**20** Section 40 presently reads:

*40 When a person has been convicted of an offence under this Act or the regulations, and*

*(a) the offence is in the nature of an omission or neglect or is in respect of the existence of a nuisance or other unsanitary condition that it is the person's duty to remove,*

*(b) an executive officer of the local board, of the board of a full-time health unit or the Board gives reasonable notice to the person to make good the omission or neglect or to remove the nuisance or unsanitary condition, and*

*(c) the person does not comply with the notice,*

*the person is liable to a further fine of not less than \$5 nor more than \$20 for each day he remains in default after receipt of the notice and until he complies with the notice.*

**21** Publication of contravention of Act.

**22** Transitional.

**23** Consequential.

**24** Consequential.

**25** Consequential.

26 *The Health Unit Act is repealed.*

27 *This Act comes into force on Proclamation.*



**26** Repeal.

**27** Coming into force.