

1984 BILL 25

Second Session, 20th Legislature, 33 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 25

PUBLIC HEALTH ACT

MRS. KOPER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 25
Mrs. Koper

BILL 25

1984

PUBLIC HEALTH ACT

(Assented to , 1984)

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

Definitions

1 In this Act,

(a) “biological agent” includes sera, immune globulins, vaccines and toxoids;

(a.1) “Board” means the Public Health Appeal and Advisory Board established under section 2;

(b) “carrier” means a person who, without apparent symptoms of a communicable disease, harbours and may disseminate an infectious agent;

(b.1) “certificate” means a compulsory examination and treatment certificate;

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

(c.1) “community health nurse” means a registered nurse who is employed by a local board or in the Department;

(d) “contact” means any person or animal suspected to have been in association with an infected person or animal or a contaminated environment to a sufficient degree to have had the opportunity to become infected;

(d.1) “contamination” means the presence of an infectious agent on a body surface, or on or in an inanimate article or substance including food;

(e) “council” means

(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;
- (e.1) "Department" means the Department of which the Minister is charged with the administration;
 - (f) "Director" means a Director appointed by the Minister for the purposes of Part 4;
 - (f.1) "disinfection" means the destruction of infectious agents outside the body by any means;
 - (g) "disinfestation" means the destruction or removal, by any physical or chemical process, of animal forms present on domestic animals or humans or in the environment;
 - (g.1) "epidemic" means the occurrence in a community of persons of a number of cases of a communicable disease in excess of normal expectations;
 - (h) "executive officer" means a person designated as an executive officer under section 17, and includes a medical officer of health;
 - (h.1) "facility" means any place where a person can receive treatment for communicable diseases;
 - (i) "health practitioner" means any person who provides health care or treatment to any person;
 - (i.1) "hospital" means an approved hospital as defined in the *Hospitals Act*;
 - (j) "immunization" means the administration of a biological agent to a person to increase that person's resistance to the effect of an infectious agent or its toxic products;
 - (j.1) "infection" means the entry and multiplication of an infectious agent in the body of a person or animal;
 - (k) "infectious agent" means an organism or micro-organism that is capable of producing a communicable disease;
 - (k.1) "institution" means a correctional institution as defined in the *Corrections Act*, a facility as defined in the *Mental Health Act*, a nursing home within the meaning of the *Nursing Homes Act*, and a social care facility as defined in the *Social Care Facilities Licensing Act*;
 - (l) "isolation" means the separation of a person or animal infected with a communicable disease from other persons or animals for the period of infectivity in a place and under conditions that will prevent the direct or indirect conveyance of the infectious agent from the infected person or animal to a susceptible person or animal;

- (m) “laboratory” means a medical diagnostic laboratory where examinations of specimens of blood, spinal fluid, sputum, stool, urine, gastric washings, exudate or other specimen or discharge derived from a body are made for the purpose of determining the presence or absence of an infectious agent;
- (n) “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;
- (o) “medical officer of health” means a physician appointed by a health unit or designated by the Minister under this Act as a medical officer of health;
- (p) “Minister” means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;
- (q) “municipality” means a city, town, new town, village, summer village, municipal district, county, improvement district, special area and Metis settlement;
- (r) “nuisance” means a condition that is or that might become injurious or dangerous to the public health, or that might hinder in any manner the prevention or suppression of disease;
- (s) “owner” means the registered owner, and any person in the actual or apparent possession or control of land or a premises;
- (t) “private place” means
- (i) a private dwelling, and
 - (ii) privately owned land, whether or not it is used in connection with a private dwelling;
- (u) “public place” includes any place in which the public has an interest arising out of the need to safeguard the public health and includes, without limitation,
- (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) learning institutions,
 - (iv) institutions,
 - (v) places of entertainment or amusement,
 - (vi) places of assembly,
 - (vii) dining facilities and licensed premises,
 - (viii) accommodation facilities,
 - (ix) recreation facilities,
 - (x) medical, health, personal and social care facilities, and

(xi) any other building, structure or place visited by or accessible to the public;

(v) "quarantine" means

(i) in respect of persons or animals, the limitation of freedom of movement and contact with other persons or animals, and

(ii) in respect of premises, the prohibition against or the limitation on entering or leaving the premises,

during the incubation period of the communicable disease in respect of which the quarantine is imposed;

(w) "school" means

(i) a school operating under the *School Act* or the *Department of Education Act*, or both of them,

(ii) a place where an early childhood services program is offered or provided, and

(iii) a day care facility licensed under the *Social Care Facilities Licensing Act*;

(x) "sexually transmitted diseases clinic" means a clinic operated by the Minister or a local board for the purposes of prevention and treatment of sexually transmitted diseases;

(y) "teacher" includes an instructor, lecturer, professor, principal, president, supervisor or superintendent of any school, college, university, technical institute or other place of learning;

(z) "terminal decontamination" means the decontamination of

(i) the clothing of a person,

(ii) the physical environment of a person,

(iii) the contents of the isolation room, and

(iv) any article or piece of equipment used in the diagnosis or treatment of a person

after the person has been removed from isolation or has ceased to be a source of infection or after isolation procedures have been discontinued.

PART 1

PUBLIC HEALTH APPEAL AND ADVISORY BOARD

Establishment
of Board

2(1) There is hereby established a Public Health Appeal and Advisory Board consisting of not fewer than 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 the chairman and vice-chairman of the 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 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 Board shall be appointed for terms not exceeding 3 years and may be reappointed for not more than 2 consecutive additional terms, each not exceeding 3 years.

(7) A member of the 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.

(8) At least 1/2 of the members appointed constitutes a quorum at a meeting of the Board.

(9) The 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 Board.

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

(11) Members of the Board

(a) shall be paid remuneration at the rates prescribed by the Lieutenant Governor in Council, and

(b) shall be paid their reasonable travelling and living expenses while absent from their ordinary places of residence and in the course of their duties as members of the Board, at the rates prescribed by the Lieutenant Governor in Council.

(12) The Minister may provide clerical and secretarial services required by the Board.

Duties of Board

3(1) The Board

(a) shall advise the Minister on matters pertaining to the public health;

(b) shall, on being requested to do so by the Minister,

(i) make investigations or inquiries into,

(ii) collect information relating to, or

(iii) conduct research into

any matter relating to the public health, and make its report in the manner and at the time specified by the Minister;

(c) shall, on being requested to do so by an order of the Lieutenant Governor in Council, hold public hearings for the purpose of receiving submissions on matters pertaining to the public health

specified in the order, and make its report to the Minister in the manner and at the time specified in the order;

(d) may engage the services of persons having special technical, professional or other knowledge in connection with an investigation, inquiry, research or public hearing it conducts;

(e) shall hear appeals pursuant to section 4.

(2) The Minister may from time to time authorize the payment of sums of money to the Board to obtain supplies and services that in his opinion are required by it to exercise any powers and to perform any of the duties and functions under subsection 1(b), (c) and (d).

Appeal to Board **4(1)** In this section, “decision of a local board” means

(a) an order issued under section 72, and

(b) a decision to issue or to cancel, suspend or refuse to issue a licence, permit or other approval provided for in the regulations, and any other decision in respect of which an appeal to the Board is permitted under the regulations, whether any of those decisions is made by the local board itself or one of its employees or agents.

(2) A person who

(a) is directly affected by a decision of a local board, and

(b) considers himself aggrieved by the decision

may appeal the decision to the Board.

(3) The person referred to in subsection (2) shall commence the appeal by serving a notice of appeal in the prescribed form on

(a) the chairman of the Board, and

(b) the chairman of the local board

within 10 days after receiving notice of the decision complained of.

(4) Subject to subsections (5) and (6), the Board shall, if it is satisfied that the requirements of subsection (2) have been met, hear the appeal within 30 days after receiving the notice of appeal.

(5) Where the Board is satisfied that the appellant and the local board, or either of them, have not made a reasonable effort to resolve the matters in dispute between them, it may refer the matter to the local board for further consideration and redetermination.

(6) Where the Board refers a matter to the local board under subsection (5), the Board may prescribe a time period within which the local board must deal with the matter and may give to the local board any other directions it considers appropriate.

(7) The Board shall provide the appellant, the local board and, in a case where the decision or order appealed from was made by an employee or agent of the local board, that employee or agent, an opportunity to appear and make representations orally or in writing, or both orally and in writing.

(8) The appellant, the local board and, where the decision or order appealed from was made by an employee or agent of the local board, that employee or agent, may be represented by counsel.

(9) Notwithstanding subsections (3) and (4), the Board may, if it considers it appropriate to do so, extend the time within which an appeal may be taken under subsection (3) or within which the Board must act under subsection (4).

(10) For the purposes of conducting an appeal under this section, the Board has all of the powers, privileges and immunities of a commissioner appointed under the *Public Inquiries Act*.

(11) The Board may confirm, reverse or vary the decision of the local board and shall give written notice of its decision to the appellant and the local board.

Stay pending appeal

5 An appeal taken pursuant to section 4 does not operate as a stay of the decision appealed from except so far as the chairman or vice-chairman of the Board so directs.

Annual report

6(1) The Board shall make a report in each year to the Minister

(a) summarizing generally its activities and affairs in the preceding year, and

(b) containing any report made by it under section 3(1)(b) or (c) during the preceding year.

(2) On receiving the report under subsection (1), the Minister shall lay a copy of it before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next ensuing sitting.

PART 2

HEALTH UNITS

Establishment of health units

7(1) The Lieutenant Governor in Council may establish any area of Alberta as a health unit.

(2) A health unit shall be administered by a local board.

Contents of order

8(1) The order of the Lieutenant Governor in Council establishing a health unit shall

(a) establish the boundaries of the health unit and, where applicable, divide it into wards, and

(b) prescribe the date on which the health unit comes into operation.

(2) If a health unit contains, in whole or in part, 2 or more municipalities, it shall be divided into wards.

Federal land in health units

9(1) If a national park, penitentiary, defence establishment or Indian reserve is surrounded by or is 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 is adjacent to a health unit, the Minister may, subject to the approval of the Lieutenant Governor in Council and 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, subject to the approval of the Lieutenant Governor in Council, 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

(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 or the regulations that are considered advisable, either as they appear in this Act or the regulations or as amended by the agreement, applicable to the local board and the health unit.

Alteration and
disestablishment

10(1) The Lieutenant Governor in Council may alter the boundaries of a health unit and, where applicable, the boundaries of the wards.

(2) 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.

Appointment of
local boards

11(1) If the boundaries of a health unit are coterminous with the boundaries of 1 municipality, the council of that municipality shall appoint not fewer than 5 nor more than 11 persons as members of the local board of the health unit, and at least 1 member shall be a member of the council of the municipality and at least 1 member shall be a member of the public.

(2) If a health unit is divided into wards, 1 member representing each ward shall be appointed to the local board in accordance with subsection (3).

(3) If a health unit contains, in whole or in part, 2 or more municipalities,

(a) the council of the municipality that has the largest population in a particular ward shall, in consultation with the councils of the other municipalities in the ward, appoint a person as the member of the local board representing that ward, and

(b) if 1 municipality has the largest population in 2 or more wards, the council of that municipality shall, with respect to at least 1 of those wards, appoint a member of a council of a municipality in the ward as the member of the local board representing the ward for the purposes of clause (a).

(4) A person appointed as a member of a local board under subsection (1) must be a resident of the municipality.

(5) A person appointed as a member of a local board under subsection (3), other than a person who is a member of a council, must be a resident of the ward he is appointed to represent.

	<p>(6) No employee of a local board or any municipality within the health unit may be appointed as a member of the local board.</p> <p>(7) Where the council of a municipality appoints a member of the public as a member of a local board under subsection (1) or (3), the council shall invite nominations for the appointment from the public in accordance with the regulations.</p> <p>(8) A member of a local board shall be appointed for a term of not more than 3 years and is eligible for reappointment for not more than 2 consecutive additional terms, each not exceeding 3 years.</p> <p>(9) A member of a local board continues to hold office after the expiry of his term until</p> <p style="padding-left: 40px;">(a) the expiry of 30 days, or</p> <p style="padding-left: 40px;">(b) his successor is appointed,</p> <p>whichever occurs first.</p>
Hospital board as local board	<p>12 Notwithstanding anything in this Act, where the boundaries of a health unit are coterminous with the boundaries of a hospital district and the councils of all the municipalities wholly or partly within the health unit agree by resolution, the councils may declare that the board of the hospital district shall be the local board of the health unit for the purposes of this Act.</p>
Minister may appoint	<p>13 If a council or councils fail to comply with sections 11 and 12 or if a local board is at any time improperly constituted under this Act, the Minister may make whatever appointments and do any other things that are necessary to properly constitute the local board.</p>
Officers, vacancies, etc.	<p>14(1) The members of a local board shall elect from among themselves</p> <p style="padding-left: 40px;">(a) a chairman, and</p> <p style="padding-left: 40px;">(b) a vice-chairman to act as chairman in the event of the absence or inability to act of the chairman.</p> <p>(2) When the office of a member of a local board is vacated for any reason other than 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.</p> <p>(3) At least 1/2 of the appointed members constitutes a quorum at a meeting of a local board.</p>
Meetings	<p>15(1) A local board shall hold meetings at least 8 times a year.</p> <p>(2) A meeting of a local board shall be open to the public unless the local board considers that, having regard to the matters to be dealt with at the meeting, it would be advisable to hold the meeting or part of it in private.</p> <p>(3) A decision of the local board to hold a meeting, or a part of a meeting, in private under subsection (2) shall be made by a resolution of the local board and shall be recorded in the minutes.</p>

Powers of local boards

16(1) A local board is a corporation.

(2) A local board may

(a) invest for any purpose and in any manner prescribed in the regulations any funds not required for immediate use,

(b) acquire, hold and dispose of real property, subject to the regulations, and

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

(3) A local board may authorize the payment to the members of the local board of

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

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

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

Staff, offices, etc.

17(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 the staff required for the operation of the health unit;

(d) appoint as a member of its staff a medical officer of health;

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

(f) designate a member of its staff as chief executive officer of the health unit, who is responsible to the local board for the management and administration of the health programs and services and the business affairs of the local board;

(g) do all things necessary to administer the health unit.

(2) The Minister may appoint a medical officer of health as an employee of a local board if the local board fails to do so.

Delegation by local board

18 A local board may delegate to any of its employees or officers any of the powers, duties and functions of the local board relative to the provision of the services, supplies, equipment and care referred to in section 20.

Pension coverage

19(1) A local board

(a) may make application to the pension board charged with the administration of the appropriate pension plan for pension coverage under the appropriate pension plan for its staff, and

(b) is authorized to make the appropriate employer contributions to the plan.

(2) For the purposes of this section, “appropriate pension plan” means a pension plan

(a) established under one of the pension Acts as defined in section 5(1)(a), (c) or (d) of the *Pension Fund Act*, or

(b) designated by the Lieutenant Governor in Council as an appropriate pension plan.

Provision of services by local board

20 A local board

(a) shall provide the preventive, diagnostic, treatment, rehabilitative and palliative services, supplies, equipment and care that the regulations require it to provide, and

(b) may provide any other preventive, diagnostic, treatment, rehabilitative and palliative services, supplies, equipment and care that the regulations permit it to provide.

Nursing treatment services

21(1) A community health nurse may provide any treatment or emergency service provided for in the regulations.

(2) No liability attaches to a community health nurse by reason of an act of a preventive or emergency treatment nature done in good faith by the nurse in performing the duties that the nurse is authorized or required to perform under the regulations.

Provision of services by Minister

22(1) The Minister may provide to residents of Alberta any of the preventive, diagnostic, treatment, rehabilitative or palliative services, supplies, equipment or care prescribed in the regulations to be provided by a local board

(a) where there is no health unit established in that area, or

(b) where there is a health unit established but the local board is unable to provide the services, supplies, equipment or care to the standards prescribed in the regulations.

(2) The Minister may provide to any person any preventive, diagnostic, treatment, rehabilitative or palliative services, supplies, equipment and care and any drugs, medicines and biological agents prescribed in the regulations, other than services, supplies, equipment, care, drugs, medicines or biological agents provided for under the *Alberta Health Care Insurance Act* or the *Hospitals Act*.

PART 3

ADMINISTRATION

Administrative powers

23(1) The Minister may in writing delegate any power, duty or function conferred or imposed on him by this Act or the regulations, except the power to make regulations, to a local board, an employee in the Department or a member, officer or employee of an agent of the Crown in right of Alberta.

(2) The Minister may designate a physician employed by the Department as a medical officer of health for the purpose of Part 4.

Dismissal of local board

24(1) The Minister may for cause dismiss a local board and appoint an official administrator in its place.

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

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

(b) shall perform all the duties imposed on a local board 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 a health unit.

(3) The Minister may, by order, restore the affairs of the health unit to a local board established in accordance with section 11 or 12, and the Minister may, in the order, direct the council or councils of the municipality or municipalities in the health unit to appoint the local board within a period of time prescribed by him.

(4) The appointment of the official administrator automatically terminates on the effective date of the appointment of the local board under subsection (3).

Agreements

25 The Minister may enter into agreements with

(a) the government of another jurisdiction, and

(b) any person or association of persons,

for the purpose of carrying out this Act.

Payment of grants to local boards

26(1) A local board shall, before each fiscal year, prepare a budget of its estimated revenues and 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) On the submission of the budget the Minister may pay grants to the local board for health unit services provided in that fiscal year, in the manner and in the amounts that he considers appropriate.

Auditors and financial statements

27(1) A local board shall appoint an auditor and shall fix his rate of remuneration.

(2) An auditor appointed by a local board must not be a member or employee of the local board and must not be a party to or have any interest in any contract made by the local board in any capacity except that of auditor.

(3) The financial records, books and accounts of a health unit shall be audited by the auditor and copies of the report of the auditor and the audited financial statements shall be sent to the chairman of the local board, and the chairman shall send a copy of the report and audited financial statements to each member of the local board and the Minister within 90 days after the end of each fiscal year of the local board.

(4) Financial statements prepared pursuant to this section shall be prepared in accordance with the regulations.

(5) A local board may, subject to the regulations, retain at the end of a fiscal year all or part of the unexpended balance of the operating revenue that is shown to be surplus by the audited financial statements prepared pursuant to this section.

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

Financial assistance

28 In special and unusual circumstances, where a local board is faced with expenses through circumstances beyond its control, the Minister may, with the approval of the Lieutenant Governor in Council and on any terms and conditions that he specifies, give financial assistance to the local board.

Reports and returns

29(1) A local board shall make a report annually to the Minister for each fiscal year in the form and manner and at the time specified by the Minister.

(2) The report shall contain the audited financial statements referred to in section 27(3) and shall be made available to the public by the local board at the offices of the health unit.

(3) A local board shall forward to the Minister any records, reports and returns required by the Minister at the times and in the form specified by the Minister.

Inspection by Minister

30 The Minister and employees of the Government authorized by the Minister for the purpose may make inquiries into the management and affairs of a health unit, may visit and inspect a health unit and may examine the records of a health unit for the purpose of verifying the accuracy of reports and ensuring that this Act and the regulations are complied with.

PART 4

COMMUNICABLE DISEASES

Notification

Discovery and treatment of infection

31(1) Every person who knows or has reason to believe that he is or may be infected with a communicable disease prescribed in the regulations for the purposes of this subsection shall immediately consult a physician to determine whether he is infected or not, and if he is found to be infected, shall submit to the treatment directed by the physician until the physician is satisfied that he is not infectious.

(2) Every person who knows or has reason to believe that he is or may be infected with a sexually transmitted disease prescribed in the regulations for the purposes of this subsection shall immediately consult a physician or attend a sexually transmitted disease clinic to determine whether he is infected or not, and if he is found to be infected, shall submit to the treatment directed by a physician until the physician is satisfied that he is not infectious.

Notification of change of address

32 A person who is required by section 31 to submit to treatment for a disease shall immediately notify his consulting physician, the

clinic or the medical officer of health of the local board of any change in his address that occurs during the period of treatment.

Notification of communicable disease

33(1) Where a physician, a health practitioner, a teacher or a person in charge of an institution knows or has reason to believe that a person is infected with a communicable disease prescribed in the regulations for the purposes of this subsection, he shall notify the medical officer of health of the local board

(a) by the fastest means possible in the case of a prescribed disease that is designated in the regulations as requiring immediate notification, or

(b) within 48 hours in the prescribed form in the case of any other prescribed disease.

(2) Where a physician knows or has reason to believe that a person under his care in a hospital is infected with a disease to which subsection (1) applies, he shall, in addition to carrying out his responsibilities under subsection (1), immediately inform the medical director or other person in charge of the hospital, and the medical director shall notify the medical officer of health of the local board by telephone or in accordance with the prescribed form.

(3) Where a physician, a community health nurse or a person in charge of an institution knows or has reason to believe that a person is infected with a disease referred to in section 31(2), he shall, within 48 hours, notify the Director in the prescribed form.

Discovery in laboratory

34 Where an examination of a specimen derived from a human body reveals evidence of a communicable disease, the director of the laboratory conducting the examination shall,

(a) in the case of a disease prescribed in the regulations for the purposes of this clause, notify the medical officer of health of the local board

(i) by the fastest means possible in the case of a prescribed disease that is designated in the regulations as requiring immediate notification, or

(ii) within 48 hours in the prescribed form or by telephone, in the case of any other prescribed disease,

and

(b) in the case of a disease referred to in section 31(2), notify the Director in the prescribed form within 48 hours.

Disease outside of boundaries

35 Where a medical officer of health receives notification of a suspected case of a communicable disease referred to in section 31(1) that occurs outside the boundaries of the health unit, he shall immediately notify the medical officer of health of the local board of the health unit in which the case occurred.

Notification in case of epidemic

36 A physician, a health practitioner, a teacher or a person in charge of an institution who knows of or has reason to suspect the existence of a communicable disease in epidemic form shall immediately no-

tify the medical officer of health of the local board by the fastest means possible.

Duty to notify
Director

37 Where a medical officer of health receives notification of a communicable disease that

- (a) is occurring in epidemic form, or
- (b) is designated in the regulations as requiring immediate notification

he shall immediately notify the Director by the fastest means possible.

Weekly summary

38 A local board shall submit to the Director a weekly summary in the prescribed form of all cases of communicable disease referred to in section 31 occurring within the health unit.

Isolation, Quarantine and Special Measures

Isolation and
quarantine

39(1) A medical officer of health who knows of or has reason to suspect the existence of a communicable disease within the boundaries of the health unit in which he has jurisdiction may

- (a) initiate an investigation to determine whether any action is necessary to protect the public health, and
- (b) where the presence of a communicable disease is confirmed, carry out any measures prescribed in the regulations in respect of that communicable disease.

(2) The jurisdiction of a medical officer of health extends to any person who is known or suspected to be

- (a) infected with a communicable disease,
- (b) a carrier,
- (c) a contact, or
- (d) susceptible to and at risk of contact with a communicable disease,

whether or not that person resides within the boundaries of the health unit.

Entry for
examination

40(1) Where a medical officer of health knows or has reason to believe that

- (a) a person suffering from a communicable disease referred to in section 31 may be found in any place, or
- (b) that any place may be contaminated with such a communicable disease,

he may enter that place without a warrant for the purpose of conducting an examination to determine the existence of the communicable disease.

(2) Where a medical officer of health is conducting an examination pursuant to subsection (1), he may

- (a) order the detention of any person, and
- (b) order the closure of the place, including any business that is carried on in it,

until he has completed his investigation, but not for a period of more than 24 hours.

(3) When the medical officer of health is not able to complete his investigation within 24 hours, he may make an application to a provincial court judge for an order to extend the period of detention or closure under subsection (2) for an additional period of not more than 7 days, and the judge may make the order accordingly.

Examination **41(1)** Where a medical officer of health knows or has reason to believe that a person may be infected with a communicable disease referred to in section 31, that person shall, at the request of the medical officer of health, submit to any examinations necessary to determine whether the person is infected with the disease.

(2) In conducting an examination pursuant to subsection (1) to determine the existence of a communicable disease, the medical officer of health may require from any person who has knowledge of it the production of any information concerning the disease, including the sources or suspected sources of the disease and the names and addresses of any persons who may have been exposed to or become infected with the disease.

Notices **42(1)** A medical officer of health may cause to be placed warning notices in the prescribed form in, on, at or near any place in which a person is isolated or quarantined, or which requires decontamination or destruction.

(2) No person shall remove a warning notice placed in accordance with this section unless he has the consent of a medical officer of health.

Effect of isolation or quarantine **43(1)** Where a person infected with a communicable disease requires isolation or quarantine as prescribed in the regulations, he shall be isolated or quarantined in a hospital or other place approved for the purpose by a medical officer of health.

(2) No person who is suffering from a communicable disease for which isolation or quarantine is required under the regulations shall remain or be permitted to remain in any public place, other than a hospital or other place approved under subsection (1), unless the medical officer of health is satisfied that the presence of the person in the public place would involve no risk to the public health.

- (3) Where a person is isolated or quarantined in
- (a) a social care facility,
 - (b) a food handling establishment, or
 - (c) living accommodation attached to a social care facility or food handling establishment,

the medical officer of health may, by notice to the owner of the social care facility or food handling establishment, order the owner not to

operate or permit the operation of the social care facility or food handling establishment until decontamination of the social care facility or food handling establishment is completed.

(4) Where a person is isolated or quarantined in a place under circumstances that require terminal decontamination, the medical officer of health may, by notice to the owner of the place, order the owner to refuse entry to the place to any person other than

- (a) an executive officer,
- (b) a medical officer of health, or
- (c) a person with the consent of an executive officer or a medical officer of health

until decontamination is completed.

Provision
of services

44(1) When a person is isolated or quarantined, the medical officer of health shall ensure that the person is provided with all supplies and services necessary for his health and subsistence.

(2) The medical officer of health shall ensure that any person providing supplies or services pursuant to this section takes adequate precaution to avoid contracting the communicable disease.

(3) Where the Minister is satisfied that it would cause undue hardship to require a person to whom supplies or services are provided under this section to pay for them, the Minister may pay for all or part of the cost of the supplies or services.

Decontamination

45 No person shall

- (a) remove anything from a place in respect of which decontamination is required, or
- (b) give, lend, sell or offer for sale anything that has been exposed to contamination

until decontamination has been completed to the satisfaction of the medical officer of health.

Transportation of
infected person

46 A person transporting another person who he knows or has reason to believe is suffering from a communicable disease requiring isolation or quarantine under the regulations shall inform the medical officer of health of the local board of the health unit in which the person is being transported and comply with any conditions respecting the transportation that are prescribed by the medical officer of health.

Epidemics

Notification
of epidemic

47(1) When a medical officer of health is of the opinion that

- (a) a communicable disease is in epidemic form, and
- (b) hospital facilities within the area are inadequate to provide the necessary isolation or quarantine facilities,

he shall immediately inform the Minister.

(2) On the recommendation of the Minister, the Lieutenant Governor in Council

(a) may order a board of an approved hospital as defined in the *Hospitals Act* to provide isolation or quarantine accommodation in the amount and manner prescribed in the order, notwithstanding the rated bed capacity of the hospital, and

(b) may order the owner of a facility to provide isolation or quarantine accommodation in the amount and manner prescribed in the order.

(3) Where an order is made pursuant to subsection (2)(b), any reasonable expense incurred by the owner of a facility in compliance with the order is the responsibility of the Crown in right of Alberta.

Order of
Lieutenant
Governor in
Council

48(1) Where the Lieutenant Governor in Council is satisfied that a communicable disease referred to in section 31(1) has become or may become epidemic, he may do any or all of the following:

(a) order the closure of any public place;

(b) subject to the *Legislative Assembly Act*, order the postponement of any intended election for a period not exceeding 3 months;

(c) order the immunization or re-immunization of persons who are not then immunized against the disease or who do not have sufficient other evidence of immunity to the disease.

(2) Where an election is postponed under subsection (1), the order shall name a date for holding the nominations or polling, or both of them, and nothing in the order adversely affects or invalidates anything done or the status of any person during the period of time between the date of the order and the completion of the election.

(3) Where a person refuses to be immunized pursuant to an order of the Lieutenant Governor in Council, the person shall be subject to this Part with respect to the disease concerned as if he were proven to be infected with that disease.

Recalcitrant Patients

Issue of
certificate

49(1) Where a physician or community health nurse knows or has reason to believe that a person is infected with a disease prescribed in the regulations for the purposes of this section and the person refuses or neglects to submit to

(a) a medical examination for the purpose of ascertaining whether or not he is infected with that disease, or

(b) medical, surgical or other remedial treatment that has been prescribed by a physician and is necessary to mitigate the disease,

the physician or community health nurse shall immediately notify the medical officer of health in the prescribed form.

(2) Where the medical officer of health is satisfied as to the sufficiency of the evidence that the person may be infected, the medical officer of health shall issue a certificate in the prescribed form.

(3) A certificate pursuant to subsection (2) must be issued within 72 hours of the date of service of the notification pursuant to subsection (1).

(4) Where the physician referred to in subsection (1) is a medical officer of health in the health unit in which the alleged infected person is located, he may issue the certificate referred to in subsection (2).

Authority of
certificate

50(1) A certificate is authority

(a) for any peace officer to apprehend the person named in it and convey him to any facility specified by the medical officer of health within 7 days of the date the certificate is issued,

(b) for a physician to conduct an examination on that person in the manner prescribed in the regulations and to detain the person at the facility for the period required to obtain the result of the examination, and

(c) for any physician to treat or prescribe treatment for that person in order to render that person non-infectious, with or without the consent of the person, and to detain the person for that purpose.

(2) The medical director of, or in his absence the attending physician at, a facility to which a person is conveyed under subsection (1) shall ensure that the person is examined under that section within 24 hours after his arrival at the facility.

Release

51(1) Subject to subsection (2), a person who is detained in a facility pursuant to a certificate shall be released not later than 7 days after the date he is admitted to the facility pursuant to the certificate, unless an isolation order is issued under section 54.

(2) A person who is detained in a facility pursuant to a certificate shall be released forthwith if the physician who examines the person certifies

(a) that there is no evidence of active disease, or

(b) that, although there is evidence of active disease, the physician is satisfied that the person will comply with the treatment and any other conditions ordered by the physician in a manner that will ensure the protection of the public health.

Notification of
release

52 Where a person is released pursuant to section 51, the physician who examined the patient or the medical director of the facility shall, on the release of the patient, forthwith notify the medical officer of health who issued the certificate of the circumstances of the release.

Treatment after
release

53(1) Where a person is released pursuant to section 51(2)(b), he shall comply with the treatment and any other conditions that are prescribed by any physician assigned by the medical director of the facility.

(2) Where a person who has been required to submit to treatment following his release fails to undergo treatment, a medical officer of health may issue an order in the prescribed form to a peace officer

or other person to apprehend that person and return him to the facility.

(3) On receipt of an order under subsection (2), a peace officer or other person is empowered to arrest without warrant the person named in it and return that person to the facility.

(4) Sections 51 and 52 and subsections (1), (2) and (3) apply to a person who is arrested and returned to a facility under subsection (3).

Isolation order **54(1) Where**

(a) 2 physicians, or

(b) 1 physician supported by a laboratory report demonstrating evidence of an infectious agent

certifies that a person is infected with an organism that produces a disease prescribed in the regulations for the purposes of this section and refuses or neglects to submit to medical, surgical or other remedial treatment that has been prescribed by a physician as being necessary to mitigate the disease, the physician or physicians shall each issue an isolation order in the prescribed form.

(2) Subsection (1) applies whether or not there is a certificate in existence in respect of the person who is the subject of the isolation order or orders.

(3) A physician issuing an isolation order shall forthwith send a copy of the isolation order to the Director.

Authority of isolation order

55(1) Where isolation is ordered pursuant to section 54 the order or orders are sufficient authority with or without the consent of the person named in them to observe, examine, care for, treat, obtain biological specimens from, control and detain the person named in them in a facility until he is released under section 56.

(2) A person in respect of whom isolation is ordered under section 54 shall be re-examined by a physician at least once every 7 days to ascertain whether he is infectious with the disease.

Cancellation of isolation order

56(1) Where, after separate examinations by each of them, 2 physicians are of the opinion that a person in respect of whom isolation has been ordered under section 54

(a) is not infectious, and

(b) will comply with the conditions of his discharge,

the 2 physicians shall issue an order in the prescribed form cancelling the isolation order.

(2) Immediately on issuing an order cancelling an isolation order, the physicians who signed the order shall send a copy of it to the Director.

Warrant for examination

57(1) Any person who has reasonable and probable grounds to believe that a person

- (a) may be infected with a disease prescribed in the regulations for the purpose of this section, and
- (b) refuses or neglects to submit to
 - (i) an examination for the purpose of ascertaining whether or not he is infected with the disease, or
 - (ii) medical, surgical or other remedial treatment that has been prescribed by a physician and is necessary to render the person non-infectious,

may bring an information under oath before a provincial court judge.

(2) Where an information is brought before a provincial court judge under subsection (1) and the judge is satisfied that the person with respect to whom the information is brought should be examined in the interests of his own health or the health of others and that the examination cannot reasonably be arranged in any other way, he may issue a warrant in the prescribed form to apprehend that person for the purpose of the examination.

(3) A warrant under this section may be directed to any peace officer and shall name or otherwise describe the person with respect to whom the warrant is issued.

(4) Where a peace officer apprehends a person pursuant to a warrant under this section, the person shall be deemed to be a person in respect of whom a certificate has been issued under section 49.

Duty on issue of isolation order

58 Where a person is detained pursuant to an isolation order or orders, the medical director of the facility in which he is detained shall forthwith

- (a) inform the person or his guardian, if any, of the reason for the issuance of the isolation order or orders,
- (b) advise the person or his guardian, if any, that he has a right to retain and instruct counsel without delay, and
- (c) give the person or his guardian, if any, a copy of section 59.

Application to court for cancellation

59(1) A person in respect of whom isolation is ordered may apply by originating notice to a judge of the Court of Queen's Bench at any time for cancellation of the isolation order or orders.

(2) The originating notice shall be served on

- (a) the physician or physicians who issued the isolation order or orders, and
- (b) the chief executive officer of the facility in which the applicant is a patient

not less than 7 days before the motion is returnable.

(3) Where the judge considers it appropriate to do so, he may order that the application under subsection (2) be heard in private.

(4) The judge may grant or refuse the order applied for and may make any other order he considers appropriate.

Unauthorized
absence

60(1) Where a person in respect of whom isolation has been ordered leaves the facility and leave of absence has not been granted by the medical director of the facility, the medical director may issue an order in the prescribed form to a peace officer or other person ordering the return of the person to the facility.

(2) An order issued pursuant to subsection (1) is sufficient authority for the person to whom it is directed to apprehend the person named in it and return him to the facility.

(3) A person who is returned to a facility under this section may be detained until the conditions under section 56 have been met.

Transfer to
another facility

61(1) The medical director of the facility in which a person is detained may, for reasons of treatment or in compliance with the person's wishes, transfer him to another facility, on completing a memorandum of transfer in the prescribed form.

(2) Where a person is transferred under subsection (1), the authority to detain, control and treat him continues in force in the facility to which he is transferred.

Leave of absence

62(1) The medical director or an attending physician at a facility in which a person is detained may grant the person a leave of absence from the facility subject to any terms and conditions prescribed by the medical director or attending physician to ensure that the public health is protected.

(2) Where a person is on a leave of absence granted under this section and it appears to the medical director or the attending physician that the person is not complying with the conditions to which the leave of absence is subject, the medical director or attending physician may revoke the leave of absence and recall the person to the facility.

(3) Section 60 applies in the case of a person who has been recalled under subsection (2) and fails to return to the facility in accordance with the instructions of the medical director or attending physician.

General

Confidentiality of
communicable
diseases
information

63(1) Information contained in any file, record, document or paper maintained by the Director that comes into existence through anything done under this Part or the *Venereal Diseases Prevention Act* and that indicates that a person is or was infected with a communicable disease shall be treated as private and confidential in respect of the person to whom the information relates and shall not be published, released or disclosed in any manner that would be detrimental to the personal interest, reputation or privacy of that person.

(2) For the purposes of assessing and improving the standards of care furnished to persons suffering from communicable diseases, compiling statistics with respect to communicable diseases, conducting research into communicable diseases, or for any reason relating to communicable disease which the Director considers to be in the interest of protecting the public health, the Director may require any

physician or health practitioner to furnish him with the following information:

(a) a report containing the name and address of any patient of that physician or health practitioner who is, was or may have been suffering from a communicable disease and a description of the diagnostic and treatment services provided to him;

(b) medical or other records, or extracts or copies thereof, in respect of that patient and in the possession of the physician or health practitioner.

(3) Information obtained by the Director pursuant to this section shall be treated as private and confidential and, subject to subsection (4), shall not be published, released or disclosed in any manner that would be detrimental to the personal interest, reputation or privacy of the patient.

(4) Information obtained by the Director may be disclosed by the Director

(a) to any person when required by law;

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

(c) in statistical form if the person to whom it relates is not revealed or made identifiable;

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

(e) 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 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 information relates consents to the disclosure.

(5) Subsection (1) does not prohibit the disclosure of information

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

(b) to any person with the written consent of the Minister or of the person to whom the information relates or his legal representative, or

(c) to any person where the disclosure is necessary in the course of the administration of this Part.

Application to
court

64(1) Where a person

(a) is prohibited by section 63 from publishing, releasing or disclosing information, or

(b) refuses to disclose information that he is permitted by section 63 to disclose,

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

(2) An application under subsection (1)

(a) shall, if it is made in the course of any action or proceeding to which the person to whom the information relates or his legal representative is a party, be made on notice to a judge of the court in which the action or proceeding is taken, and

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

(3) Where the judge considers it appropriate to do so, he may order that the application under subsection (1) be heard in private.

(4) In an application under subsection (1) the onus of showing why the order should not be made for the release of the information is on the respondent to the motion.

Offence

65 No person shall knowingly release, publish or disclose information contrary to section 63.

Provision of names

66(1) A person suffering from a communicable disease referred to in section 31(2) shall, on request, provide the physician or sexually transmitted diseases clinic responsible for his treatment with the names of all persons with whom he has had sexual contact.

(2) Notwithstanding section 63, a physician who is provided with the names of contacts pursuant to subsection (1) shall immediately provide the information to the Director.

(3) Notwithstanding section 63, the Director may notify a person named as a contact pursuant to subsection (1).

Delegation of authority

67 The Director may in writing delegate to an employee of the Department any of the powers, duties and functions conferred or imposed on the Director by this Act or the regulations.

Protection from liability

68 Notwithstanding anything in this Act, where this Part requires any person to inform any person as to the existence or possible existence of a communicable disease or to provide information with respect to a communicable disease, no action lies against any person acting in accordance with that requirement unless he does so maliciously or without reasonable grounds.

PART 5

GENERAL

Inspections and Orders

Inspection of place other than private dwelling

69(1) An executive officer may inspect any public place for the purpose of determining the presence of a nuisance or determining whether this Act and the regulations are being complied with.

(2) An executive officer making an inspection under subsection (1) may

(a) at any reasonable hour enter in or on the public place that is the subject of the inspection;

(b) require the production of any books, records or other documents that are relevant to the purpose of the inspection and examine them, make copies of them or remove them temporarily for the purpose of making copies;

(c) inspect and take samples of any substance, food, medication or equipment being used in or on the public place;

(d) perform tests, take photographs or make recordings in respect of the public place.

(3) Where an executive officer removes any books, records or other documents under subsection (2)(b), he shall

(a) give to the person from whom the items were taken a receipt for the items, and

(b) forthwith return the items to the person from whom they were taken when they have served the purposes for which they were taken.

Inspection of private place

70 Where an executive officer believes on reasonable and probable grounds that a nuisance exists in or on a private place or that the private place or the owner of it is in contravention of this Act or the regulations, he may, with the consent of the owner or pursuant to an order under section 71,

(a) enter in or on the private place at a reasonable hour and inspect it;

(b) take samples of any substance, food, medication or equipment being used in or on the private place;

(c) perform tests, take photographs and make recordings in respect of the private place.

Application to court

71(1) Where the owner of a public place or a private place refuses to allow an executive officer to exercise his powers under section 69 or 70 or hinders or interferes with the executive officer in the exercise of his powers, the executive officer may apply by originating notice to a judge of the Court of Queen's Bench for an order directing the owner to do or refrain from doing anything the judge considers necessary in order to enable the executive officer to exercise his powers, and the judge may make the order accordingly.

(2) An application under subsection (1) may be made ex parte where the judge considers it proper to do so.

Order

72(1) Where, after an inspection under section 69 or 70, the executive officer has reasonable and probable grounds to believe that a nuisance exists in or on the public place or private place that was the subject of the inspection or that the place or the owner of it is in contravention of this Act or the regulations, he may issue a written order in accordance with this section.

(2) An order shall be directed to and served on the owner and shall set out the reasons it was made, what the owner is required to do and the time within which it must be done.

(3) Where the order is directed to an owner who is not the registered owner, a copy of it shall also be served forthwith on the registered owner.

(4) An order may include, but is not limited to, provisions for the following:

(a) requiring the vacating of the place or any part of it;

(b) declaring the place or any part of it to be unfit for human habitation;

(c) requiring the closure of the place or any part of it;

(d) requiring the doing of work specified in the order in, on or about the place;

(e) requiring the removal from the place or the vicinity of the place of anything that the order states causes a nuisance;

(f) requiring the destruction of anything specified in the order;

(g) prohibiting or regulating the selling, offering for sale, supplying, distributing, displaying, manufacturing, preparing, preserving, processing, packaging, serving, storing, transporting or handling of any food or thing in, on, to or from the place.

(5) Where the delay necessary to put an order under this section in writing will or is likely to increase substantially the hazard to the health of any person, the executive officer may issue the order orally.

(6) As soon as is reasonably possible after issuing an oral order under subsection (5), the executive officer shall serve a written version of the order on the owner in accordance with subsections (2) and (3).

(7) Where an order is issued under subsection (4)(a), (b) or (c), the executive officer shall ensure that a copy of the order, or in the case of an oral order, a notice of the requirements of the order, is posted in a conspicuous place at, on or near the public place or private place to which the order relates.

(8) A local board shall maintain a record of all orders issued under subsection (4)(a), (b) or (c) and shall make the record available for inspection by the public during the business hours of the main office of the local board.

(9) If, in the course of an inspection under this Act, the executive officer is of the opinion that a condition of emergency exists due to the existence of a nuisance, he may, notwithstanding anything in this Act, forthwith take any steps he considers appropriate to remove or lessen the nuisance.

Recovery of costs **73(1)** In this section, “clerk” means

(a) the city clerk, in the case of a city,

(b) the secretary, in the case of a town, new town, village, summer village, county or municipal district, or

(c) the Deputy Minister of Municipal Affairs, in the case of an improvement district or special area.

(2) If a person to whom an order is directed under section 72 fails to carry out the order within the time limited by it, in the case of an order that is not appealed, or within the time limited by the Board in the case of an order that is appealed to the Board, the executive officer or a person appointed by him may, together with any persons that are necessary, enter the public place or private place and carry out the order.

(3) The expenses incurred by a local board in carrying out an order under this section constitute a debt owing to the local board from the person to whom the order is directed.

(4) Where a local board carries out an order under this section and the person to whom the order is directed fails, within 60 days after a demand for payment, to pay the expenses incurred by the local board, the secretary of the local board may transmit to the clerk of the municipality in which the land concerned is located a statement setting out

(a) the amount of the expenses,

(b) the name of the registered owner of the land to which the order relates, and

(c) the location of the land to which the order relates.

(5) On receipt of a statement under subsection (4), the municipality shall place the amount of the expenses incurred in carrying out the order on the tax roll as an additional tax against the land concerned and that amount

(a) forms a lien on the land in favour of the municipality, and

(b) shall, for all purposes, be deemed to be taxes imposed and assessed on the land and delinquent under the *Municipal Taxation Act* from the date the expenses were incurred, and that Act and the *Tax Recovery Act* apply to the enforcement, collection and recovery of the amount.

(6) Any amount collected by the municipality by virtue of subsection (5) shall be paid to the local board.

(7) Where an amount recovered under this section by a local board from an occupier or other person in possession of land is, between the occupier or other person and the registered owner, the responsibility of the registered owner, the occupier or other person is entitled to recover the amount from the registered owner or to deduct the amount from any other amount due from him to the registered owner.

(8) Where an amount recovered under this section by a local board from a registered owner of land is, between the registered owner and the occupier or other person in possession of the land, the responsibility of the occupier or other person, the registered owner is entitled to recover the amount from the occupier or other person or to deduct the amount from any other amount due from him to the occupier or other person.

Notice of
health hazard

74(1) When an order is issued under section 72, the local board may cause to be filed with the Registrar of Land Titles a notice of health

hazard against the registration of any person as transferee or owner of, or of any instrument affecting, the land which is the subject of the order, unless the instrument or certificate of title is expressed to be subject to that notice.

(2) A notice of health hazard registered under this section does not lapse and shall not be cancelled or withdrawn except on the receipt by the Registrar of a notice in writing from the local board requesting cancellation or withdrawal.

(3) On registering a notice of health hazard, the Registrar shall notify the person against whose title the notice is registered and notify caversors and mortgagees when the addresses of those persons may be ascertained from the certificate of title.

Regulations

Regulations

75(1) The Lieutenant Governor in Council may make regulations

(a) prescribing communicable diseases for the purposes of any provision of this Act;

(a.1) prescribing communicable diseases of which immediate notification is required for the purposes of sections 33(1)(b)(i), 34(a)(i) and 37(b);

(b) respecting the prevention and control of the employment of persons who are carriers of or are infected with prescribed communicable diseases;

(b.1) respecting isolation, quarantine, disinfection, disinfestation, decontamination, destruction of property, exclusion from employment, school or a public place and other special measures for the purposes of section 39(1);

(c) respecting the standards and methods of distribution of vaccine and vaccination to be provided;

(c.1) respecting the immunization of persons pursuant to section 48(1)(c);

(d) respecting the prevention, investigation and suppression among animals of infectious diseases communicable to humans;

(d.1) respecting the quantity and manner of application of an agent to the eyes of newborn children, to prevent the occurrence of prescribed communicable diseases;

(e) respecting

(i) the construction of itinerant and temporary food establishments, and

(ii) the location, operation, maintenance, equipping, sanitation and cleansing of food establishments

engaged in selling, offering for sale, producing, supplying, distributing, displaying, manufacturing, preparing, preserving, processing, packaging, labelling, serving, storing, transporting or handling any food;

- (e.1) prescribing standards for food and providing for the destruction of any food that does not meet those standards;
- (f) respecting the prevention and removal of nuisances;
 - (f.1) respecting the location, operation, maintenance, equipping, cleansing, disinfecting and disinfection of
 - (i) abattoirs,
 - (ii) premises where livestock or poultry are kept,
 - (iii) noxious trades,
 - (iv) camps and campgrounds, and
 - (v) wells, water fountains, cisterns and water tanks;
- (g) respecting the construction, location, operation, maintenance, disinfection, disinfection and disposition of waste management facilities and outdoor lavatories;
 - (g.1) prescribing the maximum level of contaminants permissible in air or water;
- (h) respecting the location, operation, cleansing, disinfection, disinfection, equipping and maintaining of public places;
 - (h.1) respecting the cleansing, disinfection and disinfection of private dwellings;
- (i) respecting the inspection, equipping, operating, maintaining, cleansing and disinfection of public and semi-public swimming pools;
 - (i.1) respecting the preparation, interment, disinterment and transportation of human corpses;
- (j) respecting the licensing of embalmers and prescribing qualifications for admission of embalmers to practice in Alberta;
 - (j.1) respecting the management, maintenance, functions, duties and jurisdiction of local boards;
- (k) respecting the qualifications of persons employed as inspectors by local boards;
 - (k.1) respecting accounting policy and procedures of local boards, including the manner of administration of funds by local boards;
- (l) prescribing the fiscal year of local boards;
 - (l.1) providing that a local board may not act under section 16(2)(b) without the prior written consent of the Minister, and respecting the circumstances under which the local board may not so act;
- (m) respecting the purposes and manner of investment of funds not required for immediate use for the purpose of section 16(2)(a);
 - (m.1) respecting the manner in which local boards may borrow money, the rate of interest on borrowing, the terms of borrowing,

the periods and the purposes of borrowing for the purposes of section 16(2)(c);

(n) respecting the manner of submission of the copy of the budget, and the date prior to which it must be submitted for the purposes of section 26(1);

(n.1) declaring that, for the purposes of section 27(4), the standards, as they exist from time to time, of any accounting body named in the regulations shall be in force in whole or in part or with any revisions, variations or modifications that are specified by the regulations;

(o) respecting the purpose for which and the circumstances and conditions under which a local board may retain the unexpended balances of operating revenue that are shown to be surplus for the purposes of section 27(5);

(o.1) respecting the manner of submission of the annual report and the date by which it must be submitted for the purposes of section 29(1);

(p) respecting the kinds and basic standards of preventive, diagnostic, treatment, rehabilitative and palliative services, supplies, equipment and care that must be provided by local boards and the conditions under which they are to be provided;

(p.1) respecting the kinds and basic standards of preventive, diagnostic, treatment, rehabilitative and palliative services, supplies, equipment and care that may be provided by local boards and the conditions under which they may be provided;

(q) prescribing the treatment and emergency services that may be provided by a community health nurse for the purposes of section 21;

(q.1) respecting the services, supplies, equipment, care, drugs, medicines and biological agents that may be provided by the Minister for the purpose of section 22(2) and respecting the persons to whom and the conditions under which they may be provided;

(r) establishing a mechanism to deal with appeals from decisions made in connection with the provision of services, supplies, equipment or care under regulations made under clause (q.1), and setting out what decisions may be appealed and the procedure to apply in an appeal;

(r.1) respecting the manner of inviting nominations for the appointment to a local board of a member of the public for the purpose of section 11(7);

(s) respecting the powers, duties and authority of executive officers or classes of executive officers;

(t) specifying professions and occupations for the purposes of section 63(4)(e);

(u) specifying regulated matter for the purposes of section 78;

(v) respecting all aspects of the granting, cancellation and suspension of licences, permits or other approvals for any activity subject to regulation under this section;

(w) specifying additional decisions for the purposes of section 4(1)(b) that may be appealed to the Board under that section;

(x) prescribing forms for the purposes of regulations under this section;

(y) defining terms for the purposes of regulations under this section;

(z) authorizing the waiving or mitigation of the application of any of the provisions of the regulations in particular cases, respecting the circumstances under which the waiver or mitigation may be granted and respecting the conditions to which a grant of a waiver or mitigation is subject.

(2) The Minister may make regulations prescribing forms for the purposes of section 4(3) and Part 4.

(3) Regulations under subsection (1) may be made applicable to a portion of Alberta only.

Miscellaneous

Service of documents

76(1) Where this Act or the regulations require or permit the service of an order, notice or other document on a person, then unless this Act otherwise provides, the order, notice or other document is sufficiently served if it is

(a) served personally on the person,

(b) sent by registered mail to the person at his last known address, or

(c) published in a newspaper in accordance with subsection (2).

(2) Where the person serving an order, notice or other document, after having taken reasonable steps for the purpose, is unable to locate the person to be served or to determine his actual address, the order, notice or other document may be served by publishing it in at least 2 issues, at least a week apart, of a newspaper having general circulation

(a) in the place where the person to be served had his last known address according to the records or other information available to the person serving the order, notice or other document, and

(b) if the notice, order or other document relates to the property of the person to be served or is given in proceedings that relate to his property, in the place where the property is located.

Validity of documents

77 A certificate, notice, order, warrant or other form issued under this Act or the regulations shall not be held to be insufficient or invalid by reason only of any irregularity, informality or insufficiency in it or in any proceedings in connection with its issuance.

Intoxicating gas
or vapour

78(1) In this section,

(a) “intoxicating vapour” means any gas, vapour, fume or liquid that is emitted, given off or produced from a regulated matter;

(b) “regulated matter” means any matter specified by regulation as a regulated matter for the purposes of this section.

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

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

(b) assist or cause another person to inhale, administer or otherwise introduce into his respiratory system

an intoxicating vapour.

(3) No person shall manufacture or give, sell or otherwise distribute any regulated matter for the purpose of inducing euphoria, hallucinations or intoxication in any person.

(4) This section does not apply to

(a) the manufacture or sale of a regulated matter for medical purposes, or

(b) the inhalation, administration or other introduction of an intoxicating vapour into the respiratory system under the supervision of

(i) a registered practitioner under the *Medical Profession Act*,

(ii) a person entitled under the *Dental Association Act* to practise or perform dentistry or dental surgery in Alberta, or

(iii) a person acting under the direction of a person referred to in subclause (i) or (ii).

(5) A person who contravenes this section is guilty of an offence and liable to a fine of not more than \$500.

Obstruction

79 No person shall obstruct, molest, hinder or interfere with a person in the execution of any duty imposed or in the exercise of any power conferred on him by this Act or the regulations.

Destruction of
notice

80 No person shall conceal, deface, destroy or remove any notice posted for public information under this Act or the regulations.

Penalty

81(1) A person who contravenes this Act, the regulations, an order under section 72 or an order of a medical officer of health or physician under Part 4 is guilty of an offence.

(2) A person who contravenes an order under section 72 or an order of a medical officer of health or physician under Part 4 is liable to a fine of not more than \$100 for each day the contravention continues.

(3) A person who contravenes this Act or the regulations is, if no penalty in respect of that offence is prescribed elsewhere in this Act, liable to a fine of not more than \$2000 in the case of a first offence and \$5000 in the case of a subsequent offence.

Publishing contraventions	82 If a person contravenes an order under section 72, the local board may, notwithstanding that the person has not been convicted for contravention of that order, publish the order in the manner it considers appropriate.
Paramourncy	83 This Act prevails over any enactment with which it conflicts, other than the <i>Alberta Bill of Rights</i> , and a regulation under this Act prevails over any other by-law, rule, order or regulation with which it conflicts.
Transitional	84(1) <i>A health district constituted under section 16 of the Public Health Act, chapter P-27 of the Revised Statutes of Alberta 1980, that consists of a city having a population of more than 100 000 and is in existence at the time this section comes into force is deemed to be a health unit established under this Act.</i> (2) <i>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 this Act.</i>
Transitional	85(1) <i>Subject to subsections (2) and (3),</i> <i>(a) the local boards of health of health districts referred to in section 84(1) and boards of health units referred to in section 84(2) continue as the local boards of health units for the purposes of this Act, and</i> <i>(b) the members continue to be members until they are replaced.</i> (2) <i>Unless it expires or is terminated earlier by reason of subsection (3), the tenure of a member of a local board referred to in subsection (1)(a) is terminated effective on the effective date of the appointment of the local board under section 86.</i> (3) <i>Until the effective date referred to in subsection (2), any changes in the constitution of the local boards shall be made in accordance with the Health Unit Act or the Public Health Act, chapter P-27 of the Revised Statutes of Alberta 1980, as the case may be, as if this section had not come into force.</i>
Transitional	86 <i>A council or councils, as the case may be, shall, not later than 3 months after the coming into force of this section, appoint the members of the local board under section 11 or 12.</i>
Amends RSA 1980 cA-24	87 <i>The Alberta Health Care Insurance Act is amended in section 40(1) by repealing clauses (a) to (h) and substituting the following:</i> <i>(a) the Cancer Programs Act;</i> <i>(b) the Mental Health Act;</i> <i>(c) the Public Health Act;</i> <i>(d) any other Act under which insured services are provided,</i>
Amends RSA 1980 cC-2	88 <i>The Cemeteries Act is amended</i> <i>(a) in section 25 by striking out “and the Public Health Act”;</i> <i>(b) in section 28 by striking out “, the Public Health Act,”;</i>

(c) *by repealing section 34;*

(d) *in section 60(b) by striking out “by the Provincial Board of Health”.*

Amends RSA
1980 cC-12

89 *The Clean Air Act is amended*

(a) *in section 1 by repealing clause (k);*

(b) *in section 2(3) by striking out “under the Provincial Board of Health regulations” and substituting “by regulations under the Public Health Act”.*

Amends RSA
1980 cC-13

90 *The Clean Water Act is amended*

(a) *in section 1*

(i) *by repealing clause (h);*

(ii) *in clause (r) by striking out “or in swimming pools”;*

(b) *in section 2(2) by striking out “the Provincial Board of Health regulations” and substituting “regulations under the Public Health Act”;*

(c) *in section 3(1) by repealing clause (d);*

(d) *by repealing section 10;*

(e) *in section 17(2)(a) by striking out “by the Provincial Board of Health”;*

(f) *in section 21*

(i) *in clause (g.1) by striking out “or in swimming pools”;*

(ii) *in clause (h.1) by striking out “or for use in swimming pools”;*

(iii) *in clause (i) by striking out “or for use in swimming pools”;*

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

(g) *in section 22(a) by striking out “section 11 or 16 of”.*

Amends SA
1981 cD-1.1

91 *The Dairy Industry Act is amended*

(a) *in section 42 by striking out “or the Provincial Board of Health”;*

(b) *by adding the following after section 57:*

57.1(1) In this section “pasteurization” has the meaning ascribed to it in the regulations.

(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.

(3) 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 local board of health having jurisdiction in the municipality in which the by-law is passed.

(c) *in section 58 by adding the following after clause (a):*

(a.1) defining pasteurization for the purposes of by-laws under section 57.1;

Amends RSA
1980 cD-8

92 *The Dental Auxiliaries Act is amended in section 1 by repealing clause (e) and substituting the following:*

(e) “local health authority” means the local board of a health unit under the *Public Health Act* and the Minister of Municipal Affairs in respect of a special area;

Amends RSA
1980 cD-19

93 *The Department of the Environment Act is amended in section 11(1) by repealing clause (c) and substituting the following:*

(c) the Deputy Minister of the Health Services Division of the Department of Social Services and Community Health,

Amends RSA
1980 cD-27

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

(a) *in clause (a) by adding “and” at the end of subclause (xii) and repealing subclauses (i), (vii), (xiii), (xiv) and (xv);*

(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*,

Amends RSA
1980 cH-6

95 *The Health Unit Act is amended*

(a) *by adding the following after section 6:*

6.1(1) Notwithstanding sections 4(2) and 6(1), (2) and (3), the tenure of the board of health of the Lethbridge Health Unit ceases on the date of the appointment of a board under subsection (2).

(2) Within 3 months after the coming into force of this section the council of the City of Lethbridge shall appoint not fewer than 5 nor more than 11 persons as members of the board, and at least 1 member shall be a member of the council and at least 1 member shall be a member of the public.

(3) A person appointed as a member of the board under subsection (2) must be a resident of the city.

(4) No employee of the board may be appointed as a member of the board under subsection (2).

(5) A member of the board appointed under subsection (2) shall be appointed for a term of not more than 3 years and is eligible for reappointment for not more than 2 consecutive additional terms, each not exceeding 3 years.

(b) by repealing section 17(3) and substituting the following:

(3) The board may, subject to the regulations, retain at the end of a fiscal year any unexpended balance of the grants that is shown to be surplus by the audited financial statement.

(c) in section 22(2) by adding the following after clause (a):

(a.1) respecting the purpose for which and the circumstances and conditions under which a board may retain the unexpended balance of the grants that is shown to be surplus for the purposes of section 17(3);

Amends RSA
1980 cL-6

96 *The Landlord and Tenant Act is amended in section 11(b) by adding “or the Public Health Act” after “Act”.*

Amends RSA
1980 cL-17

97 *The Liquor Control Act is amended in section 49(1)(c)(i) by striking out “the orders of the Provincial Board of Health” and substituting “orders under the Public Health Act”.*

Amends RSA
1980 cL-19

98 *The Litter Act is amended in section 4(a) by striking out “sanitary landfill” and substituting “waste management facility”.*

Amends RSA
1980 cM-10

99 *The Meat Inspection Act is amended in section 3 by striking out “of health or by the Provincial Board of Health”.*

Amends SA
1982 cM-18.5

100 *The Mobile Home Sites Tenancies Act is amended in section 12(b) by adding “or the Public Health Act” after “Act”.*

Amends RSA
1980 cM-26

101 *The Municipal Government Act is amended*

(a) by adding the following after section 198:

198.1(1) The council of a municipality that supplies its own communal water supply may by by-law provide authority for the fluoridation of the municipality’s communal water supply.

(2) Before the by-law is finally passed by the council a plebiscite of the electors of the municipality shall be taken to determine if the electors approve of fluoridation of the communal water supply.

(3) A copy of the proposed by-law shall in the following or similar form be published in a newspaper of general circulation in the municipality:

“Public notice is hereby given that there has been introduced in the council of a by-law providing for fluoridation of the water supply of the of and that a copy of the by-law may be seen at the office of the (city clerk or secretary-treasurer, as the case may be) of and further that a plebiscite of the electors of will be taken to determine if they approve of the fluoridation of the communal water supply, and if a majority of the electors voting on the plebiscite vote in favour of fluoridation, the by-law will be finally passed.”

(4) The procedure before, during and after the taking of the plebiscite shall be that provided for the taking of a vote on a debenture by-law in so far as it is applicable, and fluoridation of the communal water supply shall be declared to be approved if such fluoridation receives the approval of a majority of the electors voting on the plebiscite.

(5) If the plebiscite does not approve fluoridation of the communal water supply as provided in subsection (4), the by-law shall not be finally passed, and no further plebiscite on it shall be taken by the council in respect of fluoridation until at least 2 years after the holding of the plebiscite.

(6) When a municipality is fluoridating its communal water supply pursuant to a by-law authorizing it and passed in accordance with this section, the council at any time after 2 years from the date of the plebiscite may rescind the by-law, but the rescinding by-law shall not be finally passed until it has received the approval of a majority of the electors voting on it at a plebiscite held in the same manner as is provided in subsections (1) to (4) for a plebiscite approving fluoridation.

(7) If a communal water supply supplies water to only a portion of the municipality, the municipality may by by-law provide authority for the fluoridation of that communal water supply and in that case this section applies as though the words "the municipality" in subsections (2) and (3) read "that portion of the municipality served by the water supply".

(b) *by repealing section 200;*

(c) *in section 202(1) by striking out "a notice has been issued under section 200(1) or" and by striking out "notice or".*

Amends RSA
1980 cN-8

102 *The Northeast Alberta Regional Commission Act is amended*

(a) *in section 1(b)(iv) by adding "local" before "board";*

(b) *in section 8(1) by repealing clause (l) and substituting the following:*

(l) *the Public Health Act.*

Amends RSA
1980 cP-35

103 *The Public Service Pension Act is amended in section 38*

(a) *in clause (b)(iv) by striking out "constituted pursuant to the Health Unit Act" and substituting "under the Public Health Act, and";*

(b) *by repealing clause (c).*

Amends RSA
1980 cP-37

104 *The Public Utilities Board Act is amended in section 103 by repealing subsection (6).*

Amends RSA
1980 cW-9

105 *The Wildlife Act is amended in section 26(1) by striking out "a food premises permit, in relation to the premises, issued under the Public Health Act" and substituting "any permit required in respect of the premises and issued under the regulations under the Public Health Act".*

Repeals

106 *The following Acts are repealed on Proclamation:*

- (a) Health Unit Act;*
- (b) Nursing Service Act;*
- (c) Public Health Act, RSA 1980 cP-27;*
- (d) Treatment Services Act;*
- (e) Tuberculosis Act;*
- (f) Venereal Diseases Prevention Act.*

Coming into
force

107 *Except for section 95, this Act comes into force on Proclamation.*