

1985 BILL 5

Third Session, 20th Legislature, 34 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 5

**ALCOHOLISM AND DRUG ABUSE
AMENDMENT ACT, 1985**

MR. GOGO

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 5
Mr. Gogo

BILL 5

1985

ALCOHOLISM AND DRUG ABUSE AMENDMENT ACT, 1985

(Assented to , 1985)

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

- 1 The Alcoholism and Drug Abuse Act is amended by this Act.*
- 2 The title is amended by striking out "ALCOHOLISM" and substituting "ALCOHOL".*
- 3 Section 1 is amended*
 - (a) by repealing clauses (a) and (b) and substituting the following:*
 - (a) "alcohol and drug abuse" means the use of any substance by a person in quantities that create a condition in the person that is characterized by physical, psychological or social problems;**
 - (b) in clause (d) by striking out "The Alberta Alcoholism" and substituting "the Alberta Alcohol";*
 - (c) by repealing clauses (e) and (f).*
- 4 Section 2 is repealed and the following is substituted:*
 - 2(1) The Alberta Alcoholism and Drug Abuse Commission is continued as a corporation under the name "Alberta Alcohol and Drug Abuse Commission".**
 - (2) The Commission shall consist of the chairman, the vice-chairman and not more than 10 other members.**

Explanatory Notes

- 1 This Bill will amend chapter A-38 of the Revised Statutes of Alberta 1980.
- 2 The new title reflects the change in the name of the Commission.

- 3 Section 1(a), (b), (d), (e) and (f) presently read:

1 In this Act,

(a) "alcoholic" means a person who suffers from the illness of alcoholism;

(b) "alcoholism" means any dependent condition produced by the action of alcohol on the human system;

(d) "Commission" means The Alberta Alcoholism and Drug Abuse Commission;

(e) "drug abuse" means

(i) addiction to a substance other than alcohol, or

(ii) the use, whether habitual or not, of a substance other than alcohol that is capable of inducing euphoria, hallucinations or intoxication in the human body;

(f) "drug user" means a person who

(i) is addicted to the use of a substance other than alcohol, or

(ii) uses, whether habitually or not, a substance other than alcohol for the purpose of inducing euphoria, hallucinations or intoxication;

- 4 Section 2 presently reads:

2(1) There is hereby created a corporation with the name "The Alberta Alcoholism and Drug Abuse Commission" which shall consist of not more than 12 members appointed by the Lieutenant Governor in Council during pleasure.

(2) The Lieutenant Governor in Council shall designate one of the members of the Commission as chairman and another as vice-chairman.

(3) The chairman and vice-chairman shall be appointed by the Lieutenant Governor in Council.

(4) The members of the Commission, other than the chairman and vice-chairman, shall be appointed by the Lieutenant Governor in Council for a term of not more than 3 years and may be appointed for not more than 2 consecutive terms.

5 *Section 6 is repealed and the following is substituted:*

6(1) The Lieutenant Governor in Council, on the recommendation of the chairman, may appoint an Executive Director of the Commission and may fix his remuneration.

(2) The Executive Director is the chief executive officer of the Commission and an employee of the Commission, and is responsible for the management of the work of the Commission.

(3) The Executive Director may delegate to an employee of the Commission any power or duty conferred or imposed on him by the Commission.

6 *Section 8 is amended*

(a) *in subsection (1)(a) by striking out “pertains to a patient or the treatment, care or services provided by the Commission to a patient” and substituting “names or identifies a client who has been provided with treatment, care or services by the Commission”;*

(b) *in subsection (1)(b) by striking out “pertains to a patient or to the treatment, care or services provided to a patient” and substituting “names or identifies a client who has been provided with treatment, care or services by the Commission”;*

(c) *in subsection (3)(b) by striking out “, his personal representative or the committee of his estate” and substituting “or of a guardian or trustee of the client appointed under the *Dependent Adults Act* or the *Public Trustee Act*”;*

(d) *by striking out “patient” wherever it occurs and substituting “client”;*

(e) *by striking out “patients” wherever it occurs and substituting “clients”.*

5 Section 6 presently reads:

6(1) The Commission may appoint

(a) an executive director, subject to the approval of the Lieutenant Governor in Council, and

(b) any other officers and employees it requires

and may prescribe their duties and their remuneration.

(2) The appointment of officers and employees of the Commission shall be during pleasure unless otherwise agreed between the Commission and the officer or employee.

(3) The Commission may obtain the services of any agents or advisors or persons providing technical or professional services of a kind required by the Commission in connection with its business and affairs.

(4) The Public Service Pension Act applies, with all necessary modifications, to the officers and employees of the Commission as if they were employees of the Government.

6 Section 8 presently reads:

8(1) Except as otherwise provided in this section

(a) a person who is or has been a member or employee of the Commission or is or has been employed or engaged in the administration of this Act shall not disclose or be compelled to disclose any information obtained by him that pertains to a patient or the treatment, care or services provided by the Commission to a patient, and

(b) any file, record, document or paper in the custody of the Commission that pertains to a patient or to the treatment, care or services provided to a patient shall not be disclosed to any person or be admitted in evidence in any proceedings.

(2) In this section "patient" means a person who has been provided with treatment, care or other services by the Commission or at a hospital, clinic or centre operated by the Commission.

(3) Subsection (1) does not apply

(a) when the disclosure is necessarily made in the course of the administration of the business and affairs of the Commission or in the course of the administration of this Act,

(b) when the disclosure is made at the request of or with the consent of the patient concerned, his personal representative or the committee of his estate,

(c) in any special case when permission is given by an order of the Lieutenant Governor in Council, or

(d) when the disclosure is made in respect of a deceased patient to a medical examiner appointed under the Fatality Inquiries Act.

7 *Section 10 is amended by renumbering it as section 10(1) and by adding the following after subsection (1):*

(2) The Commission shall prepare a budget for each fiscal year in a form approved by the Minister and shall present it to the Minister in the manner and at the time specified by the Minister.

8 *Section 11 is repealed.*

9 *Section 13 is amended by striking out “, from time to time as required, advance” and substituting “pay”.*

10 *Section 16 is repealed and the following is substituted:*

16 The Commission may

- (a) operate programs for the prevention or treatment of alcohol and drug abuse;
- (b) conduct studies and research into and investigate alcohol and drug abuse or matters relating to alcohol and drug abuse;
- (c) provide financial and other assistance to persons conducting programs for the prevention or treatment of alcohol and drug abuse;
- (d) provide financial and other assistance to persons conducting studies and research into and investigating alcohol and drug abuse or matters relating to alcohol and drug abuse;
- (e) establish a tariff of fees payable to the Commission for services, programs or materials provided by the Commission.

(4) A provincial judge presiding at a public inquiry under Part 4 of the Fatality Inquiries Act may admit in evidence any information or any file, record, document or paper pertaining to a deceased patient obtained by a medical examiner under subsection (3)(d), but any proceedings related to that information, file, record, document or paper shall be closed to the public.

(5) Information in the hands of the Commission pertaining to patients and the treatment, care and services provided to patients may be published by the Commission or the Government in statistical form if the individual names of patients are not thereby revealed or made identifiable.

(6) A person who contravenes this section is guilty of an offence and liable to a fine of not more than \$500 and in default of payment to imprisonment for a term of not more than 90 days.

7 Section 10 presently reads:

10 The fiscal year of the Commission is the period from April 1 to the next following March 31.

8 Section 11 presently reads:

11 The Commission shall before December 1 in each year prepare and present to the Executive Council its budget for the Commission's next ensuing fiscal year.

9 Section 13 presently reads:

13 The Provincial Treasurer shall, from time to time as required, advance to the Commission money voted by the Legislature for the purposes of the Commission in equal monthly instalments or on any other basis agreed to by the Commission and the Provincial Treasurer.

10 Section 16 presently reads:

16 The Commission may

(a) hold, administer and manage the property and assets of the Commission, subject to any directions in that regard made by the Lieutenant Governor in Council;

(b) subject to the approval by the Lieutenant Governor in Council, operate hospitals for the diagnosis of alcoholism and drug abuse and the treatment and care of alcoholics and drug users;

(c) operate clinics and centres for the observation and treatment of alcoholics and drug users in conjunction with the Commission's hospitals or at any other place in Alberta;

(d) provide the equipment necessary for the proper operation of the Commission's hospitals, clinics and centres;

(e) provide the necessary facilities for proper medical attendance, nursing and medicine at the Commission's hospitals, clinics and centres;

(f) provide through its hospitals, clinics and centres, or the facilities of other agencies, counselling and follow-up services for alcoholics and drug users and former alcoholics and drug users;

11(1) The members of the Commission appointed before the coming into force of this Act are deemed to be validly appointed.

(2) The chairman and vice-chairman designated before the coming into force of this Act shall continue as chairman and vice-chairman until their successors are appointed.

12 The Alcoholism and Drug Abuse Foundation Act is amended in section 5(1)(c) by striking out "The Alberta Alcoholism" and substituting "the Alberta Alcohol".

13 In the following provisions of the Child Welfare Act, 1984 cC-8.1, "Alcoholism" is struck out and "Alcohol" is substituted:

section 75(1)(a) and (3);

section 98.

14 The Department of Social Services and Community Health Act is amended in section 9(1)(b)(viii) by striking out "Alcoholism" and substituting "Alcohol".

15 The Public Service Pension Plan Act, 1984 cP-35.1, is amended

(a) by repealing section 51(4);

(b) in the Schedule by striking out "Alcoholism" and substituting "Alcohol".

In accordance with section 4(1) of the Interpretation Act, this Bill comes into force on the date it receives Royal Assent.

(g) subject to approval by the Lieutenant Governor in Council

(i) provide financial or other assistance to persons or bodies of persons conducting programs for the treatment or rehabilitation of alcoholics or drug users or for studies, investigations or research on alcoholism or drug abuse, or

(ii) conduct, or engage other persons to conduct, studies, investigations and research on alcoholism and drug abuse and methods of treating or rehabilitating alcoholics and drug users;

(h) conduct programs for the dissemination of information respecting alcoholism and drug abuse and to stimulate academic education and professional orientation respecting the recognition of, and effective response to, the treatment and care of alcoholics and drug users;

(i) enter into agreements

(i) with hospitals or other institutions for the accommodation, treatment and care of alcoholics and drug users, or

(ii) with universities, hospitals or other institutions for the purpose of conducting studies, investigations or research on alcoholism and drug abuse and methods of treatment of alcoholics and drug users.

11 Transitional provision as a result of the repeal and replacement of section 2 by this Act.

12 Consequential amendment to RSA 1980 cA-39.

13 Consequential amendment to 1984 cC-8.1.

14 Consequential amendment to RSA 1980 cD-27.

15 Consequential amendment to 1984 cP-35.1.