

2007 Bill 32

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Third Session, 26th Legislature, 56 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 32**

## **ANIMAL HEALTH ACT**

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THE MINISTER OF AGRICULTURE AND FOOD

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## **BILL 32**

2007

### **ANIMAL HEALTH ACT**

*(Assented to , 2007)*

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Schedule

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

**Part 1  
Interpretation**

**Definitions**

**1** In this Act,

- (a) “active pharmaceutical ingredients” means  
pharmaceutically active substances used in the  
formulation of medicines in dosage forms;

- (b) “animal” includes alpacas, asses, bison, cats, cattle, cervids, dogs, ducks, geese, goats, horses, llamas, mules, poultry, ratites, sheep, swine, wild boars and any other animal prescribed in the regulations;
- (c) “animal by-product” includes blood and any of its components, antlers, bones, bristles, feathers, flesh, hair, hides, hoofs, horns, offal, skins, wool and any other animal by-product prescribed in the regulations;
- (d) “animal product” includes butter, cheese, cream, milk, eggs, meat, ova, semen and any other animal product prescribed in the regulations;
- (e) “authorized person” means a person listed in the Schedule or prescribed in the regulations as an authorized person;
- (f) “biosecurity measures” means actions taken to minimize the spread of a disease or a disease-causing agent;
- (g) “chief provincial veterinarian” means the chief provincial veterinarian appointed under section 5;
- (h) “community pasture” means
  - (i) a forest reserve under the *Forest Reserves Act*,
  - (ii) a community grazing reserve under the *Public Lands Act*, or
  - (iii) public land that is subject to a grazing lease or permit between the Government and a grazing association or group of individuals under the *Public Lands Act*;
- (i) “contaminated material” means bedding, clothing, equipment, feed, footwear, manure, medicine and any other fomite that may have come into contact with a diseased animal or a disease-causing agent;
- (j) “control zone” means a control zone established under section 31;
- (k) “Department” means the Department of Agriculture and Food;
- (l) “disease” means a disease within the meaning of section 2;

- (m) “disease-causing agent” means a micro-organism, macro-organism, chemical, poison, toxin or other agent that causes or may cause a disease;
- (n) “fomite” means an inanimate object that is capable of carrying a disease-causing agent but does not include a vehicle, railway car, aircraft or watercraft;
- (o) “information” includes personal information;
- (p) “inspector” means an inspector appointed under section 6;
- (q) “medicine” means drugs, vaccines, active pharmaceutical ingredients and biological supplies used for the prevention, treatment and control or eradication of diseases or parasites in animals;
- (r) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (s) “notifiable disease” means a notifiable disease within the meaning of section 4;
- (t) “owner” includes a person who has custody or care and control;
- (u) “personal information” means information about an identifiable individual;
- (v) “registered veterinarian” means a registered veterinarian under the *Veterinary Profession Act*;
- (w) “reportable disease” means a reportable disease within the meaning of section 3;
- (x) “residue” means medicine, chemicals or deleterious substances or their metabolized products remaining in animals, animal products, animal by-products or animal tissues;
- (y) “syndrome” means a set of symptoms or conditions that occur together in an animal;
- (z) “vector” means a living organism that is capable of carrying and transmitting a disease-causing agent but does not include an individual;



- (aa) “withdrawal time” means the amount of time required after the last medicine treatment given to an animal
- (i) as stated on the label of the medicine if the medicine is being used as described on the label, or
  - (ii) as directed by the prescribing registered veterinarian if the medicine is being used and administered in an extra-label manner,
- to achieve the maximum residue limits as set out in the *Food and Drug Act* (Canada).

### **Disease**

**2(1)** For the purposes of this Act, “disease” means

- (a) a pathological abnormality or a distinct group of symptoms or behaviours that are generally recognized by the scientific community as resulting or likely resulting from a single cause, or the interaction of more than one cause, or
- (b) any syndrome designated in the regulations as a disease.

**(2)** Notwithstanding subsection (1), an inspector who is a registered veterinarian may consider an animal to be diseased if

- (a) in the opinion of the inspector, the animal exhibits a single abnormal symptom or behaviour or a group of abnormal symptoms or behaviours whose cause has not been identified or isolated,
- (b) the animal is carrying a disease-causing agent, or
- (c) the animal has residues that exceed the maximum residue limits set out under the *Food and Drug Act* (Canada).

### **Reportable disease**

**3** For the purposes of this Act, a reportable disease is a disease that

- (a) is prescribed as a reportable disease in the regulations,
- (b) in the opinion of the chief provincial veterinarian requires the implementation of control measures or eradication

measures to minimize the risk of the disease spreading through direct or indirect contact with the animal carrying the disease-causing agent, or with an animal product or animal by-product from the animal carrying the disease-causing agent, because the disease

- (i) may cause products derived from a diseased animal to be unsafe or unfit for use or consumption,
  - (ii) may be a threat to animal health, public health or the health of other living organisms,
  - (iii) may be a threat to the economic interests of the animal industry, or
  - (iv) may be transmitted between animals and humans,
- or
- (c) requires any action to be taken for any purpose prescribed in the regulations.

**Notifiable disease**

**4** For the purposes of this Act, a notifiable disease is a disease that

- (a) is prescribed as a notifiable disease in the regulations,
- (b) in the opinion of the chief provincial veterinarian requires monitoring because the presence or the location of the disease may affect domestic or international trade,
- (c) in the opinion of the chief provincial veterinarian requires monitoring because it is a new disease to the province and the potential effects of the disease on animal health or public health are not known,
- (d) in the opinion of the chief provincial veterinarian requires monitoring because the disease-causing agent has changed and the effects of the change and the potential effects of the change on animal health or public health are not known,
- (e) in the opinion of the chief provincial veterinarian requires monitoring for any other purpose, or

- (f) requires monitoring for any other purpose prescribed in the regulations.

## **Part 2 Administration**

### **Chief provincial veterinarian**

**5** The Minister may appoint a registered veterinarian as chief provincial veterinarian in accordance with the *Public Service Act*.

### **Inspectors**

**6(1)** For the purposes of this Act, the chief provincial veterinarian is an inspector.

**(2)** The chief provincial veterinarian may appoint registered veterinarians as inspectors.

**(3)** The chief provincial veterinarian may appoint individuals who are not registered veterinarians as inspectors.

**(4)** Inspectors who are not employed pursuant to the *Public Service Act* may be paid the remuneration and expenses that the Minister may from time to time determine.

**(5)** An inspector must carry identification issued by the chief provincial veterinarian in the form provided for in the regulations.

### **Delegation of authority**

**7(1)** The Minister may delegate any of the Minister's powers and duties under this Act, other than the power to make regulations, to the chief provincial veterinarian, including the power of subdelegation.

**(2)** The chief provincial veterinarian may in writing delegate to an inspector or to an employee of the Department any of the chief provincial veterinarian's powers and duties under this Act or powers and duties delegated to the chief provincial veterinarian by the Minister under subsection (1).

### **Assistance by peace officer**

**8** An inspector may be accompanied by a peace officer while exercising powers or carrying out duties under this Act.

## **Part 3**

### **Reporting and Examination**

#### **Duty to report**

**9(1)** Subject to the regulations, an owner of an animal or an authorized person who knows or ought to know that a reportable disease prescribed in the regulations is, or may be, present in an animal must report it to the chief provincial veterinarian within 24 hours.

**(2)** Subject to the regulations, an owner of an animal or an authorized person who knows or ought to know that a notifiable disease described in section 4 is, or may be, present in an animal must report it to the chief provincial veterinarian within 24 hours.

#### **Examination of live animals**

**10** For the purposes of administering this Act, an inspector may examine any animal that on reasonable and probable grounds is suspected of

- (a) having a reportable disease,
- (b) having come into contact with an animal that has or had a reportable disease,
- (c) carrying a disease-causing agent for a reportable disease, or
- (d) having come into contact with a vector or a fomite that is or likely is carrying a disease-causing agent for a reportable disease.

#### **Examination of dead animals**

**11** For the purposes of administering this Act, the chief provincial veterinarian may order the carcass of any dead animal to be exhumed and examined

- (a) if the animal is suspected on reasonable and probable grounds of having died from a reportable disease,
- (b) if the animal was destroyed under section 28 as a result of having or being suspected of having a reportable disease,

- (c) if the animal died and an animal product or animal by-product from the dead animal was contaminated with or was suspected of being contaminated with a reportable disease,
- (d) if the animal was destroyed under section 28 as a result of an animal product or animal by-product from the animal being contaminated with a disease-causing agent for a reportable disease or being suspected of being contaminated with a disease-causing agent for a reportable disease, or
- (e) if the owner of the animal or an authorized person has contravened section 9, a quarantine order under section 12, a surveillance zone order under section 22, a control zone order under section 31, section 62 or the regulations.

## **Part 4 Quarantine**

### **Quarantine**

**12(1)** When the chief provincial veterinarian believes on reasonable and probable grounds that an animal has a reportable disease or has come into contact with another animal that has or had a reportable disease or that an animal product or animal by-product is contaminated with or is suspected of being contaminated with a disease-causing agent for a reportable disease, the chief provincial veterinarian may issue a quarantine order and

- (a) quarantine premises,
- (b) quarantine an animal on premises,
- (c) quarantine an animal product on premises,
- (d) quarantine an animal by-product on premises,
- (e) quarantine contaminated material on premises,
- (f) quarantine on premises a vehicle, railway car, aircraft or watercraft that carried
  - (i) an animal that has a reportable disease or is suspected on reasonable and probable grounds of having a reportable disease,

- (ii) an animal product or animal by-product that is or is suspected of being contaminated with a disease-causing agent for a reportable disease, or
- (iii) contaminated material.

**(2)** A quarantine order issued under subsection (1) may include any terms and conditions the chief provincial veterinarian considers necessary to minimize the risk of the reportable disease spreading and may

- (a) identify the reportable disease,
- (b) name the owner of the animal, animal product, animal by-product, vehicle, railway car, aircraft, watercraft, premises or contaminated material,
- (c) describe the location of
  - (i) the quarantined premises,
  - (ii) the quarantined animal and the location of the animal on the premises,
  - (iii) the quarantined animal product or animal by-product and the location of the animal product or animal by-product on the premises,
  - (iv) the quarantined vehicle, railway car, aircraft or watercraft and the location of the vehicle, railway car, aircraft or watercraft on the premises, and
  - (v) the quarantined contaminated material and the location of the contaminated material on the premises,
- (d) require an inspector to apply an identification mark, symbol, tag or electronic device to an animal, or require an inspector to record an identification mark, symbol, tag or electronic device that has been previously applied to an animal in order to identify the animal being quarantined,
- (e) require an inspector to apply an identification tag on a vehicle, railway car, aircraft, watercraft or contaminated material in order to identify the vehicle, railway car, aircraft, watercraft or contaminated material being quarantined,

- (f) order the manner in which the owner of the animal is to care for and feed all animals within the quarantined premises,
- (g) impose specific restrictions on the movement of fomites, vectors, animals, animal products, animal by-products, individuals, vehicles, railway cars, aircraft, watercraft and contaminated material that may carry a disease-causing agent for the reportable disease from entering or leaving the quarantined premises,
- (h) impose specific restrictions on the movement of animals, animal products, animal by-products and contaminated material within the quarantined premises,
- (i) specify any precautions or biosecurity measures for animals, animal products, animal by-products, individuals, vehicles, railway cars, aircraft, watercraft and contaminated material entering or leaving the quarantined premises,
- (j) state what tests are being conducted or will be conducted to identify or confirm the presence of the reportable disease or the disease-causing agent for the reportable disease,
- (k) order the isolation and segregation of animals present within the quarantined premises or from a quarantined vehicle, railway car, aircraft or watercraft,
- (l) order the owner of the animal to vaccinate an animal that has or is suspected on reasonable and probable grounds of having the reportable disease or to vaccinate other animals that may be susceptible to the reportable disease,
- (m) order the owner of the premises, the vehicle, the railway car, the aircraft, the watercraft or the contaminated material to clean and disinfect the premises, the vehicle, the railway car, the aircraft, the watercraft and any contaminated material on the premises or on or in the vehicle, the railway car, the aircraft or the watercraft,
- (n) order the destruction of an animal in accordance with section 28 if the animal has or is suspected on reasonable and probable grounds of having the reportable disease or if the animal products or animal by-products from an

animal are contaminated with the disease-causing agent for the reportable disease,

- (o) permit the movement of an animal, animal product, animal by-product, vehicle, railway car, aircraft, watercraft or contaminated material from the quarantined premises to another location,
- (p) require the owner to inform the inspector of any animals that become sick or have died on the premises during the quarantine, and
- (q) impose any other terms and conditions the chief provincial veterinarian considers necessary.

#### **Service of quarantine order**

**13(1)** Subject to subsection (2), a quarantine order must be served by being delivered personally to the owner of the premises, the animal, the animal product, the animal by-product, the vehicle, the railway car, the aircraft, the watercraft or the contaminated material.

**(2)** If, in the opinion of an inspector, service cannot reasonably be effected in accordance with subsection (1), the inspector may post a copy of the quarantine order in a conspicuous place on the premises where the animal, animal product, animal by-product or contaminated material is located or on the vehicle, the railway car, the aircraft or the watercraft that is the subject of the quarantine order.

#### **Notice of quarantine**

**14** The chief provincial veterinarian may notify an authorized person of the quarantine order and may provide any information collected under section 18 to an authorized person if the chief provincial veterinarian considers it necessary.

#### **Treatments**

**15** The chief provincial veterinarian may order specific treatments to be administered to any animal on quarantined premises.



### **Movement from quarantined premises**

**16(1)** A person may move an animal, animal product, animal by-product, vehicle, railway car, aircraft, watercraft or contaminated material from quarantined premises to another location only

- (a) in accordance with the terms and conditions in the quarantine order, and
- (b) after notifying the inspector at least 12 hours prior to moving the animal, animal product, animal by-product, vehicle, railway car, aircraft, watercraft or contaminated material from the quarantined premises.

**(2)** A person moving an animal, animal product, animal by-product, vehicle, railway car, aircraft, watercraft or contaminated material must carry a copy of the quarantine order and provide a copy of the quarantine order to any person who takes custody or care and control of the animal, animal product, animal by-product, vehicle, railway car, aircraft, watercraft or contaminated material.

### **Failure to comply with quarantine order**

**17(1)** A person who fails to comply with the terms and conditions of a quarantine order is guilty of an offence.

**(2)** If the owner of the premises, animal, animal product, animal by-product, vehicle, railway car, aircraft, watercraft or contaminated material that is subject to a quarantine order fails to comply with the terms and conditions of the quarantine order, the inspector may carry out the terms and conditions of the quarantine order at the expense of the owner.

**(3)** An inspector must provide in writing to the owner the inspector's determination of the expenses incurred in carrying out the terms and conditions of a quarantine order.

**(4)** When the terms and conditions of a quarantine order are carried out by an inspector under this section, the amount of the expenses incurred in carrying out the quarantine order, as determined by the inspector, is a debt due to the Crown.

### **Quarantine inspections**

**18** In addition to carrying out the powers and duties set out in sections 37 and 38, during a quarantine an inspector may

- (a) examine animals that have a reportable disease or that may have been exposed to a disease-causing agent for a reportable disease, collect samples from those animals and conduct tests on those samples,
- (b) examine fomites suspected of carrying a disease-causing agent for a reportable disease and collect samples and conduct tests on those samples,
- (c) conduct investigations to determine the cause, source or spread of a reportable disease or a disease-causing agent for a reportable disease,
- (d) identify any animals that may have come into contact with the diseased animal or that may have developed the reportable disease,
- (e) require the production of the name, address and telephone number of the owner of the quarantined premises, animal, animal product, animal by-product, vehicle, railway car, aircraft, watercraft or contaminated material,
- (f) conduct any tests on a diseased animal or any animal that may have come into contact with a diseased animal or been exposed to the disease-causing agent for the reportable disease or obtain the results of any tests that have been conducted on a diseased animal or on any animal that may have come into contact with a diseased animal or been exposed to the disease-causing agent for the reportable disease,
- (g) require the production of a list of the treatments administered to a diseased animal and the diseased animal's response to the treatments,
- (h) require the production of information on the morbidity or mortality of the animals on the quarantined premises,
- (i) require the production of the epidemiological and pathological details of a reportable disease in a diseased animal or in any animal that may have come into contact

with a diseased animal or been exposed to the disease-causing agent for the reportable disease,

- (j) assess the health of other animals on the quarantined premises that may have come into contact with a diseased animal or been exposed to the disease-causing agent for the reportable disease, and
- (k) require the production of any other information or carry out any other activity that the inspector considers necessary for the investigation.

#### **Quarantine order amended**

**19(1)** The chief provincial veterinarian may amend a quarantine order in writing.

**(2)** A copy of the amendment must be provided to the owner of the quarantined premises, animal, animal product, animal by-product, vehicle, railway car, aircraft, watercraft or contaminated material.

**(3)** The chief provincial veterinarian must notify the authorized persons notified of the original quarantine order under section 14 of the amendment in the same manner as those persons were notified of the original quarantine order.

#### **Quarantine order revoked**

**20(1)** Subject to subsection (2), the chief provincial veterinarian may revoke a quarantine order in writing.

**(2)** A quarantine order may not be revoked until the chief provincial veterinarian is satisfied that all of the terms and conditions of the quarantine order have been carried out.

**(3)** When the chief provincial veterinarian revokes a quarantine order, the chief provincial veterinarian must

- (a) provide a copy of the revocation to the owner of the quarantined premises, animal, animal product, animal by-product, vehicle, railway car, aircraft, watercraft or contaminated material,
- (b) notify the authorized persons notified of the original quarantine order under section 14 of the revocation in the

same manner as those persons were notified of the original quarantine order, and

- (c) remove the copy of the quarantine order posted under section 13(2), if any.

#### **Prohibition**

**21(1)** No person shall remove, alter, deface, conceal, damage, destroy, move or render illegible a quarantine order or a copy of a quarantine order posted on the quarantined premises or posted on a quarantined vehicle, railway car, aircraft or watercraft unless the person has the written consent of an inspector.

**(2)** No person other than an inspector shall remove, alter, deface, conceal, damage, destroy, move or render illegible any seal, earmark, eartag, other identification mark, symbol, tag or any other electronic device used or applied by an inspector on an animal.

**(3)** No person other than an inspector shall remove, alter, deface, conceal, damage, destroy, move or render illegible an identification tag used or applied by an inspector on a vehicle, railway car, aircraft, watercraft or contaminated material.

## **Part 5 Surveillance Zone**

#### **Surveillance zone**

**22(1)** The chief provincial veterinarian may establish a surveillance zone with a maximum radius of 10 km around quarantined premises and issue a surveillance zone order.

**(2)** A surveillance zone order issued under subsection (1) may include any terms and conditions the chief provincial veterinarian considers necessary to monitor the surveillance zone for the presence of the specific reportable disease that is present within the quarantined premises and may authorize an inspector

- (a) to examine animals, collect specimens from animals and conduct tests on animals within a surveillance zone to determine if a reportable disease or a disease-causing agent for the reportable disease has spread from the quarantined premises into the surveillance zone,

- (b) to examine fomites, collect samples and conduct tests on those samples collected within a surveillance zone to determine if the disease-causing agent for a reportable disease within the quarantined premises has spread to the surveillance zone,
- (c) to require the vaccination of animals,
- (d) to require owners of animals and authorized persons to report unusual occurrences or incidences of morbidity or mortality within the surveillance zone,
- (e) to impose disease control or disease prevention strategies and any other biosecurity measures to minimize the risk of the reportable disease spreading,
- (f) to conduct and monitor investigations to determine if the specific reportable disease has entered the surveillance zone, and
- (g) to impose any other restriction or requirement the chief provincial veterinarian considers necessary to minimize the risk of the reportable disease or the disease-causing agent for the reportable disease spreading from quarantined premises to the surveillance zone or within the surveillance zone.

**Notice of surveillance zone order**

**23(1)** Notice of the surveillance zone order must be served by being delivered personally to each owner of premises or of an animal, animal product or animal by-product, and to each authorized person, within the surveillance zone.

**(2)** If, in the opinion of an inspector, service cannot reasonably be effected in accordance with subsection (1), the inspector may post a copy of the surveillance zone order in a conspicuous place on the premises of each owner and authorized person within the surveillance zone.

**Failure to comply with surveillance zone order**

**24(1)** A person who fails to comply with the terms and conditions of a surveillance zone order is guilty of an offence.

(2) If an owner of premises or of an animal, animal product or animal by-product or an authorized person fails to comply with the terms and conditions of a surveillance zone order, the inspector may carry out the terms and conditions of the surveillance zone order at the expense of the owner or authorized person.

(3) The inspector must provide in writing to the owner or authorized person the inspector's determination of the expenses incurred in carrying out the terms and conditions of the surveillance zone order.

(4) When terms and conditions of the surveillance zone order are carried out by an inspector under this section, the amount of the expenses incurred in carrying out the terms and conditions of the surveillance zone order, as determined by the inspector, is a debt due to the Crown.

#### **Surveillance zone order amended**

**25(1)** The chief provincial veterinarian may amend a surveillance zone order in writing.

(2) A copy of the amendment must be served on the persons notified of the original surveillance zone order under section 23 by being delivered personally.

(3) If, in the opinion of an inspector, service cannot reasonably be effected in accordance with subsection (2), the inspector may post a copy of the amendment in a conspicuous place on the premises of each owner of premises or of an animal, animal product or animal by-product, and each authorized person, within the surveillance zone.

#### **Surveillance zone order revoked**

**26** When the chief provincial veterinarian revokes a surveillance zone order, the chief provincial veterinarian must inform the persons served with the surveillance zone order under section 23 of the revocation by

- (a) publishing the revocation in a newspaper having general circulation in the surveillance zone, and
- (b) publishing the revocation on the Department's website.

### **Prohibition**

**27** No person shall remove, alter, deface, conceal, damage, destroy, move or render illegible a surveillance zone order or an amendment to a surveillance zone order or a copy of a surveillance zone order or of an amendment to a surveillance zone order posted on premises unless the person has the written consent of an inspector.

## **Part 6 Destruction and Compensation**

### **Destruction of animals**

**28(1)** The chief provincial veterinarian may order the owner of an animal to destroy or dispose of an animal within a specified period of time and may, subject to the regulations, choose the method of destruction and the method of disposal of the carcass

- (a) if the animal has or is suspected on reasonable and probable grounds of having a reportable disease,
- (b) if the animal has come into contact with an animal that has or is suspected on reasonable and probable grounds of having a reportable disease,
- (c) if the animal is on quarantined premises,
- (d) if the animal has a reportable disease and the chief provincial veterinarian believes on reasonable and probable grounds that allowing the continued survival of the animal would be cruel or inhumane,
- (e) if the animal is carrying or is suspected on reasonable and probable grounds of carrying a disease-causing agent for a reportable disease, or
- (f) if an animal product or animal by-product from the animal is contaminated with or is suspected of being contaminated with a disease-causing agent for a reportable disease.

**(2)** If the chief provincial veterinarian orders the destruction and disposal of an animal, the chief provincial veterinarian must provide a copy of the order to the owner.

(3) The owner must comply with an order issued under subsection (1).

#### **Destruction of other property**

**29(1)** The chief provincial veterinarian may order the destruction and disposal of an animal product, an animal by-product, a vehicle, a railway car, an aircraft, a watercraft or contaminated material if the animal product, animal by-product, vehicle, railway car, aircraft, watercraft or contaminated material has come into contact with a disease-causing agent for a reportable disease and the destruction of the disease-causing agent cannot be ensured by cleaning or disinfecting the animal product, animal by-product, vehicle, railway car, aircraft, watercraft or contaminated material.

(2) If the chief provincial veterinarian orders the destruction and disposal of an animal product, an animal by-product, a vehicle, a railway car, an aircraft, a watercraft or contaminated material, the chief provincial veterinarian must provide a copy of the order to the owner.

(3) The owner must comply with an order issued under subsection (1).

#### **Compensation**

**30(1)** The Minister may, in accordance with the regulations, authorize the payment of compensation

- (a) to an owner whose animal is destroyed under section 28,
- (b) to an owner whose animal product, animal by-product, vehicle, railway car, aircraft, watercraft or contaminated material is destroyed under section 29,
- (c) for cleaning costs and disinfecting costs incurred in the course of complying with a quarantine order, surveillance zone order or control zone order,
- (d) for the costs of destruction and disposal of an animal, an animal product, an animal by-product, a vehicle, a railway car, an aircraft, a watercraft or contaminated material under section 28 or 29, or
- (e) for any other matter prescribed in the regulations.



**(2)** The Minister may refuse to authorize compensation or may reduce the amount of compensation authorized

- (a) if the owner has failed to comply with an order, direction or request made by an inspector,
- (b) if the owner had failed to implement biosecurity measures as specified in the regulations,
- (c) if the owner has failed to comply with this Act,
- (d) if the owner has failed to comply with a statutory duty directly related to the animal or the reportable disease, or
- (e) for any other reason provided for in the regulations.

**(3)** Neither the owner nor the operator of a vehicle, railway car, aircraft or watercraft is entitled to compensation in respect of anything required to be done under section 37.

## **Part 7 Control Zones**

### **Control zones**

**31(1)** The Minister may, by order, establish a control zone

- (a) in a region along a border of the province to minimize the risk of a specific reportable disease present in an adjacent province, territory or state from entering Alberta,
- (b) in any region in Alberta to establish or protect a disease-free zone when the specific reportable disease is present in the rest of Alberta, or
- (c) in any region in Alberta to contain a specific reportable disease.

**(2)** Notice of a control zone order must contain the following information:

- (a) the location of the control zone;
- (b) the specific reportable disease that necessitates establishing the control zone;
- (c) the species of animal the reportable disease occurs in;

- (d) the authority the chief provincial veterinarian has in the control zone;
- (e) any other information the Minister considers relevant.

**(3)** Notice of a control zone order must be published

- (a) in a newspaper having general circulation in the control zone,
- (b) on the Department's website, and
- (c) in any other manner the Minister considers appropriate.

**(4)** In addition to publishing notice of the control zone order under subsection (3), the Minister may provide notice of the control zone order to an owner of an animal, animal product or animal by-product within the control zone or to an authorized person in the control zone in any manner the Minister considers appropriate.

**(5)** For the purposes of each control zone established, in addition to the powers set out in sections 37 and 38, the chief provincial veterinarian may, with the authorization of the Minister, do any one or more of the following:

- (a) create a surveillance program to monitor for the specific reportable disease named in the notice;
- (b) examine animals, collect specimens from animals and conduct tests on animals within a control zone and animals entering and leaving a control zone to determine whether the specific reportable disease is present in those animals;
- (c) examine fomites, collect samples and conduct tests on those samples to determine if the disease-causing agent for the specific reportable disease is present within the control zone;
- (d) require owners of animals and authorized persons within the control zone to submit samples from animals to test for the presence of the specific reportable disease or the disease-causing agent for the specific reportable disease;
- (e) restrict the movement of fomites, vectors, animals, vehicles, railway cars, aircraft and watercraft from entering or leaving the control zone;

- (f) set conditions for the movement of animals, animal products, animal by-products, vehicles, railway cars, aircraft, watercraft and contaminated material into and out of the control zone;
- (g) require an owner of an animal or an authorized person to report unusual occurrences or incidences of morbidity or mortality in animals within the control zone;
- (h) impose disease control or disease prevention strategies and any other biosecurity measures to minimize the risk of the specific reportable disease or the disease-causing agent for the specific reportable disease spreading;
- (i) require the vaccination of animals;
- (j) require vehicles, railway cars, aircraft, watercraft and equipment to be cleaned and disinfected before entering or leaving the control zone;
- (k) conduct and monitor investigations to determine if the specific reportable disease or the disease-causing agent for the specific reportable disease has entered the control zone;
- (l) specify precautions individuals must take before entering or leaving the control zone;
- (m) impose any other restriction or requirement the chief provincial veterinarian considers necessary.

**(6)** A person must comply with any restriction or requirement imposed by the chief provincial veterinarian under subsection (5).

**Failure to comply with control zone order**

**32(1)** A person who fails to comply with the terms and conditions of a control zone order is guilty of an offence.

**(2)** If an owner of an animal, animal product or animal by-product or an authorized person fails to comply with the terms and conditions of a control zone order, the chief provincial veterinarian may carry out the terms and conditions of the control zone order at the expense of the owner or the authorized person.

(3) The chief provincial veterinarian must provide in writing to the owner or the authorized person the chief provincial veterinarian's determination of the expenses incurred in carrying out the terms and conditions of the control zone order.

(4) When the terms and conditions of the control zone order are carried out by the chief provincial veterinarian under this section, the amount of the expenses incurred in carrying out the terms and conditions of the control zone order, as determined by the chief provincial veterinarian, is a debt due to the Crown.

**Control zone order amended**

**33(1)** The Minister may amend a control zone order in writing.

(2) A copy of the amendment must be published

- (a) in a newspaper having general circulation in the control zone,
- (b) on the Department's website, and
- (c) in any other manner the Minister published notice of the control zone under section 31(3).

(3) The Minister must notify the owners of animals, animal products or animal by-products and authorized persons notified of the original control zone order under section 31(4) of the amendment in the same manner as those persons were notified of the original control zone order.

**Control zone order revoked**

**34** When the Minister revokes a control zone order, the Minister must

- (a) publish the revocation in a newspaper having general circulation in the control zone,
- (b) publish the revocation on the Department's website,
- (c) publish the revocation in any other manner the Minister published notice of the control zone, and
- (d) notify the owners of animals, animal products or animal by-products and authorized persons notified of the

original control zone order under section 31(4) of the revocation in the same manner as those persons were notified of the original control zone order.

#### **Prohibition**

**35** No person shall remove, alter, deface, conceal, damage, destroy, move or render illegible a control zone order or an amendment to a control zone order or a copy of a control zone order or of an amendment to a control zone order posted on premises unless the person has the written consent of an inspector.

#### **Regulations Act**

**36** The *Regulations Act* does not apply to an order made by the Minister under this Part.

## **Part 8 Inspections**

#### **Inspection of vehicles, railway cars, aircraft, watercraft**

**37(1)** An inspector and persons assisting an inspector may inspect any vehicle, railway car, aircraft or watercraft in or on which animals, animal products, animal by-products or contaminated material is transported.

**(2)** A person operating a vehicle, railway car, aircraft or watercraft described in subsection (1) must, when required by an inspector to do so,

- (a) bring the vehicle, railway car, aircraft or watercraft to a stop and keep it stopped until the end of any period of time that is reasonably necessary to enable the inspector to carry out the powers and duties of an inspector under this Act,
- (b) permit the inspector to examine the vehicle, railway car, aircraft or watercraft and animals, animal products, animal by-products or contaminated material in or on the vehicle, railway car, aircraft or watercraft,
- (c) permit the inspector to take samples and specimens from the animals, animal products, animal by-products or contaminated material in or on the vehicle, railway car, aircraft or watercraft,

- (d) answer all questions related to the administration of this Act put to the person by the inspector concerning the animals, animal products, animal by-products or contaminated material,
- (e) produce to the inspector records and other documents, including electronic records or documents, that relate to the animals, animal products, animal by-products or contaminated material in or on the vehicle, railway car, aircraft or watercraft,
- (f) transport the animals to the nearest point where reasonable unloading facilities are available and
  - (i) unload the animals for inspection, and
  - (ii) clean and disinfect the vehicle, railway car, aircraft or watercraft,
 and
- (g) assist the inspector who is carrying out powers and duties under this section.

(3) Subsection (2) does not apply to an aircraft that is in flight.

#### **Inspection of premises**

**38(1)** An inspector and persons assisting an inspector may, at any reasonable time, pass over land and enter any premises other than a private dwelling or a part of premises used as a private dwelling

- (a) to inspect any activities being carried out under a licence issued under this Act, or
- (b) to inspect animals, animal products, animal by-products or contaminated material that are present, have been present or are expected to be present on the land or premises to be inspected.

(2) In carrying out an inspection, an inspector may

- (a) require the production for examination of any records or other documents, including electronic records or documents, related to the administration of this Act and

make copies of them or temporarily remove them for the purpose of making copies,

- (b) require any person on the land or in the premises to answer all questions related to the administration of this Act put to the person by the inspector concerning the animals, animal products, animal by-products and contaminated material that are present, have been present or are expected to be present on the land or in the premises,
- (c) examine, take samples and specimens from, and require tests to be performed on or samples to be taken from, animals, animal products, animal by-products or contaminated material on the land or premises,
- (d) photograph or otherwise record anything on the land or premises that the inspector considers would be of assistance, and
- (e) require any person to provide assistance to an inspector who is carrying out powers and duties under this section.

**(3)** Before entering a private dwelling or a part of premises used as a private dwelling to carry out powers and duties under this section, an inspector must

- (a) obtain the consent of the owner or occupant of the private dwelling, or
- (b) obtain an order from a judge of the Court of Queen's Bench.

**(4)** If an inspector removes records or other documents under this section, the inspector must

- (a) give a receipt for them to the person from whom they were taken,
- (b) on request, provide a copy of the records or other documents removed to the person from whom they were taken or to a person who is entitled to custody of them, and
- (c) forthwith return the records or documents to the person from whom they were taken when they have served the purposes for which they were taken.

### **Identification of inspector**

**39** An inspector acting under the authority of section 37 or 38 must carry identification in the form provided for in the regulations and on request produce the identification and explain the powers and duties of an inspector under section 37 and 38.

### **Incriminating disclosures**

**40** A person who makes a disclosure under section 37(2)(d) or 38(2)(b) has the right not to have any incriminating disclosure so made used as evidence against the person in a prosecution under this Act except in a prosecution under section 42(2).

### **Court orders**

**41(1)** If the consent required under section 38(3)(a) is refused or cannot reasonably be obtained, a judge of the Court of Queen's Bench may, on the application of an inspector by way of originating notice, issue an order that

- (a) authorizes the inspector to enter the private dwelling or the part of premises used as a private dwelling to enable the inspector to carry out the powers and duties under section 38, and
- (b) directs a peace officer to accompany the inspector, if requested by the inspector, while the inspector carries out the powers and duties of an inspector under section 38.

**(2)** If anyone interferes with or hinders an inspector who is attempting to carry out the powers and duties of an inspector under section 18, 37 or 38, a judge of the Court of Queen's Bench may, on the application of the inspector by way of originating notice, issue an order that

- (a) restrains any person from interfering with or in any manner hindering an inspector in the carrying out of the powers and duties of an inspector under this Act,
- (b) directs the owner to do or refrain from doing anything as the judge considers necessary in order to enable the inspector to carry out the powers and duties of an inspector under this Act, and



- (c) directs a peace officer to accompany the inspector, if requested by the inspector, while the inspector carries out the powers and duties of an inspector under this Act.

(3) An application under this section may be made *ex parte* if the judge considers it appropriate in the circumstances.

#### **Offences**

**42(1)** A person who interferes with or hinders an inspector who is carrying out or attempting to carry out the powers and duties of an inspector under this Act or refuses or neglects to comply with any request directed to the person under this Act is guilty of an offence.

(2) A person who knowingly makes a false or misleading statement under section 37(2)(d) or 38(2)(b) is guilty of an offence.

## **Part 9 Licences**

#### **Licences**

**43(1)** On application for a licence by a person in accordance with this Act, the Minister may issue or refuse to issue any of the following licences:

- (a) a production animal medicine outlet licence;
- (b) a qualification certificate licence;
- (c) a livestock market licence;
- (d) a wholesale medicine licence;
- (e) any other licence prescribed in the regulations.

(2) Notwithstanding the *Pharmacy and Drug Act* and Schedule 7.1 to the *Government Organization Act*, a qualification certificate licence may be issued to a person other than

- (a) a pharmacist,
- (b) a regulated member or other person authorized to sell medicine pursuant to regulations under the *Health Professions Act*, or

(c) a registered veterinarian or permit holder under the *Veterinary Profession Act*.

(3) An application for a licence must be made to the Minister in a form approved by the Minister and must be accompanied with a licence fee in the amount prescribed in the regulations.

(4) The Minister may issue a licence under this section for any purpose specified in the regulations and subject to any terms and conditions the Minister considers appropriate.

(5) A licence issued under this section is not transferable.

(6) The Minister may, in the Minister's discretion,

(a) refuse to issue or to renew a licence, or

(b) cancel, suspend or vary the terms and conditions of a licence if the Minister is satisfied that the licence holder has contravened this Act or the regulations or the terms and conditions of the licence,

and must provide a copy of the decision to the applicant or licence holder, as the case may be.

#### **Closing of premises**

**44(1)** If a licence for premises has been suspended or cancelled under section 43, the premises must be closed.

(2) If a qualification certificate licence issued to an individual has been suspended or cancelled under section 43 and no other individual with a qualification certificate licence is able to carry out the day to day activities for which the suspended or cancelled qualification certificate licence was issued, the area of the premises where the individual was carrying out activities authorized by the qualification certificate licence must be closed.

(3) A licence holder is not entitled to compensation in respect of anything done by an inspector under this section.

#### **Medicine**

**45(1)** If a production animal medicine outlet licence, a wholesale medicine licence or a qualification certificate licence is suspended or cancelled, an inspector may seize and detain any medicine on

the premises prior to closing the area of the premises where the medicine is sold.

**(2)** If a licence referred to in subsection (1) remains suspended or cancelled after all appeals have been exhausted, the inspector may dispose of any medicine seized under subsection (1) in a manner approved by the chief provincial veterinarian.

**(3)** A licence holder is not entitled to compensation in respect of anything done by an inspector under this section.

## **Part 10 Appeals**

### **Appeal procedure**

**46(1)** A person who is directly affected by any of the following decisions may appeal the decision in accordance with this section:

- (a) a determination of the expenses incurred in carrying out the terms and conditions of
  - (i) a quarantine order under section 17,
  - (ii) a surveillance zone order under section 24, or
  - (iii) a control zone order under section 32;
- (b) the amount of compensation authorized or a refusal or reduction of compensation by the Minister under section 30;
- (c) a refusal by the Minister to issue or renew a licence under section 43;
- (d) the terms and conditions imposed on a licence by the Minister under section 43;
- (e) the cancellation or suspension of a licence by the Minister under section 43.

**(2)** An appeal under this section must be commenced by serving the Minister with a notice of appeal in the form prescribed in the regulations within 30 days after the appellant is notified of the decision referred to in subsection (1).

(3) The Minister must, within 30 days after being served with a notice of appeal, appoint an appeal board to hear the appeal.

(4) An appeal board must consist of at least 3 and not more than 5 persons, one of whom must be designated as chair by the Minister.

(5) The Minister may prescribe the time within which an appeal board is to hear an appeal and render a decision, and the Minister may extend that time if the Minister considers it appropriate to do so.

(6) An appeal board that hears an appeal under this section may

- (a) confirm the refusal, cancellation or suspension of a licence under section 43,
- (b) direct that a licence be issued or renewed under section 43,
- (c) reinstate a licence cancelled under section 43,
- (d) remove or vary a suspension of a licence under section 43,
- (e) confirm or vary a determination of expenses incurred under section 17, 24 or 32, or
- (f) confirm or vary the amount of compensation authorized under section 30, direct compensation be authorized under section 30 or confirm a refusal under section 30 to authorize compensation,

and the appeal board must notify the Minister and the appellant of its decision.

(7) The Minister may pay fees and reasonable living and travelling expenses to the members of an appeal board.

#### **Decision and record of hearing**

**47** The appeal board must forward to the Minister documents presented and documents created at the hearing.

#### **Making decision public**

**48** A decision made by the appeal board may be made public in any manner authorized by the Minister but must not include any information that may identify the appellant.

### **Appeal to Court of Queen's Bench**

**49(1)** A person who is affected by a decision of an appeal board under this Act may appeal the decision on a question of law or jurisdiction to the Court of Queen's Bench.

**(2)** An appeal under this section must be commenced within 30 days after the appellant receives notice of the appeal board's decision

- (a) by filing an originating notice that sets out the grounds for the appeal with the clerk of the Court of Queen's Bench, and
- (b) by serving a copy of the originating notice on the appeal board.

**(3)** The Court of Queen's Bench may, on application either before or after the time referred to in subsection (2), extend that time if it considers it appropriate to do so.

**(4)** On the hearing of an appeal, no evidence other than the evidence that was submitted to the appeal board on the making of the decision appealed from may be admitted, and the Court of Queen's Bench may confirm, vary or quash the appeal board's decision or make any ancillary order that is reasonably necessary for carrying out the Court's decision.

### **Reinstatement procedure**

**50(1)** A person

- (a) whose licence has been cancelled or suspended under section 43(6), and
- (b) who has in respect of that cancellation or suspension commenced an appeal under section 46,

may, by filing an originating notice with the Court of Queen's Bench, apply for reinstatement of the licence or removal of the suspension pending the determination of the appeal within 30 days after the person is notified of the cancellation or suspension.

**(2)** A copy of the originating notice must be served on the Minister.

(3) The Court of Queen's Bench may not hear an application made under this section until 2 or more days after a copy of the originating notice is served on the Minister.

(4) On hearing an application made under this section, the Court of Queen's Bench may, subject to conditions that it considers appropriate, if any, reinstate the cancelled licence or remove the suspension, as the case may be, pending the determination of the appeal under section 46.

#### **Protection from liability**

**51** No action or other proceeding for damages may be commenced against an appeal board, a member or employee of an appeal board or a person appointed or engaged to perform a duty or exercise a power for an appeal board

- (a) for any act done in good faith in the performance or intended performance of any duty or the exercise or intended exercise of any power under this Act or the regulations, or
- (b) for any neglect or default in the performance of the duty or exercise of the power in good faith.

## **Part 11 Records**

#### **Records**

**52(1)** An owner and an authorized person must keep records in accordance with the regulations.

(2) Records that must be kept by an owner and an authorized person include any one or more of the following records as prescribed in the regulations:

- (a) birth records for an animal;
- (b) parentage records for an animal;
- (c) identification of animals;
- (d) identification of premises;
- (e) records of the number of animals kept on the premises;

- (f) records of the date each animal arrived on the premises;
- (g) records of the date of sale or purchase of each animal;
- (h) records of the premises each animal, animal product or animal by-product came from;
- (i) records of any change in the use of premises;
- (j) records of any change in the type of species kept on premises;
- (k) a daily log of
  - (i) premises visits by a registered veterinarian, and
  - (ii) examinations of animals made in a registered veterinarian's clinic or in a veterinary hospital;
- (l) records of where prepared feed was produced and purchased from;
- (m) records of whom prepared feed was sold to;
- (n) records of whether an animal has been treated with medicine;
- (o) any records required to be kept under a licence issued under this Act;
- (p) any other records required by the regulations.

**(3)** Records required to be kept under this section must be kept for a minimum of 10 years unless another time period is provided for in the regulations.

## **Part 12 Collection, Use and Disclosure of Information**

### **Information**

**53(1)** Any information collected by, submitted by, disclosed to, disclosed by, used by, required for production by or submitted to an inspector or the chief provincial veterinarian is deemed to be information collected by, submitted by, disclosed to, disclosed by,

used by, required for production by or submitted to the Minister and is under the direction and control of the Minister.

(2) For the purposes of administering this Act, the Minister may disclose information referred to in subsection (1) to the chief provincial veterinarian, an inspector or any other employee of the Department, and the chief provincial veterinarian, an inspector or any other employee of the Department may disclose information referred to in subsection (1) to the Minister.

#### **Confidential information**

**54(1)** The information referred to in section 53(1) is to be treated as having been provided in confidence.

(2) Notwithstanding subsection (1), information disclosed in a quarantine order, a surveillance zone order or a control zone order is not confidential information.

#### **Personal information**

**55(1)** Any information referred to in section 53(1) that is personal information is confidential for a period of 5 years from the date the personal information was received.

(2) The Minister must refuse to disclose personal information referred to in subsection (1) to an applicant under the *Freedom of Information and Protection of Privacy Act* other than the individual to whom the information relates if the personal information was collected to minimize the risk of a reportable disease spreading or to protect animal health or public health.

(3) Subsection (2) prevails over section 17(2)(b) of the *Freedom of Information and Protection of Privacy Act* but not over any other provision of that Act.

#### **Collection of information**

**56** The Minister may require the production of, and collect, the following information:

- (a) any records required to be kept by any person under section 52;
- (b) any information collected by an authorized person;



- (c) animal records and reports, animal identification and animal certificates of health under the *Livestock Industry Diversification Act* and the regulations under that Act;
- (d) horse permits, livestock permits and livestock manifests under the *Livestock Identification and Brand Inspection Act*;
- (e) livestock permits, horse permits, pedigree cattle permits and any other permits, animal records, bills of sale for animals and livestock manifests under the *Livestock Identification and Commerce Act*;
- (f) animal records and animal identification referred to in the regulations under the *Meat Inspection Act*;
- (g) animal records referred to in the regulations under the *Livestock and Livestock Products Act*;
- (h) animal records and reports referred to in the regulations under the *Marketing of Agricultural Products Act*;
- (i) any other information prescribed in the regulations.

**Use and disclosure of information**

**57(1)** The Minister may use and disclose for any one or more of the following purposes any information collected by, submitted by, disclosed to, disclosed by, used by, required for production by or submitted to an inspector, the chief provincial veterinarian or the Minister:

- (a) disease eradication;
- (b) disease control;
- (c) disease surveillance;
- (d) protecting animal health and public health;
- (e) assisting in ongoing health, safety and biosecurity measures to minimize a disease outbreak or to minimize the risk of a disease spreading;
- (f) assisting when there is an outbreak of a disease;

- (g) identifying where animals are raised, quarantined, auctioned and slaughtered;
- (h) eliminating animal disease barriers for domestic and export market access;
- (i) enhancing emergency preparedness in the case of an outbreak of a disease or in the event of a natural disaster;
- (j) detecting the presence of diseases;
- (k) monitoring the health of animals;
- (l) analyzing the geographical distribution of a disease;
- (m) analyzing the epidemiology of disease outbreaks;
- (n) conducting assessments and models to predict disease risk;
- (o) tracking the movement of animals, animal products and animal by-products from premises to premises;
- (p) identifying the premises-to-premises movement of animals, animal products and animal by-products;
- (q) any other purpose provided for in the regulations.

**(2)** Subject to sections 53, 54 and 55, the Minister may disclose to an owner of an animal, animal product or animal by-product or to an authorized person only the information that is necessary to minimize the risk of the disease spreading and to protect animal health and public health.

**(3)** Subject to the regulations, an owner or an authorized person to whom information is disclosed may use and disclose the information only for the purposes authorized by the Minister.

**(4)** If the Minister discloses information under this section, the Minister may provide a summary of a report made from an investigation or an inspection conducted under this Act instead of specific details.

**(5)** Subject to sections 54 and 55, the Minister may use any information collected by, submitted by, disclosed to, disclosed by, used by, required for production by or submitted to an inspector, the chief provincial veterinarian or the Minister to publish reports

pertaining to any one or more of the purposes referred to in subsection (1) on the Department's website or by any other means the Minister chooses.

#### **Agreements**

**58** In addition to agreements under sections 10 and 11 of the *Government Organization Act*, the Minister may enter into agreements with authorized persons to collect, use and disclose any information referred to in sections 56 and 57.

## **Part 13 General**

#### **Animal health programs**

**59** The Minister may, in accordance with the regulations, establish and administer animal health programs.

#### **Biosecurity measures**

**60** The Minister may, in accordance with the regulations, establish biosecurity measures to be implemented for general disease control or for specific diseases.

#### **Community pastures**

**61** The Minister may, in accordance with the regulations, establish disease control measures on community pastures.

#### **Possession of imported animals**

**62(1)** The Minister may, in accordance with the regulations, prohibit the possession of imported animals that have a prescribed reportable disease or carry or may carry a disease-causing agent for a prescribed reportable disease.

**(2)** No person shall possess an imported animal with a prescribed reportable disease, the possession of which is prohibited under subsection (1).

#### **Traceability system**

**63(1)** The Minister may use any information collected under Part 12 to establish a traceability system.

**(2)** A traceability system may include the following information:

- (a) premises identification, including
  - (i) the location of premises,
  - (ii) the name, address and telephone number of the owner of premises,
  - (iii) the type of premises and the business name of premises, and
  - (iv) the number of each species of animals raised, kept, displayed, assembled and disposed of each year;
- (b) identification of animals;
- (c) a tracking system for the movement of animals;
- (d) a tracking system for the movement of animal products and animal by-products;
- (e) any other information prescribed in the regulations.

**(3)** An owner may be required by the regulations to obtain a unique identification number for an animal, an animal product, an animal by-product, premises, a vehicle, a railway car, an aircraft or a watercraft that transports animals, animal products or animal by-products.

#### **Fees**

**64** The Minister may charge the fees provided for in the regulations for the issuing of licences and for any other program or service provided for in the regulations.

#### **Sales of animals**

**65(1)** No person shall sell an animal with a reportable disease or an animal that may have been exposed to a disease-causing agent for a reportable disease or any animal product or animal by-product from an animal with a reportable disease for any reason unless authorized in writing by the chief provincial veterinarian.

**(2)** A person may sell an animal that has been administered medicine or exposed to chemicals, toxic substances or other deleterious substances only in accordance with the regulations.

### **Protection from liability**

**66** No action or other proceeding for damages may be commenced against an inspector or any person assisting an inspector

- (a) for any act done in good faith in the performance or intended performance of any duty or the exercise or intended exercise of any power under this Act or the regulations, or
- (b) for any neglect or default in the performance of the duty or exercise of the power in good faith.

## **Part 14 Offences and Penalties**

### **Offences**

**67(1)** A person who contravenes or fails to comply with any of the following provisions is guilty of an offence:

section 9;  
section 16;  
section 21;  
section 27;  
section 28(3);  
section 29(3);  
section 31(6);  
section 35;  
section 37(2);  
section 52;  
section 57(3);  
section 62(2);  
section 65.

**(2)** A person who contravenes the regulations is guilty of an offence.

### **Penalties**

**68(1)** A person who is guilty of an offence under section 17(1), 24(1), 32(1), 42 or 67 is liable

- (a) for a first offence, to a fine of not more than \$15 000 and, in the case of a continuing offence, to a further fine of not

more than \$1000 for each day or part of a day during which the offence continues after the first day, and

- (b) for a 2nd or subsequent offence,
  - (i) to a fine of not more than \$30 000 and, in the case of a continuing offence, to a further fine of not more than \$2000 for each day or part of a day during which the offence continues after the first day, or
  - (ii) to imprisonment for a term not exceeding one year,or to both fines and imprisonment.

(2) A prosecution under subsection (1) may be commenced within 2 years of the commission of the alleged offence but not afterwards.

## **Part 15 Regulations**

### **Lieutenant Governor in Council regulations**

**69(1)** The Lieutenant Governor in Council may make regulations

- (a) prescribing circumstances under which compensation may be paid, reduced or refused, the amount of compensation that may be paid and the manner of determining the amount of compensation that may be paid under section 30;
- (b) respecting information that may be collected by the Minister under section 56;
- (c) respecting purposes for which information may be used by the Minister;
- (d) respecting the purposes for which owners and authorized persons may use information disclosed to them;
- (e) respecting the establishment and administration of animal health programs and other programs and services under this Act;
- (f) respecting the implementation of biosecurity measures for general disease control and for specific diseases;

- (g) respecting disease control measures on community pastures;
- (h) respecting the possession of imported animals that have a prescribed reportable disease or carry or may carry a disease-causing agent for a prescribed reportable disease;
- (i) respecting the establishment of a traceability system under section 63 and the information that may be included in a traceability system;
- (j) respecting the identification of animals, animal products, animal by-products, vehicles, railway cars, aircraft and watercraft that transport animals, animal products and animal by-products for the purposes of a traceability system;
- (k) respecting the establishment of a premises identification system under section 63;
- (l) respecting the destruction and disposal of animals;
- (m) respecting the sale of animals that have been administered medicine or exposed to chemicals, toxic substances or other deleterious substances;
- (n) respecting the transition of any matter from the *Livestock Diseases Act* to this Act;
- (o) to deal with any difficulty or impossibility resulting from the transition from the *Livestock Diseases Act* to this Act;
- (p) defining words or expressions to be defined by the regulations and any other word or expression used in this Act that is not defined in this Act;
- (q) respecting the application of any provision of this Act, with or without modification, to an inspector, owner or authorized person.

**(2)** A regulation under subsection (1) may adopt or incorporate, in whole or in part or with modifications, published documents that set out standards, codes, guidelines or other rules relating to any matter in respect of which a regulation may be made under subsection (1).

(3) If a standard, code, guideline or other rule is adopted or incorporated by regulation under this section, the Minister shall ensure that a copy of the standard, code, guideline or other rule is made available to a person on request.

(4) The Lieutenant Governor in Council may make regulations in respect of matters coming under this Act that the Minister, after consulting with the chief provincial veterinarian, considers to be unforeseen, that are not provided for or that are insufficiently provided for in this Act.

(5) A regulation made under subsection (4) is repealed on the earliest of the following:

- (a) the coming into force of an amendment to this Act that provides for the matter dealt with in the regulation made under subsection (4);
- (b) the coming into force of a regulation that repeals the regulation made under subsection (4);
- (c) the expiration of 3 years from the day that the regulation made under subsection (4) comes into force.

(6) The repeal of a regulation under subsection (5)(b) or (c) does not affect anything done, incurred or acquired under the authority of that regulation before the repeal of that regulation.

(7) Subsections (4) to (6) and this subsection are repealed 5 years after this section comes into force, but the repeal does not affect anything done, incurred or acquired under the authority of a regulation made under subsection (4) before the repeal of subsections (4) to (6).

#### **Ministerial regulations**

**70(1)** The Minister may make regulations

- (a) prescribing animals, animal products and animal by-products for the purposes of section 1(b), (c) and (d);
- (b) prescribing persons or classes of persons as authorized persons for the purposes of section 1(e);
- (c) designating syndromes as diseases for the purposes of section 2(1)(b);



- (d) prescribing reportable diseases and notifiable diseases for the purposes of sections 3 and 4;
- (e) prescribing purposes for which action must be taken for reportable diseases;
- (f) prescribing purposes for which notifiable diseases are to be monitored;
- (g) prescribing identification that must be carried by an inspector;
- (h) respecting the reporting of reportable diseases and notifiable diseases to the chief provincial veterinarian;
- (i) respecting application for licences, the issuing of licences, the term of a licence, the types of licences that may be issued, the terms and conditions of licences and the purposes for which licences may be issued;
- (j) prescribing persons or classes of persons to whom licences may be issued;
- (k) respecting persons or classes of persons who are exempt from licensing requirements;
- (l) respecting the types of records to be kept, maintained and submitted under this Act by owners, authorized persons and licence holders;
- (m) respecting how records are to be kept, maintained and submitted by owners, authorized persons and licence holders;
- (n) respecting the period of time records must be kept by owners, authorized persons and licence holders;
- (o) prescribing fees that may be charged for licences and other services or programs provided for under this Act;
- (p) prescribing forms, including forms for licence applications and forms for appeals.

**(2)** A regulation under subsection (1) may adopt or incorporate, in whole or in part or with modifications, published documents that set out standards, codes, guidelines or other rules relating to any

matter in respect of which a regulation may be made under subsection (1).

**(3)** If a standard, code, guideline or other rule is adopted or incorporated by regulation under this section, the Minister shall ensure that a copy of the standard, code, guideline or other rule is made available to a person on request.

**Inclusive power**

**71** The authority to make regulations under this Act respecting a matter includes the authority to make regulations prohibiting the matter.

**Part 16  
Transitional Provisions,  
Consequential Amendments,  
Repeal and Coming into Force**

**Transitional provision**

**72** On the coming into force of sections 43 to 51 of this Act,

- (a) all suspensions, cancellations and variations of terms and conditions of licences commenced under the *Livestock Diseases Act* continue under those sections,
- (b) all ongoing appeals commenced under the *Livestock Diseases Act* continue and must be determined under those sections, and
- (c) all rights of appeal commenced under the *Livestock Diseases Act* continue under and are subject to those sections.

**Transitional provision**

**73** A qualification certificate issued under the *Livestock Diseases Act* continues as a qualification certificate licence under this Act until it would have expired under the *Livestock Diseases Act* or is suspended or cancelled.

**Amends RSA 2000 cA-10**

**74** The *Agricultural Service Board Act* is amended in sections 2(c) and 7(2)(c) by striking out “livestock disease under the *Livestock Diseases Act*” and substituting “animal disease under the *Animal Health Act*”.

## **Explanatory Notes**

**74** Consequential amendments.

**Amends RSA 2000 cL-17**

**75** The *Livestock Industry Diversification Act* is amended in section 7(1) by striking out “*Livestock Diseases Act*” and substituting “*Animal Health Act*”.

**Amends RSA 2000 cP-13**

**76** The *Pharmacy and Drug Act* is amended in section 2(1)(b) by striking out “*Livestock Diseases Act*” and substituting “*Animal Health Act*”.

**Repeal**

**77** The *Livestock Diseases Act*, RSA 2000 cL-15, is repealed.

**Coming into force**

**78** This Act comes into force on Proclamation.

**Schedule**

**Authorized Persons**

**Interpretation**

- 1** In this Act, “authorized person” means any of the following:
- (a) a registered veterinarian;
  - (b) a municipality where quarantined premises are located or within a surveillance zone;
  - (c) a police officer or peace officer located in the region surrounding quarantined premises or within a surveillance zone;
  - (d) the Chief Medical Officer or a medical officer of health under the *Public Health Act*;
  - (e) a regional health authority established under the *Regional Health Authorities Act*;
  - (f) the Alberta Agricultural Products Marketing Council under the *Marketing of Agricultural Products Act*;
  - (g) an agricultural service board under the *Agricultural Service Board Act*;

**75** Consequential amendments.

**76** Consequential amendments.

**77** Repeal.

**78** Coming into force.

- (h) a board under the *Marketing of Agricultural Products Act*;
- (i) a commission under the *Marketing of Agricultural Products Act*;
- (j) a dealer under the *Marketing of Agricultural Products Act*;
- (k) a livestock dealer under the *Livestock Identification and Commerce Act*;
- (l) a delegated authority under the *Brand Act*;
- (m) a delegated authority under the *Livestock Identification and Brand Inspection Act*;
- (n) a delegated authority under the *Livestock Identification and Commerce Act*;
- (o) a delegated authority under the *Livestock and Livestock Products Act*;
- (p) a delegated authority under the *Stray Animals Act*;
- (q) a designated agency under the *Marketing of Agricultural Products Act*;
- (r) a licence holder under the *Livestock Identification and Commerce Act*;
- (s) a licence holder under the *Livestock and Livestock Products Act*;
- (t) a licence holder under the *Stray Animals Act*;
- (u) a licence holder under a plan made pursuant to section 26 of the *Marketing of Agricultural Products Act*;
- (v) the owner of a brand under the *Brand Act*;
- (w) a processor under the *Marketing of Agricultural Products Act*;
- (x) a producer under the *Marketing of Agricultural Products Act*;

- (y) any person that holds an approval, authorization or registration under the *Agricultural Operation Practices Act*;
- (z) an agricultural society listed in the regulations;
- (aa) a livestock transport association listed in the regulations;
- (bb) the Alberta Veterinary Medical Association;
- (cc) an abattoir listed in the regulations;
- (dd) an animal research facility listed in the regulations;
- (ee) an artificial insemination organization listed in the regulations;
- (ff) a feedlot listed in the regulations;
- (gg) a feed mill, company or retailer listed in the regulations;
- (hh) an animal welfare organization listed in the regulations;
- (ii) a humane society listed in the regulations;
- (jj) a society for the prevention of cruelty to animals listed in the regulations;
- (kk) a private animal diagnostic laboratory listed in the regulations;
- (ll) a post-secondary institution listed in the regulations;
- (mm) a poultry hatchery listed in the regulations;
- (nn) a purebred association listed in the regulations;
- (oo) a wildlife association listed in the regulations;
- (pp) a zoo listed in the regulations;
- (qq) a Government agency or Government department;
- (rr) any other person prescribed in the regulations.

