

2007 Bill 214

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Third Session, 26th Legislature, 56 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 214**

## **HEALTHY FUTURES ACT**

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MS BLAKEMAN

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## **BILL 214**

2007

### **HEALTHY FUTURES ACT**

*(Assented to \_\_\_\_\_, 2007)*

WHEREAS healthy futures are based on prevention and planning;

WHEREAS the principle of sustainable development is crucial to serving the needs of Albertans today while protecting the health of infinite future generations;

WHEREAS the Province of Alberta is dedicated to supporting health impact assessment; and

WHEREAS it is crucial to ensuring sustainable policy-making that policy and program decisions be subject to a health assessment process;

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

#### **Definitions**

**1** In this Act,

- (a) “activity” means a project, program or policy of the Government or a Government agency,
- (b) “department” means a department as the term is used in the *Government Organization Act*;
- (c) “Director of Assessment Review” means the Director of Assessment Review appointed under section 8;
- (d) “Government” means the Government of Alberta;

- (e) “Government agency” means
- (i) a corporation that is an agent of the Government, or
  - (ii) a corporation, commission, board or other body whose members are appointed by an Act of the Legislature, the Lieutenant Governor in Council or a Minister of the Government, or any combination of them
- and includes a Provincial agency as defined in section 1(1) of the *Financial Administration Act*;
- (f) “EPEA” means the *Environmental Protection and Enhancement Act*;
- (g) “health” means the health of humans and includes the state of complete physical, mental and social well-being and not merely the absence of disease or infirmity;
- (h) “health assessment process” means the procedure established under Part 2 for reviewing proposed activities;
- (i) “health determinant” means a factor known to have the potential to cause changes in health status within the following categories:
- (i) health services;
  - (ii) biology and genetic endowment;
  - (iii) child development;
  - (iv) education;
  - (v) physical environments, including housing;
  - (vi) employment and working conditions;
  - (vii) social support networks;
  - (viii) income and social status; and
  - (ix) personal health practices and coping skills.
- (j) “health impact assessment” means a decision-making tool for estimating and predicting the effects of a specified activity on the health of a defined population through a process governed by this Act;

- (k) “health impact assessment report” means a report on a health impact assessment;
- (l) “Minister” means the Minister of Health and Wellness;
- (m) “proponent” means the Government or Government agency that proposes to undertake a proposed activity;
- (n) “proposed activity” means an activity that has not been commenced and would be the result of a project, policy or program developed pursuant to an Act, regulation or initiative of a Government department or agency that could affect the health of Albertans;
- (o) “Screening Committee” means the Health Assessment Screening Committee established under section 4;
- (p) “vulnerable populations” includes Aboriginal peoples, children, pregnant women, seniors and people with mental and physical disabilities;

### **Purpose of Act**

**2** The purpose of this Act is to ensure that Government decisions that will or could affect the health of Albertans are subject to the greatest scrutiny to promote the protection, enhancement and sustainability of the health of Albertans while recognizing the following:

- (a) the importance of prevention and pre-activity planning in regard to the overall health of Albertans and to the cost-effective operation of health care and other Government-sponsored structures in the province;
- (b) the utility of a population health approach to ensuring increased prosperity, reduced expenditure and greater social stability for the province;
- (c) the promotion and protection of health is essential to the well-being of society as a whole;
- (d) the importance of avoiding and reducing negative health effects while enhancing and optimizing the positive health effects in the development of Government activities and Government-related activities;
- (e) the interrelationship of health determinants and the responsibility of all Albertans to improve the health of themselves and others;

- (f) the need for improvement in the quality of public policy decision-making, particularly with respect to health considerations;
- (g) the responsibility of the Government to work co-operatively with governments of other jurisdictions, in recognition of the universal benefits of healthy humans internationally.

**Crown is bound**

**3** The Crown is bound by this Act.

## **Part 1 Administration**

**Health Assessment Screening Committee**

**4** The Health Assessment Screening Committee is hereby established.

**Members of Screening Committee**

**5(1)** The Screening Committee shall consist of

- (a) the Deputy Minister of each department;
- (b) the chair of the Health Quality Council of Alberta;
- (c) representatives from other Government agencies and departments as designated by the Minister;
- (d) at least 1 expert in preventative health as appointed by the Minister.

**(2)** The Deputy Minister of the Department of Health and Wellness is the chair of the Screening Committee.

**(3)** Notwithstanding subsection (1), each member of the Screening Committee may appoint in writing a person to be an alternate member of the Screening Committee to act in that person's place as a member of the Screening Committee in the event of that member's temporary absence or temporary inability to act.

**Rules of operation**

**6(1)** The members of the Screening Committee may make rules governing the calling and conduct of meetings of the Screening Committee and other matters pertaining to the conduct of its business and affairs.

(2) A majority of the members of the Screening Committee or their respective alternate members constitutes a quorum.

## **Part 2**

### **Assessment Review**

#### **Purpose of health assessment process**

- 7 The purpose of the health assessment process is
- (a) to support the goals of prevention and sustainable development and wellness,
  - (b) to create and update, in the monitoring and audit stages of assessment, a body of information about health determinants and the impact of certain activities on health,
  - (c) to predict the health consequences of a proposed activity and to assess plans to mitigate any negative health impacts resulting from the proposed activity, and
  - (d) to provide for the involvement of the public, proponents, the Government and Government agencies in the review of proposed activities.

#### **Director of Assessment Review**

- 8(1) The Minister shall designate a person from his or her department as Director of Assessment Review.
- (2) The Minister or the Director of Assessment Review may designate any person as an acting Director of Assessment Review to act in the Director's place in the event of the absence or inability to act on the part of the Director of Assessment Review.
- (3) A designation under this section may direct that the authority conferred by the designation is to be exercised subject to any terms and conditions that the Minister or Director of Assessment Review prescribes in the designation, including limitations on the scope of the designation.

#### **Initial review by the Director**

- 9(1) The proponent of an activity must submit the proposal, with an analysis of the health implications of the activity, to the Director.
- (2) After receiving a proposal under subsection (1), the Director shall review the potential health impacts of the proposed activity.

**(3)** In reviewing a proposal under subsection (1), the Director shall consider the following:

- (a) the location, size and nature of the proposed activity;
- (b) the complexity of the proposed activity and the technology to be employed in it;
- (c) any concerns in respect of the proposed activity that have been expressed by the public of which the Director is aware;
- (d) the presence of other similar activities in the same general area and the potential for cumulative negative health impacts;
- (e) any other criteria established in the regulations;
- (f) any other factors the Director considers to be relevant.

#### **Decision and notification**

**10** After reviewing a proposed activity under section 9, the Director shall prepare a report for the Screening Committee indicating his or her recommendations on whether the proposed activity warrants further review under the health assessment process.

#### **Duties of the Screening Committee**

**11(1)** The Screening Committee shall meet as required by the Minister to review the health implications of every proposed activity.

**(2)** In performing its work, the Screening Committee shall consider the preliminary report of the Director prepared under section 10.

**(3)** If the Screening Committee decides that a proposed activity warrants further review in respect of health impacts, the Screening Committee shall refer the proposed activity to the Director under section 12.

**(4)** The Screening Committee shall report to the Minister on every proposed activity it considers and what action it recommends with respect to the proposed activity.

**(5)** The Screening Committee shall make its report under subsection (4) public.

(6) Where the Screening Committee refers a proposed activity to the Director for a health impact assessment, it shall notify the Minister.

(7) In addition to its duties under subsections (1) and (2), the Screening Committee may co-ordinate, review and make recommendations to the Minister on interdepartmental matters related to protection and enhancement of the health of Albertans.

### **Reference of proposed activity to Director of Assessment Review**

**12(1)** Where the Screening Committee is of the opinion that the potential health impacts of a proposed activity warrant further consideration under the health assessment process, the Screening Committee shall refer the matter to the Director for further assessment, which may consist of a request for more information or a health impact assessment report.

(2) When the Director receives a reference under subsection (1) for a health impact assessment report, the Director shall require the proponent to prepare a health impact assessment report, which may, at the Director's discretion, address any or all of the following:

- (a) a description of the proposed activity, including but not limited to details on the different stages of the proposed activity's life cycle;
- (b) an analysis of the need for the activity;
- (c) a consideration of the alternatives to the proposed activity, including the alternative of not proceeding with the proposed activity;
- (d) an identification of the potentially affected population or populations, including residents, workers, vulnerable populations or other identifiable populations;
- (e) an analysis of site selection procedure, including a statement why the proposed site was chosen and which other sites were considered as alternatives;
- (f) an identification of the existing health status of the population to be affected, including the source of such information;
- (g) an analysis of possible effects on socio-cultural well-being,
- (h) an analysis of any statements of concern;



- (i) an analysis of possible effects on health care facilities and occupational health services;
  - (j) a description of potential negative health impacts of the proposed activity,
    - (i) temporary and cumulative,
    - (ii) regional and extra-regional,
    - (iii) physical and non-physical,
    - (iv) and any other aspect of health impacts specified by the Director;
  - (k) a description of potential positive health impacts of the proposed activity;
  - (l) an analysis of the significance of the potential negative health impacts identified under clause (d);
  - (m) the plans that have been or will be developed to mitigate potential negative health impacts identified under clause (d);
  - (n) the contingency plans that have been or will be developed in order to respond to unpredicted negative health impacts;
  - (o) the plans that have been or will be developed to monitor
    - (i) the negative health impacts,
    - (ii) the mitigation measures taken under the activity,
 on a continual basis throughout the life of the activity and for a reasonable period afterwards; and
  - (p) the plans that have been or will be developed to implement a program of public consultation in respect of the undertaking of the proposed activity and to present the results of that program;
  - (q) any other information that the Director considers necessary or relevant to assess the proposed activity.
- (3)** When the Director receives a request under subsection (1) for additional information, he or she shall request the proponent to provide that information of whatever type or form the Director decides.

### **Submission, supplementation of report**

**13(1)** The proponent shall submit the health impact assessment report to the Director.

**(2)** The Director may, at any time after receiving a health impact assessment report under subsection (1), require the proponent to submit any additional information respecting the proposed activity that the Director considers necessary.

### **Publication of health impact assessment report**

**14(1)** The Director shall require the proponent to publish the health impact assessment report within 30 days of its completion.

**(2)** In addition to any other means of publication under subsection (1), the proponent must post the health impact assessment report on its or a department's website.

### **Health impact assessment report to Minister**

**15** After the Director considers the health impact assessment report to be complete, the Director shall submit the health impact assessment report to the Minister, together with his or her recommendations as to whether the proposed activity should proceed.

### **Review by the Minister**

**16(1)** Upon receiving the health impact assessment and recommendations from the Director, the Minister shall advise the proponent of the health impact assessment and recommendations.

**(2)** In addition to the information under subsection (1), the Minister must recommend whether the proposed activity should proceed or not.

**(3)** The Minister's recommendations under subsection (2) must be made public within 10 days of it being sent to the proponent.

### **Advisory committees, experts**

**17** At the request of the Screening Committee or the Director, the Minister may establish advisory committees or arrange for experts to assist the Steering Committee or Director.

## **Environmental and health issues**

**18(1)** Where the Screening Committee determines that a proposed activity is more appropriately considered under the EPEA, the Chair of the Screening Committee shall direct the proposal to the Deputy Minister of the Department of Environment for the appropriate review.

**(2)** Where there are significant health and environmental concerns associated with a proposed activity, the Lieutenant Governor in Council may establish a joint committee to consider the health and environmental implications of the proposed activity.

**(3)** When a joint committee is established under subsection (2), the report shall be provided to the Minister under this Act and the Minister of Environment.

**(4)** The report under subsection (3) shall be made public.

## **Part 3 General and Coming into Force**

### **Regulations**

**19** The Lieutenant Governor in Council may make regulations

- (a) respecting proposed activities that are subject to review and the EPEA,
- (b) establishing a procedure to govern consideration of proposed activities under this Act and the EPEA,
- (c) respecting which officials under this Act and under the EPEA are to participate in a review under both Acts.

### **Ministerial regulations**

**20(1)** The Minister may make regulations

- (a) governing the conduct of the Screening Committee;
  - (b) providing for the rates of remuneration and expenses to members of advisory committees and to experts;
  - (c) dealing with criteria to be used by the Screening Committee.
- (2)** The Minister may develop objectives, standards, practices, codes of practice, guidelines or methods to meet goals or purposes toward which the Government's health impact assessment efforts

are directed, including, without limitation, standards, practices, codes of practice, guidelines or methods for monitoring, analysis and predictive assessment.

### **Privative clause**

**21** No decision, order, direction, ruling or proceeding of the Minister, the Screening Committee or the Director, or the person exercising the powers or performing the duties of the Director, shall be questioned or reviewed in any court, and no order shall be made or process entered or proceedings taken in any court to question, review, prohibit or restrain the Minister, the Screening Committee or the Director.

### **Review**

**22(1)** Within 3 years of the coming into force of this Act, the Minister must introduce a motion in the Legislative Assembly to establish a committee to review

- (a) the operation of this Act;
- (b) whether this Act should be expanded in scope to parallel the EPEA.

**(2)** The Committee must report within 1 year of commencing its work.

**(3)** The Government must respond to the Committee's report within 150 days of the date the report is made public.

### **Making documents public**

**23** When a report, document or other thing is to be made public under this Act, it is to be made public in the manner prescribed under section 3 of the *Government Accountability Act*.

### **Coming into force**

**24** This Act comes into force July 1, 2008.







# Record of Debate

STAGE	DATE	MEMBER	FROM	TO	TOTAL	CUMULATIVE TOTAL