

2018 Bill 205

Fourth Session, 29th Legislature, 67 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 205

SUPPORTING ACCESSIBLE MENTAL HEALTH SERVICES ACT

MS JABBOUR

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 205

2018

SUPPORTING ACCESSIBLE MENTAL HEALTH SERVICES ACT

(Assented to _____, 2018)

WHEREAS the Government of Alberta has a primary responsibility to promote and support accessible mental health services for all residents of the Province;

WHEREAS the Legislative Assembly of Alberta recognizes that every Albertan should have a fundamental right to be treated with dignity and respect, and in a timely manner, when dealing with a substance use disorder or mental illness; and

WHEREAS the Legislative Assembly of Alberta, affirming that right, desires to enact the Mental Health Bill of Rights to ensure supports for those seeking treatment for a substance use disorder or mental illness;

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) “Bill of Rights” means the Mental Health Bill of Rights established under section 2;
- (b) “health provider” means a member of a body that regulates a health profession or health discipline pursuant to an enactment;
- (c) “judge” has the meaning given to it in the *Provincial Court Act*;

- (d) “justice of the peace” has the meaning given to it in the *Justice of the Peace Act*;
- (e) “mental health services” means services that
 - (i) protect, promote or maintain mental health,
 - (ii) prevent mental illness or substance use disorders,
 - (iii) diagnose, treat or rehabilitate mental illness or substance use disorders, or
 - (iv) maintain the health of an individual suffering from a substance use disorder through methods or treatments including harm reduction;
- (f) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (g) “peace officer” means
 - (i) a police officer under the *Police Act*,
 - (ii) a member of a police service under the *Police Act*, or
 - (iii) a peace officer appointed under the *Peace Officer Act*.

Mental Health Bill of Rights

2(1) Every resident of Alberta has the following rights, which constitute the Mental Health Bill of Rights:

- (a) the right to receive mental health services appropriate for the needs of the individual;
- (b) the right, when dealing with a substance use disorder or mental illness, to be treated by health providers, peace officers, judges and justices of the peace, while acting in the exercise or discharge of their duties, in a courteous and respectful manner including the use of terminology that respects the dignity and autonomy of the individual;
- (c) the right to reasonable and timely access to appropriate mental health services and assistance in finding those services.

(2) A failure of a person to act in a manner that is consistent with the Bill of Rights does not in itself give rise to

- (a) a cause of action or other legally enforceable right or legal remedy or claim, or
- (b) proceedings in any court or before any body or person having the power to make decisions under an enactment.

(3) The Bill of Rights does not limit or otherwise affect any existing rights or obligations under an enactment.

Duties of the Minister

3 The Minister shall

- (a) receive, consider and address, in accordance with the regulations, complaints relating to alleged failures of persons to act in a manner consistent with the Bill of Rights,
- (b) make the Bill of Rights publicly available and take steps to ensure that all persons impacted by the Bill of Rights are aware of its contents and have access to educational materials relating to mental health, the co-occurrence of mental illness and substance use disorders, and harm reduction strategies, and
- (c) establish, in accordance with the regulations, a publicly accessible online registry to disseminate information with respect to mental health services available in Alberta.

Regulations

4 The Lieutenant Governor in Council may make regulations

- (a) respecting complaints relating to the Bill of Rights, including a process for referring complaints to another person or body in a circumstance where a complaint is within the jurisdiction of that person or body;
- (b) respecting the online registry to be established under section 3(c);
- (c) defining a word or expression that is used but not defined in this Act.

Coming into force

5 This Act comes into force on Proclamation.

Record of Debate

STAGE	DATE	MEMBER	FROM	TO	TOTAL	CUMULATIVE TOTAL