

2021 Bill 66

Second Session, 30th Legislature, 70 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 66

PUBLIC HEALTH AMENDMENT ACT, 2021

THE MINISTER OF HEALTH

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 66

BILL 66

2021

PUBLIC HEALTH AMENDMENT ACT, 2021

(Assented to _____, 2021)

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

Amends RSA 2000 cP-37

1 The *Public Health Act* is amended by this Act.

2 Section 1(1) is amended

(a) in clause (g) by adding “who has the qualifications set out
in the regulations and” after “*Health Professions Act*”;

(b) by repealing clause (h);

(c) by adding the following after clause (ff):

(ff.01) “peace officer” means a peace officer as defined in the
Peace Officer Act;

**3 Section 3 is amended by adding the following after
subsection (1):**

Explanatory Notes

1 Amends chapter P-37 of the Revised Statutes of Alberta 2000.

2 Section 1(1) presently reads in part:

1(1) In this Act,

(g) “community health nurse” means a registered nurse within the meaning of the Health Professions Act who is employed or engaged by a regional health authority or a provincial health board established under the Regional Health Authorities Act or the Department to provide public health services;

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

(ff) “owner” means the registered owner, and any person in the actual or apparent possession or control of land or a premises;

3 Section 3 presently reads in part:

(1.1) A member must have the qualifications, if any, set out in the regulations.

4 Section 9 is amended by adding the following after subsection (3):

(4) A medical officer of health and an executive officer appointed under this section must have the qualifications, if any, set out in the regulations.

5 The following is added after section 12:

Provision of services by individuals

12.1(1) Subject to the regulations, an individual may provide a type of service set out in the regulations if the individual has the qualifications or meets the requirements set out in the regulations in respect of that type of service.

(2) Despite subsection (1), where the existence of a public health emergency has been confirmed under section 29(2.1) or where a state of public health emergency has been declared under section 52.1,

- (a) the Minister or Chief Medical Officer may by order specify qualifications that an individual must have or requirements that an individual must meet in order to provide a type of service instead of or in addition to any qualifications or requirements set out in the regulations, and
- (b) an individual may provide the type of service referred to in clause (a) if
 - (i) the individual has the qualifications or meets the requirements specified in the order made under clause (a), and
 - (ii) the individual has the qualifications or meets the requirements set out in the regulations that the order made under clause (a) requires the individual to have or meet, if any, in order to provide the service.

3(1) There is hereby established a Public Health Appeal Board consisting of not more than 5 members who shall be appointed by the Lieutenant Governor in Council.

4 Section 9 presently reads in part:

(3) A person who is appointed as a medical officer of health under this section is, by virtue of the appointment, also an executive officer.

5 Provision of services by individuals.

6 Section 13 is amended by adding the following after subsection (1):

- (1.1) The Chief Medical Officer must
- (a) be a physician,
 - (b) have
 - (i) a certificate, diploma or degree in public health, or
 - (ii) training and practical experience that in the Minister's opinion is equivalent to a certificate, diploma or degree in public health,
 - (c) be a fellow of the Royal College of Physicians and Surgeons of Canada, and
 - (d) have any additional qualifications set out in the regulations.

(1.2) The Deputy Chief Medical Officer must have the qualifications, if any, set out in the regulations.

7 Section 15.1 is amended by adding the following after subsection (1):

(1.1) The Minister shall post online an order made under subsection (1) as soon as is reasonably possible after the order is made.

8 Section 16 is amended by adding the following after subsection (3):

(4) A medical officer of health appointed under this section and an executive officer designated under this section must have the qualifications, if any, set out in the regulations.

9 Section 29 is amended

- (a) by repealing subsection (2)(b)(ii) and substituting the following:

6 Section 13 presently reads in part:

13(1) The Minister may appoint a person as Chief Medical Officer of Health and a person as Deputy Chief Medical Officer of Health for the purposes of this Act.

7 Section 15.1 presently reads in part:

15.1(1) Notwithstanding anything in this Act, the Minister may, on the advice of the Chief Medical Officer, by order, make any provision of this Act or the regulations applicable in respect of a particular disease if the Minister is satisfied that the disease presents a serious threat to public health.

8 Section 16 presently reads in part:

(3) The Minister may designate one or more persons employed in the Department as executive officers for the purposes of this Act.

9 Section 29 presently reads in part:

(2) Where the investigation confirms the presence of a communicable disease, the medical officer of health

- (ii) where the medical officer of health determines that a person or class of persons engaging in the following activities could transmit an infectious agent, prohibit the person or class of persons from engaging in the activity by order, for any period and subject to any conditions that the medical officer of health considers appropriate:
 - (A) attending a school;
 - (B) engaging in the occupation of the person or the class of persons, subject to subsection (2.01);
 - (C) having contact with any persons or any class of persons;

(b) by adding the following after subsection (2):

(2.01) An order made under subsection (2)(b)(ii)(B) does not prevent a person who is subject to the order from engaging in the person's occupation if the person is able to do so without attending any location, having any contact or engaging in any activity that could transmit an infectious agent.

(c) by adding the following after subsection (2.1):

(2.2) A medical officer of health or the Chief Medical Officer may in writing exempt a person or class of persons from the application of an order made under subsection (2) or (2.1) by that medical officer of health.

(2.3) Where an order under subsection (2) or (2.1) or an exemption under subsection (2.2) is not made in respect of a specific person or persons, the medical officer of health who makes the order or exemption, or the Chief Medical Officer if the Chief Medical Officer makes the exemption, shall provide a copy of the order or exemption to the Minister as soon as is reasonably possible.

(d) by repealing subsection (4) and substituting the following:

(4) The jurisdiction of a medical officer of health extends to any person or animal, whether or not the person resides or the animal is located within the boundaries of the health region,

(a) shall carry out the measures that the medical officer of health is required by this Act and the regulations to carry out, and

(b) may do any or all of the following:

(i) take whatever steps the medical officer of health considers necessary

(A) to suppress the disease in those who may already have been infected with it,

(B) to protect those who have not already been exposed to the disease,

(C) to break the chain of transmission and prevent spread of the disease, and

(D) to remove the source of infection;

(ii) by order

(A) prohibit a person from attending a school,

(B) prohibit a person from engaging in the person's occupation, or

(C) prohibit a person from having contact with other persons or any class of persons

for any period and subject to any conditions that the medical officer of health considers appropriate, where the medical officer of health determines that the person's engaging in that activity could transmit an infectious agent;

(iii) issue written orders for the decontamination or destruction of any bedding, clothing or other articles that have been contaminated or that the medical officer of health reasonably suspects have been contaminated.

(2.1) Where the investigation confirms the existence of a public health emergency, the medical officer of health

(a) has all the same powers and duties in respect of the public health emergency as he or she has under subsection (2) in the case of a communicable disease, and

- (a) who is known or suspected by a medical officer of health
 - (i) to be infected with a communicable disease, illness or health condition,
 - (ii) to be a carrier,
 - (iii) to have been in contact with an infected person or animal or a contaminated environment to a sufficient degree to have had the opportunity to become infected with a communicable disease, illness or health condition,
 - (iv) to be susceptible to and at risk of contact with a communicable disease, illness or health condition, or
 - (v) to be exposed to a chemical agent or radioactive material,

or

- (b) who has been determined by the Chief Medical Officer to be at risk of infection with a communicable disease, illness or health condition.

(5) An order made under subsection (2) or (2.1) or an exemption made under subsection (2.2) may incorporate, adopt or declare in force a code, standard, guideline, schedule or body of rules as amended or replaced from time to time, including a code, standard, guideline, schedule or body of rules developed by the Minister or the Chief Medical Officer, that relates to the order or exemption.

(6) The *Regulations Act* does not apply to an order made under subsection (2) or (2.1) or an exemption made under subsection (2.2) or to a code, standard, guideline, schedule or body of rules that the order or exemption incorporates, adopts or declares in force.

(7) If an order under subsection (2) or (2.1) or an exemption under subsection (2.2) is not made in respect of a specific person or persons, the Minister shall

(b) may take whatever other steps are, in the medical officer of health's opinion, necessary in order to lessen the impact of the public health emergency.

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

(a) infected with a communicable disease, illness or health condition,

(b) a carrier,

(c) a contact,

(d) susceptible to and at risk of contact with a communicable disease, illness or health condition, or

(e) exposed to a chemical agent or radioactive material,

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

- (a) post the order or exemption online as soon as is reasonably possible after the order or exemption is made, and
- (b) ensure that any code, standard, guideline, schedule or body of rules that is incorporated, adopted or declared in force by the order or exemption is readily available to the public.

10 The following is added after section 29:

Validation of orders

29.1(1) An order made under section 29(2)(b)(i) or (2.1) before the coming into force of this section is validated and declared for all purposes to have been validly made as of the date on which the order was made.

(2) Everything done before the coming into force of this section under or in reliance on an order made under section 29(2)(b)(i) or (2.1) is validated and declared for all purposes to have been validly done.

(3) Any code, standard, guideline, schedule or body of rules incorporated, adopted or declared in force by an order made under section 29(2)(b)(i) or (2.1) before the coming into force of this section is validated and declared for all purposes to have been validly incorporated, adopted or declared in force as of the date on which the order was made.

11 Section 38(1)(c) and (3) are repealed.

10 Validation of orders.

11 Section 38 presently reads in part:

38(1) Where the Lieutenant Governor in Council is satisfied that a communicable disease referred to in section 20(1) has become or may become epidemic or that a public health emergency exists, the Lieutenant Governor in Council may do any or all of the following:

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

(3) Where a person refuses to be immunized pursuant to an order of the Lieutenant Governor in Council, the person shall be subject to

12 Section 39(2) is repealed and the following is substituted:

(2) The medical officer of health shall issue a certificate in the prescribed form where the medical officer of health is satisfied, taking into account any evidence that the medical officer of health considers relevant, that

- (a) the person meets the criteria set out in subsection (1)(a) and (b),
- (b) the person poses a risk to mitigating the disease or limiting its spread to others, and
- (c) there is no other reasonable means of mitigating the disease or limiting its spread to others.

13 Section 40(3)(a) is repealed and the following is substituted:

- (a) inform the person or the person's guardian, if any, of
 - (i) the reason for the issuance of the certificate, and
 - (ii) the name and address of the facility in which the person is detained,

14 Section 44 is amended

(a) **in subsection (1) by striking out** "Where one physician" **and substituting** "Subject to subsection (1.1), where one physician";

(b) **by adding the following after subsection (1):**

(1.1) A physician or physicians shall not issue an isolation order under subsection (1) unless the physician is or the physicians are satisfied that there is no other reasonable means of mitigating the disease or limiting its spread to others.

this Part with respect to the disease concerned as if the person were proven to be infected with that disease.

12 Section 39(2) presently reads:

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

13 Section 40(3) presently reads in part:

(3) Where a person is detained pursuant to a certificate, the medical director of the facility in which the person is detained shall forthwith

(a) inform the person or the person's guardian, if any, of the reason for the issuance of the certificate,

14 Section 44 presently reads in part:

44(1) Where one physician supported by a laboratory report demonstrating evidence of an infectious agent certifies or 2 physicians certify that a person is infected with an organism that produces a disease prescribed in the regulations for the purposes of this section and that the person refuses or neglects

(a) to submit to medical, surgical or other remedial treatment, or

(b) to comply with any other conditions

that have been prescribed by a physician as being necessary to mitigate that disease or to limit its spread to others, the physician or physicians shall each issue an isolation order in the prescribed form.

15 Section 48(a) is repealed and the following is substituted:

- (a) inform the person or the person's guardian, if any, of
 - (i) the reason for the issuance of the isolation order or orders, and
 - (ii) the name and address of the facility in which the person is detained,

16 Section 52.1 is repealed and the following is substituted:

State of public health emergency

52.1 Where, on the advice of the Chief Medical Officer, the Lieutenant Governor in Council is satisfied that

- (a) a public health emergency exists or may exist, and
- (b) prompt co-ordination of action or special regulation of persons or property is required in order to protect the public health,

the Lieutenant Governor in Council may make an order declaring a state of public health emergency relating to all or any part of Alberta.

15 Section 48 presently reads in part:

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

- (a) inform the person or the person's guardian, if any, of the reason for the issuance of the isolation order or orders,*

16 Section 52.1 presently reads:

52.1(1) Where, on the advice of the Chief Medical Officer, the Lieutenant Governor in Council is satisfied that

- (a) a public health emergency exists or may exist, and*
- (b) prompt co-ordination of action or special regulation of persons or property is required in order to protect the public health,*

the Lieutenant Governor in Council may make an order declaring a state of public health emergency relating to all or any part of Alberta.

(2) On the making of an order under subsection (1) and for up to 60 days following the lapsing of that order, a person referred to in subsection (3) may by order, without consultation,

- (a) suspend or modify the application or operation of all or part of an enactment, subject to the terms and conditions that person may prescribe, or*
- (b) specify or set out provisions that apply in addition to, or instead of, any provision of an enactment,*

if the person is satisfied that doing so is in the public interest.

(2.1) An order made under subsection (2) may be made retroactive to a date not earlier than the date on which a state of public health emergency was declared under subsection (1).

(2.2) An order made under subsection (2) may not

- (a) impose or increase any tax or impost,*

17 Section 52.21 is repealed.

(b) appropriate any part of the public revenue or any tax or impost, or

(c) create a new offence with retroactive effect.

(2.3) Every order made under subsection (2) on or after March 17, 2020 and before the coming into force of this subsection that is purported to apply retroactively to a date not earlier than March 17, 2020 is deemed to have been validly made.

(2.4) Where there is a conflict or inconsistency between an order made under subsection (2) and a provision of the enactment to which the order relates, the order prevails to the extent of the conflict or inconsistency.

(3) The following persons may make an order under subsection (2):

(a) the Minister responsible for the enactment;

(b) if the Minister responsible for the enactment is not available, the Minister of Health.

17 Section 52.21 presently reads:

52.21(1) Where, on the advice of the Chief Medical Officer, the Lieutenant Governor in Council is satisfied that

(a) there is a significant likelihood of pandemic influenza, and

(b) prompt co-ordination of action is required in order to avert or minimize the pandemic,

the Lieutenant Governor in Council may make an order authorizing a Minister to make orders under subsection (2).

(2) On the making of an order under subsection (1) and continuing until the lapsing of that order, a Minister authorized under subsection (1) may by order, without consultation,

(a) suspend or modify the application or operation of all or part of an enactment for which the Minister is responsible, subject to the terms and conditions the Minister may prescribe, or

(b) specify or set out provisions that apply in addition to, or instead of, any provision of an enactment for which the Minister is responsible,

18 Section 52.4 is amended

- (a) by striking out “section 52.1, 52.2 or 52.21” and substituting “section 52.1 or 52.2”;**
- (b) in clause (a) by striking out “section 52.1(1) or 52.21(1)” and substituting “section 52.1”;**
- (c) by repealing clause (b).**

19 Section 52.6 is amended

- (a) by repealing subsection (1)(c);**
- (b) in subsection (1.01) by striking out “subsection (1)(a) to (e)” and substituting “subsection (1)(a), (b), (d) or (e)”;**
- (c) in subsection (1.1)**

if the person is satisfied that failing to do so may directly or indirectly unreasonably hinder or delay action required in order to protect the public health.

(3) An order made by a Minister under subsection (2) may be made retroactive to a date not earlier than the date on which an order was made under subsection (1) in relation to that Minister.

(4) An order made under subsection (2) may not

(a) impose or increase any tax or impost,

(b) appropriate any part of the public revenue or any tax or impost, or

(c) create a new offence with retroactive effect.

(5) Where there is a conflict or inconsistency between an order made under subsection (2) and a provision of the enactment to which the order relates, the order prevails to the extent of the conflict or inconsistency.

18 Section 52.4 presently reads in part:

52.4 The following persons shall publish and make available the details of an order under section 52.1, 52.2 or 52.21 in the manner the person considers appropriate:

(a) if the order is made under section 52.1(1) or 52.21(1), the Minister;

(b) if the order is made under section 52.1(2) or 52.21(2), the Minister who made the order;

19 Section 52.6 presently reads in part:

52.6(1) On the making of an order under section 52.1 and for up to 60 days following the lapsing of that order the Minister or a regional health authority may do any or all of the following for the purpose of preventing, combating or alleviating the effects of the public health emergency and protecting the public health:

(c) authorize the conscription of persons needed to meet an emergency;

- (i) **by striking out** “section 52.1(1)” **and substituting** “section 52.1”;
- (ii) **by striking out** “pandemic influenza” **wherever it occurs and substituting** “pandemic disease”.

20 Section 52.61(2) is amended by striking out “section 52.6(1)(a) to (e)” **and substituting** “section 52.6(1)(a), (b), (d) or (e)”.

21 Section 52.8 is amended

(a) in subsection (1)

- (i) **by striking out** “section 52.1(1) or 52.21(1)” **and substituting** “section 52.1”;
- (ii) **in clause (a) by striking out** “pandemic influenza” **and substituting** “pandemic disease”;

(1.01) On the making of an order under section 52.2 and during the state of public health emergency the Minister or the regional health authority may exercise any or all of the powers set out in subsection (1)(a) to (e) for the purpose of preventing, combating or alleviating the effects of the public health emergency and protecting the public health.

(1.1) On the making of an order under section 52.1(1) in respect of pandemic influenza and for up to 60 days following the lapsing of that order, the Chief Medical Officer may, subject to any terms and conditions the Chief Medical Officer may impose, authorize the absence from employment of any persons

- (a) who are ill with pandemic influenza,*
- (b) who are caring for a family member ill with pandemic influenza, or*
- (c) whose absence is required in order for the person to comply with an order of the Chief Medical Officer made under section 29(2.1).*

20 Section 52.61 presently reads in part:

(2) Irrespective of whether the state of public health emergency declared under Order in Council numbered O.C. 80/2020 remains in effect, the Minister or a regional health authority may exercise the powers set out in section 52.6(1)(a) to (e), notwithstanding any limitation in that subsection on when the powers may be exercised, with respect to any of the following for the purpose of preventing, combating or alleviating the effects of the public health emergency and protecting the public health:

21 Section 52.8 presently reads in part:

52.8(1) An order under section 52.1(1) or 52.21(1) lapses, unless continued by a resolution of the Legislative Assembly, at the earlier of the following:

- (a) at the end of 30 days, but if the order is in respect of pandemic influenza, at the end of 90 days;*
- (2) Where, on the advice of the Chief Medical Officer, the Lieutenant Governor in Council considers that a public health*

(b) in subsection (2) by striking out “section 52.1(1) or 52.21(1)” and substituting “section 52.1”.

22 Section 52.811 is repealed.

23 Section 52.83 is amended by striking out “section 52.1, 52.2 or 52.21” and substituting “section 52.1 or 52.2”.

24 Section 52.91 is amended

(a) by renumbering clause (a) as clause (a.1) and adding the following before clause (a.1):

(a) that is by reason only of the employee providing a type of service under section 12.1,

(b) by repealing clause (b) and substituting the following:

emergency no longer exists in an area in relation to which an order was made under section 52.1(1) or 52.21(1), the Lieutenant Governor in Council shall make an order terminating the declaration in respect of that area.

22 Section 52.811 presently reads:

52.811(1) An order under section 52.1(2) or 52.21(2) lapses, unless it is sooner continued by an order of the Lieutenant Governor in Council, at the earliest of the following:

- (a) 60 days after the related order under section 52.1(1) or 52.21(1) lapses;*
- (b) when the order is terminated by the Minister who made the order;*
- (c) when the order is terminated by the Lieutenant Governor in Council.*

(2) The Minister who makes an order under section 52.1(2) or 52.21(2) shall, by order, terminate that order when that Minister is satisfied that the order is no longer in the public interest.

(3) The Lieutenant Governor in Council may continue an order that would otherwise lapse under subsection (1) for a period that does not exceed 180 days after the lapsing of the related order under section 52.1(1) or 52.21(1).

23 Section 52.83 presently reads:

52.83 The Regulations Act does not apply to an order made under section 52.1, 52.2 or 52.21.

24 Section 52.91 presently reads in part:

52.91 No employer shall terminate, restrict or in any way discriminate against an employee for an absence from employment

- (a) that is in respect of and occurs during a public health emergency declared under section 52.1 and*

- (b) that is by reason only of the employee rendering aid under section 52.6(1)(b), or

25 Section 52.98 is amended by adding the following after subsection (6):

(7) The Department shall retain and dispose of a traveller's isolation questionnaire in accordance with the approved records and disposition schedule prepared by the Department under the *Records Management Regulation* (AR 224/2001).

26 Section 53 is amended by adding the following after subsection (4.2):

(4.21) A police service to which information is disclosed under subsection (4.2) must provide for the disposition of the records disclosed by the Chief Medical Officer that contain that information when the police service no longer requires the information for the purposes of subsection (4.2).

27 The following is added before Part 4:

**Part 3.1
Public Health
Plans and Health
Impediments**

Definitions

58.1 In this Part,

- (i) *that is by reason only of the employee having being subject to a certificate issued pursuant to section 39, or*
- (ii) *that is by reason only of the employee having been subject to an isolation order pursuant to section 44,*
- (b) *that is by reason only of the employee having been conscripted pursuant to section 52.6(1)(c) or (1.01), or*

25 Section 52.98 presently reads in part:

(6) Section 64 of the Health Information Act, as it relates to the requirement to prepare a privacy impact assessment that describes how proposed administrative practices and information systems relating to the collection, use and disclosure of individually identifying health information may affect the privacy of the individual who is the subject of the information, does not apply to administrative practices or information systems that may be required in relation to the collection, use or disclosure of information described in this section.

26 Section 53 presently reads in part:

(4.2) Despite subsections (1) and (3), information obtained by the Chief Medical Officer may, on request by a police service, as defined in the Police Act, be disclosed by the Chief Medical Officer to the police service to enable a police officer, as defined in the Police Act, who has come in contact with the body fluids of an individual claiming to have COVID-19 to ascertain whether the individual has tested positive for COVID-19 and whether Record of Decision — CMOH Order 05-2020 applies to the police officer.

27 Part 3.1 Public Health Plans and Health Impediments.

- (a) “health impediment” means a condition, thing or activity
 - (i) the cumulative effects of which, over time, are likely to adversely affect public health,
 - (ii) that causes chronic disease or disability in the population,
 - (iii) that interferes with or is inconsistent with the goals of public health initiatives respecting the prevention of injury or illness, including chronic disease or disability, in the population, or
 - (iv) that is associated with poor health within the population;
- (b) “population” includes a subclass within the population;
- (c) “public body” means
 - (i) the council of a municipality as defined in the *Municipal Government Act*;
 - (ii) a school jurisdiction as defined in the *Education Act*;
 - (iii) a regional health authority;
 - (iv) a provincial health board as defined in the *Regional Health Authorities Act*;
 - (v) the board of a hospital other than a hospital that is owned and operated by a regional health authority;
 - (vi) the operator of a nursing home as defined in the *Nursing Homes Act* other than a nursing home that is owned and operated by a regional health authority;
 - (vii) the Health Quality Council of Alberta;
 - (viii) any other public body prescribed in the regulations;
- (d) “public health plan” means a public health plan made under section 58.2;
- (e) “thing” includes

- (i) tangible things, and
- (ii) organisms, other than humans.

Public health plan

58.2(1) The Minister may by order require a public body to make, in accordance with any regulations, a public health plan in respect of a specific issue or geographic area.

(2) The Minister may specify one or more of the following as the purpose or purposes of the public health plan:

- (a) to identify and address the health needs of particular groups within the population;
- (b) to monitor and assess the status of the health of the population, including through public health surveillance and monitoring indicators of, or factors influencing, the health of the population;
- (c) to identify, prevent and mitigate the adverse effects of diseases and disabilities, syndromes, psychosocial disorders, injuries and health impediments;
- (d) to achieve a purpose prescribed in the regulations.

(3) The Minister may require in an order under subsection (1) that the public body consult on the proposed public health plan with

- (a) any governments specified in the order, and
- (b) the regional health authority

having jurisdiction in the geographic area to which the proposed public health plan applies.

(4) The Minister may specify in an order under subsection (1) a date by which the public health plan must be completed and may by order extend that date whether or not the date previously specified has passed.

(5) A public body subject to an order under this section shall comply with the order.

Regulating health impediments

58.3(1) This section applies to a person who is responsible for a condition or thing or who engages in an activity that is prescribed in the regulations for the purposes of this section as a condition, thing or activity that causes or is associated with a health impediment.

(2) A person referred to in subsection (1) shall

- (a) comply with any requirement or duty set out in the regulations respecting the condition, thing or activity,
- (b) not do anything that is prohibited by the regulations, and
- (c) ensure that employees are adequately trained and sufficiently equipped to comply with any requirement or duty set out in the regulations.

28 Section 59(2) is amended by adding the following after clause (a):

- (a.1) require any person to provide the name and contact information of any owner of the public place;

29 Section 62(1) is repealed and the following is substituted:

Order

62(1) An executive officer may issue a written order in accordance with this section if the executive officer has reasonable and probable grounds to believe, based on

- (a) an inspection of a public place under section 59 or a private place under section 60, or
- (b) a report or test, regardless of whether the report or test is required to be produced or performed under this Act, if a public place or private place was not inspected under section 59 or 60,

28 Section 59(2) presently reads in part:

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

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

29 Section 62(1) presently reads:

62(1) Where, after an inspection under section 59 or 60, the executive officer has reasonable and probable grounds to believe that a nuisance exists in or on the public place or private place that was the subject of the inspection or that the place or the owner of it or any other person is in contravention of this Act or the regulations, the executive officer may issue a written order in accordance with this section.

that a nuisance exists in or on the public place or private place, or that the place or owner of the place or any other person is in contravention of this Act or the regulations.

30 Section 63 is amended

- (a) **by repealing subsection (1) and substituting the following:**

Recovery of expenses

63(1) In this section,

- (a) “clerk” means
 - (i) the chief administrative officer in the case of a city, town, village, summer village or municipal district,
 - (ii) the settlement administrator, in the case of a Metis settlement,
 - (iii) the Deputy Minister of the Minister responsible for the *Municipal Government Act*, in the case of an improvement district, or
 - (iv) the Deputy Minister of the Minister responsible for the *Special Areas Act*, in the case of a special area;
- (b) “expenses” includes legal fees and expenses.

- (b) **in subsections (3) and (4) by striking out “under this section” and substituting “under section 62.1”.**

31 Section 66 is amended

- (a) **in subsection (1)**

30 Section 63 presently reads in part:

63(1) In this section, “clerk” means

- (a) the chief administrative officer in the case of a city, town, village, summer village or municipal district,*
- (b) the settlement administrator, in the case of a Metis settlement,*
- (c) the Deputy Minister of the Minister responsible for the Municipal Government Act, in the case of an improvement district, or*
- (d) the Deputy Minister of the Minister responsible for the Special Areas Act, in the case of a special area.*

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

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

- (a) the amount of the expenses,*
- (b) the name of the registered owner of the land to which the order relates, and*
- (c) the location of the land to which the order relates.*

31 Section 66 presently reads:

66(1) The Lieutenant Governor in Council may make regulations

(i) by adding the following after clause (d):

- (d.1) respecting any matter that the Lieutenant Governor in Council considers necessary to carry out the intent of an order of the Chief Medical Officer under section 29;

(ii) by repealing clause (g);

(iii) by adding the following after clause (j):

- (j.1) respecting the preparation, interment, disinterment and transportation of human corpses;

(iv) by repealing clause (k) and substituting the following:

- (k) respecting qualifications of members of the Public Health Appeal Board, the Deputy Chief Medical Officer, medical officers of health, executive officers or community health nurses, including regulations providing differently for different categories of medical officers of health or executive officers;
- (k.1) respecting additional qualifications of the Chief Medical Officer for the purposes of section 13(1.1)(d);

(v) by adding the following after clause (m):

- (m.1) authorizing a regional health authority to charge fees for goods and services provided by or on behalf of the regional health authority in respect of its carrying out its duties and exercising its powers under this Act, and respecting the amounts of the fees that may be charged;

(vi) by adding the following after clause (o):

- (o.1) respecting qualifications and requirements, types of services and individuals or classes of individuals who may provide services for the purposes of section 12.1, including regulations

- (a) *prescribing communicable diseases for the purposes of this Act;*
- (b) *designating prescribed communicable diseases of which immediate notification is required for the purposes of sections 22(1)(a), 23(a)(i) and 27(1)(b);*
- (c) *respecting the prevention and control of the employment of persons who are carriers of or are infected with prescribed communicable diseases;*
- (d) *respecting isolation, quarantine, disinfection, disinfestation, decontamination, destruction of property, exclusion from employment, school or a public place and other special measures for the purposes of section 29(2);*
- (e) *respecting the provision of samples to the Provincial Laboratory of Public Health for the purposes of section 24;*
- (f) *respecting the keeping of records for the purposes of Part 3, including, without limitation, regulations setting out*
 - (i) *who must keep records,*
 - (ii) *what information must be kept in the records and the form in which records must be kept, and*
 - (iii) *confidentiality provisions in respect of the records;*
- (g) *respecting the immunization of persons pursuant to section 38(1)(c);*
- (h) *respecting the prevention, investigation and suppression among animals of infectious diseases communicable to humans;*
- (i) *respecting the quantity and manner of application of an agent to the eyes of newborn children to prevent the occurrence of prescribed communicable diseases;*
- (j) *respecting the licensing of embalmers and prescribing qualifications for admission of embalmers to practise in Alberta;*
- (k) *respecting the qualifications of persons employed as executive officers by regional health authorities;*

- (i) excluding individuals or classes of individuals from providing services under section 12.1, and
 - (ii) exempting individuals or classes of individuals from having the qualifications or meeting the requirements needed to provide services under section 12.1;
- (vii) by repealing clause (q);**
- (viii) in clause (u) by striking out** “regulations under this subsection” **and substituting** “this Act and the regulations”;
- (ix) by repealing clauses (v.4) and (w) and substituting the following:**
- (w) prescribing public bodies for the purposes of section 58.1(c)(viii);
 - (x) respecting public health plans, including regulations prescribing the purpose of a public health plan for the purposes of section 58.2(2)(d);
 - (y) respecting health impediments and the regulation of health impediments, including regulations
 - (i) prescribing conditions, things or activities for the purposes of section 58.3(1),
 - (ii) respecting requirements or duties for the purposes of section 58.3(2), and
 - (iii) prohibiting the doing of anything for the purposes of section 58.3(2)(b);
 - (z) respecting the immunization of children attending or wishing to attend a child care program that is licensed under the *Early Learning and Child Care Act*;
 - (aa) respecting the construction, location, operation, maintenance, equipping, sanitation and cleansing of food establishments engaged in selling, offering for

- (l) *respecting the powers, duties and authority of executive officers or classes of executive officers;*
- (m) *respecting the kinds and basic standards of health promotional, preventive, diagnostic, treatment, rehabilitative and palliative services, supplies, equipment and care that must be provided by regional health authorities and the conditions under which they are to be provided;*
- (n) *respecting the services, supplies, equipment, care, drugs, medicines and biological agents that may be provided by the Minister for the purpose of section 12 and respecting the persons to whom and the conditions under which they may be provided;*
- (o) *establishing a mechanism to deal with appeals from decisions made in connection with the provision of services, supplies, equipment or care under regulations made under clause (n), and setting out what decisions may be appealed and the procedure to apply in an appeal;*
- (p) *specifying professions and occupations for the purposes of section 53(4)(e);*
- (q) *specifying regulated matter for the purposes of section 70;*
- (r) *respecting all aspects of the granting, cancellation and suspension of licences, permits or other approvals for any activity subject to regulations under this subsection;*
- (s) *specifying additional decisions for the purposes of section 5(1)(b) that may be appealed to the Board under that section;*
- (t) *prescribing information for the purposes of section 18.1(2.1)(c) or 18.2(2)(c);*
- (u) *prescribing forms for the purposes of regulations under this subsection;*
- (v) *authorizing the waiving or mitigation of the application of any of the provisions of the regulations in particular cases, respecting the circumstances under which the waiver or mitigation may be granted and respecting the conditions to which a grant of a waiver or mitigation is subject;*
- (v.1) *respecting reporting by health practitioners in respect of immunization;*

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

- (bb) respecting the establishment of standards for food, including standards for water and handling food, and providing for the destruction of any food that does not meet those standards;
- (cc) respecting the location, operation, maintenance, equipping, cleansing, disinfection and disinfestation of
 - (i) camps and campgrounds, and
 - (ii) water facilities, including wells, water fountains, cisterns, dugouts and water tanks;
- (dd) respecting the construction, location, operation, maintenance, disinfection, disinfestation and disposition of outdoor lavatories;
- (ee) respecting the handling and disposal of biomedical waste;
- (ff) respecting the location, operation, maintenance, equipping, cleansing, disinfection and disinfestation of public places;
- (gg) respecting the cleansing, disinfection and disinfestation of private dwellings;
- (hh) respecting the construction, inspection, operation, maintenance, equipping, cleansing, disinfection and disinfestation of public swimming pools;
 - (ii) respecting the prevention and removal of nuisances;
- (jj) prescribing the maximum levels of contaminants permissible in air, water or soil;
- (kk) defining words or expressions used but not defined in this Act;

- (v.2) *respecting reporting by health practitioners in respect of adverse events following immunization;*
 - (v.3) *respecting the handling, storage and transportation of biological agents intended for use in immunization, including, without limitation, regulations respecting actions to be taken after a contravention occurs in respect of the handling, storage and transportation of the biological agents;*
 - (v.4) *defining words or expressions used but not defined in this Act;*
 - (w) *respecting any other matter that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.*
- (2) *The Minister may make regulations*
- (b) *respecting the immunization of children attending or wishing to attend a child care program that is licensed under the Child Care Licensing Act;*
 - (c) *respecting the construction, location, operation, maintenance, equipping, sanitation and cleansing of food establishments engaged in selling, offering for sale, producing, supplying, distributing, displaying, manufacturing, preparing, preserving, processing, packaging, labelling, serving, storing, transporting or handling any food;*
 - (d) *respecting the establishment of standards for food, including standards for water and handling food, and providing for the destruction of any food that does not meet those standards;*
 - (e) *respecting the location, operation, maintenance, equipping, cleansing, disinfection and disinfestation of*
 - (i) *camps and campgrounds, and*
 - (ii) *water facilities, including wells, water fountains, cisterns, dugouts and water tanks;*
 - (f) *respecting the construction, location, operation, maintenance, disinfection, disinfestation and disposition of outdoor lavatories;*

(ll) respecting any other matter that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

(b) by repealing subsection (2);

(c) in subsections (3) to (6) by striking out “under subsection (1) or (2)” wherever it occurs and substituting “under this section”.

- (g) *respecting the handling and disposal of biomedical waste;*
 - (h) *respecting the location, operation, maintenance, equipping, cleansing, disinfection and disinfestation of public places;*
 - (i) *respecting the cleansing, disinfection and disinfestation of private dwellings;*
 - (j) *respecting the construction, inspection, operation, maintenance, equipping, cleansing, disinfection and disinfestation of public swimming pools;*
 - (k) *respecting the prevention and removal of nuisances;*
 - (l) *prescribing the maximum levels of contaminants permissible in air, water or soil;*
 - (m) *respecting all aspects of the granting, cancellation and suspension of licences, permits or other approvals for any activity subject to regulation under this subsection;*
 - (n) *respecting the preparation, interment, disinterment and transportation of human corpses;*
 - (o) *authorizing a regional health authority to charge fees for goods and services provided by or on behalf of the regional health authority in respect of its carrying out its duties and exercising its powers under this Act, and respecting the amounts of the fees that may be charged;*
 - (p) *respecting forms for the purposes of section 5(3) and Part 3;*
 - (q) *prescribing forms for the purposes of regulations under this subsection;*
 - (r) *respecting any matter that the Minister considers necessary to carry out the intent of an order of the Chief Medical Officer under section 29.*
- (3) *A regulation made under subsection (1) or (2) may incorporate, adopt or declare in force a code, standard, guideline, schedule or body of rules, including a code, standard, guideline, schedule or body of rules developed by the Minister, relating to any matter in respect of which a regulation may be made under subsection (1) or (2).*

32 Section 70 is repealed.

(4) Where a code, standard, guideline, schedule or body of rules is incorporated, adopted or declared in force by a regulation made under subsection (1) or (2), the Minister shall ensure that a copy of the code, standard, guideline, schedule or body of rules is readily available to the public.

(4.1) The Regulations Act does not apply to a code, standard, guideline, schedule or body of rules incorporated, adopted or declared in force by a regulation made under subsection (1) or (2).

(5) A code, standard, guideline, schedule or body of rules may be incorporated, adopted or declared in force by a regulation made under subsection (1) or (2)

(a) in whole or in part or with modifications, and

(b) as it reads on a specific day or as amended from time to time.

(6) Regulations under subsection (1) or (2) may be made applicable to a particular portion of Alberta only.

32 Section 70 presently reads:

70(1) In this section,

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

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

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

(a) inhale, administer or otherwise introduce into the person’s respiratory system, or

(b) assist or cause another person to inhale, administer or otherwise introduce into that other person’s respiratory system

an intoxicating vapour.

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

(4) No person shall manufacture or give, sell or offer to sell or give or otherwise distribute a regulated matter if the person knows or ought to know that the regulated matter is to be used for the purpose of inducing euphoria, hallucinations or intoxication in any person.

(5) This section does not apply to

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

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

(i) a regulated member of the College of Physicians and Surgeons of Alberta under the Health Professions Act authorized to use the title "physician" who is not a student enrolled in a program of studies,

(ii) a regulated member of the dental profession under the Health Professions Act who is not a student enrolled in a program of studies, or

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

(6) A person who contravenes this section is guilty of an offence and liable

(a) for a first offence,

(i) in the case of an individual, to a fine of not less than \$500 and not more than \$1500, to imprisonment for not more than 6 months or to both fine and imprisonment, and

(ii) in the case of a corporation, to a fine of not less than \$2000 and not more than \$50 000,

and

(b) for a 2nd offence and subsequent offences

33 The following is added after section 73:

Prosecution time limit

73.1(1) A prosecution of an offence under this Act or the regulations may not be commenced more than 3 years after the day on which evidence of the offence first came to the attention of an executive officer.

(2) This section applies only in respect of offences that are committed on or after the day on which this section comes into force.

34 The following is added after section 76:

Review of Act

76.1(1) At least once every 10 years, the Minister shall commence a review of this Act.

(2) The first review must commence within 10 years after the date on which this section comes into force.

35 Section 77 is amended by striking out

section 66(2)(r);

and substituting

section 66(1)(d.1);

36 This Act, except sections 11, 16, 17, 18, 19(c)(i), 21(a)(i) and (b), 22, 23 and 31(a)(ii), comes into force on Proclamation.

- (i) *in the case of an individual, to imprisonment for not more than 6 months, and*
- (ii) *in the case of a corporation, to a fine of not less than \$2000 and not more than \$50 000.*

33 Prosecution time limit.

34 Review of Act.

35 Section 77 presently reads:

77 The following provisions are repealed on December 31, 2021:

*section 1(1)(e.1) and (2);
section 33(2.1) and (2.2);
section 52.6(1.1)(c) and (1.2);
section 52.61;
sections 52.92 to 52.992;
section 53(4.2) to (4.4);
sections 53.1 to 53.4;
section 66(2)(r);
section 76.*

36 Coming into force.

