

2022 Bill 202

Third Session, 30th Legislature, 71 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 202

**PUBLIC HEALTH (TRANSPARENCY AND
ACCOUNTABILITY) AMENDMENT ACT, 2022**

MR. LOEWEN

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 202

2022

PUBLIC HEALTH (TRANSPARENCY AND ACCOUNTABILITY) AMENDMENT ACT, 2022

(Assented to _____, 2022)

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 29 is amended as follows:

(a) **in subsection (2.2) by striking out** “may in writing exempt” **and substituting** “may issue, in the form prescribed by the Minister, an exemption to”;

(b) **by repealing subsection (2.3) and substituting the following:**

(2.3) If an order made under subsection (2) or (2.1) or an exemption issued under subsection (2.2) is not in respect of a specific person or persons, the medical officer of health who makes the order, or the medical officer of health or Chief Medical Officer who issues the exemption, must, as soon as practicable, provide a copy of the order or the exemption to the Minister.

(c) **in subsections (5) and (6), by striking out** “an exemption made” **wherever it appears and substituting** “an exemption issued”;

Explanatory Notes

Public Health Act

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

2 Section 29 presently reads in part:

(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.

(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.

(d) by repealing subsection (7) and substituting the following:

(7) On receiving a copy of an order or exemption under subsection (2.3), the Minister must

- (a) table it in the Legislative Assembly as follows:
 - (i) if the Assembly is sitting on the day of receipt, within 2 sitting days of that day;
 - (ii) if the Assembly is not sitting on the day of receipt, within 2 sitting days after the commencement of the Assembly's next sitting,
- (b) as soon as practicable, post it on the Department's publicly accessible website, and
- (c) as soon as practicable, ensure that access to 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 through the Department's publicly accessible website.

(8) Despite any other provision in this section, the Legislative Assembly may, in accordance with section 52.911, revoke, or amend any term or condition of, an order or exemption referred to in subsection (2.3).

3 Section 38 is amended

(a) in subsection (1) by striking out "may do any or all of the following" **and substituting** "may, subject to subsections (2.1) and (2.2), do any or all of the following", **and**

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

(2.1) The Minister must table a copy of an order made under this section in the Legislative Assembly as follows:

- (a) if the Assembly is sitting on the day the order is made, within 1 sitting day of that day;
- (b) if the Assembly is not sitting on the day the order is made, within 2 sitting days after the commencement of the Assembly's next sitting.

(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

- (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.*

3 Section 38 presently reads:

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:

- (a) order the closure of any public place;*
- (b) subject to the Legislative Assembly Act and the Senatorial Selection Act, order the postponement of any intended election for a period not exceeding 3 months.*
- (c) repealed 2021 c15 s11.*

(2) Where an election is postponed under subsection (1), the order shall name a date for holding the nominations or polling, or both of them, and nothing in the order adversely affects or invalidates anything done or the status of any person during the period of time between the date of the order and the completion of the election.

(2.2) Despite any other provision in this section, the Legislative Assembly may, in accordance with section 52.911, revoke, or amend any term or condition of, an order made under this section.

4 Section 52.1 is repealed and the following is substituted:

State of public health emergency

52.1(1) Subject to subsections (2) and (3), the Lieutenant Governor in Council may make an order declaring a state of public health emergency relating to all or any part of Alberta if, 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 coordination of action or special regulation of persons or property is required to protect the public health.

(2) If an order under subsection (1) is made in respect of a public health emergency that exists or may exist, the Lieutenant Governor in Council may not make a subsequent order under that subsection in respect of that public health emergency unless the Legislative Assembly passes a resolution approving the making of that subsequent order.

(3) The Legislative Assembly may, in accordance with section 52.911, revoke, or amend any term or condition of, an order made under subsection (1).

5 Section 52.2 is amended as follows:

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

(1) Subject to subsections (3) and (4), a regional health authority may make an order declaring a local state of public health emergency relating to all or part of the health region if, on the advice of a medical officer of health and in consultation with the Chief Medical Officer, the regional health authority is satisfied that

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

(3) *Repealed 2021 c15 s11.*

4 Section 52.1 presently reads:

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.

5 Section 52.2 presently reads:

52.2(1) Where, on the advice of a medical officer of health and in consultation with the Chief Medical Officer, a regional health authority is satisfied that

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

the regional health authority may make an order declaring a local state of public health emergency relating to all or part of the health region.

(2) Where the number of members of a regional health authority who attend a meeting for the purpose of making an order under subsection (1) is less than the quorum required under the bylaws of the regional health

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

(3) If an order under subsection (1) is made in respect of a public health emergency that exists or may exist, the regional health authority may not make a subsequent order under that subsection in respect of that public health emergency unless the Legislative Assembly passes a resolution approving the making of that subsequent order.

(4) The Legislative Assembly may, in accordance with section 52.911, revoke, or amend any term or condition of, an order made under subsection (1).

6 Section 52.4 is repealed and the following is substituted:

Publication and tabling of order

52.4 On the making of an order under section 52.1, or on receiving a copy of the order under section 52.5, the Minister must

- (a) table a copy of the order in the Legislative Assembly as follows:
 - (i) if the Assembly is sitting on the day of making or receipt, within 1 sitting day of that day;
 - (ii) if the Assembly is not sitting on the day of making or receipt, within 2 sitting days after commencement of the Assembly's next sitting, and
- (b) as soon as practicable, post a copy of the order on the Department's publicly accessible website.

7 The following is added immediately after section 52.91:

Reconsideration by Legislative Assembly

52.911(1) A member of the Legislative Assembly may, in accordance with this section, bring before the Assembly a request to revoke, or amend any term or condition of, an order or exemption, a copy of which has been tabled under section 29(7), 38(2.1) or 52.4.

(2) In respect of an order or exemption referred to in subsection (1), a member of the Legislative Assembly may make a written request to a member of the Executive Council that

authority, the Minister may, notwithstanding the bylaws, order that the number of members attending constitutes a quorum for the purposes of the meeting.

6 Section 52.4 presently reads:

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

- (a) if the order is made under section 52.1, the Minister;*
- (b) repealed 2021 c15 c18;*
- (c) if the order is made under section 52.2, the regional health authority that made the order.*

7 Reconsideration by Legislative Assembly.

- (a) proposes the revocation of, or amendments to, the order or exemption, and
 - (b) requests that member of the Executive Council immediately bring that request before the Assembly for its consideration.
- (3)** The request referred to in subsection (2) must
- (a) set out the following as applicable:
 - (i) if a revocation is requested, the reasons for revocation;
 - (ii) if an amendment is requested, the amendment and the reasons for it, and
 - (b) show that at least 2 members of the Legislative Assembly are in support of the request as evidenced by their signatures on the request.
- (4)** On receiving a request under subsection (2), the member of the Executive Council must, within 2 sitting days of receiving it, bring the request before the Assembly for its consideration.
- (5)** On a request being brought before the Assembly under subsection (4), the Assembly must
- (a) consider the request for at least 2 hours, and
 - (b) within 2 sitting days of the request being brought forward, dispose of the request by resolution.
- (6)** If, by resolution, the Assembly revokes, or amends any term or condition of, an order or exemption, the order or exemption is considered to have been revoked or amended, as the case may be, as of
- (a) the day that the Assembly passes the resolution, or
 - (b) if a later day is specified in the resolution, that day.
- (7)** If the Assembly does not dispose of a request in accordance with this section, the order or exemption to which the request relates is considered to have been revoked as of

the day immediately following the last day of the period referred to in subsection (5)(b).

(8) If an order or exemption is revoked or amended under this section, the Minister must, as soon as practicable, post notice of that revocation or a copy of the amended order or exemption, as the case may be, on the Department's publicly accessible website.

8 Section 66 is amended by adding the following immediately after clause (d):

(d.01) prescribing a form for the purpose of section 29(2.2);

8 Section 66 presently reads in part:

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

(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);

(d.1) repealed RSA 2000 cP-37 s77;

