

2023 Bill 6

First Session, 31st Legislature, 2 Charles III

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 6

PUBLIC HEALTH AMENDMENT ACT, 2023

THE MINISTER OF JUSTICE

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 6

2023

PUBLIC HEALTH AMENDMENT ACT, 2023

(Assented to _____, 2023)

HIS 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

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

(2.11) Where a state of public health emergency has been declared under section 52.1 and the Lieutenant Governor in Council has acted under subsection (2.12),

- (a) any orders issued by a medical officer of health under subsection (2.1) may only be respecting a specific person or persons or specific public place related to the nature of the public health emergency, and
- (b) a medical officer of health must cease acting under subsection (2.1) with respect to classes of persons in respect of a declared state of public health emergency under section 52.1.

(2.12) Notwithstanding subsection (2.1), where a state of public health emergency has been declared under section 52.1, the Lieutenant Governor in Council, taking into account any advice of the Chief Medical Officer, may, in respect of all

Explanatory Notes

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

2 Section 29 presently reads in part:

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

(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;

persons or a class of persons, including a class of individuals, bodies corporate, associations, non-profit or for-profit organizations,

- (a) take whatever steps are necessary in order to lessen the impact of the public health emergency,
- (b) do anything referred to in subsection (2)(b), and
- (c) by order reverse or vary any order issued by a medical officer of health under subsection (2.1) related to the public health emergency whether that order was issued before or during the declared state of public health emergency under section 52.1.

(2.13) The Lieutenant Governor in Council may in writing exempt a person or class of persons from the application of an order made under subsection (2.12).

(2.14) Where an order under subsection (2.12) or an exemption under subsection (2.13) is not made in respect of a specific person or persons, the Lieutenant Governor in Council shall provide a copy of the order or exemption to the Minister as soon as is reasonably possible.

(2.15) An order made under subsection (2.12) or an exemption made under subsection (2.13) 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.

(b) in subsection (2.2) by striking out “A” and substituting “Subject to subsection (2.21), a”;

(c) by adding the following after subsection (2.2):

(2.21) During a declared state of public health emergency under section 52.1, a medical officer of health or the Chief Medical Officer may exempt only a specific person or persons from an order of the medical officer of health or the Chief Medical Officer made under subsection (2.1).

(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;*

(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*

(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.*

(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.*

(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*

(a) *post the order or exemption online as soon as is reasonably possible after the order or exemption is made, and*

- (d) **in subsection (6) by striking out** “subsection (2) or (2.1) or an exemption made under subsection (2.2)” **and substituting** “subsection (2), (2.1), (2.11) or (2.12) or an exemption made under subsection (2.13), (2.2) or (2.21)”;
- (e) **in subsection (7) by striking out** “subsection (2) or (2.1) or an exemption under subsection (2.2)” **and substituting** “subsection (2), (2.1), (2.11) or (2.12) or an exemption under subsection (2.13), (2.2) or (2.21)”.

3 The following is added after section 74:

Lieutenant Governor in Council authority

74.1 Subject to section 29(2.12) and (2.13), and notwithstanding any other provision in this Act, the Lieutenant Governor in Council may by order reverse or vary any decision of any decision-maker made under this Act.

(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 Lieutenant Governor in Council authority.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
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