

BILL

No. 52 of 1918.

An Act for the Prevention of Venereal Disease.

(Assented to , 1918.)

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

1. This Act may be cited as "*The Venereal Diseases Prevention Act*." Short title

2. In this Act—

- (a) "Board" shall mean Provincial Board of Health; Interpretation Board
- (b) "Local board" shall mean Local Board of Health; Local Board
- (c) "Prescribed" shall mean prescribed by this Act or by the regulations; Prescribed
- (d) "Regulations" shall mean regulations made under the authority of this Act or *The Public Health Act*; Regulations
- (e) "Venereal disease" shall mean and include syphilis, gonorrhoea and chancre. Venereal disease

3. Whenever any person has been committed to a gaol or other place of detention upon conviction for an offence under *The Criminal Code* of Canada, or under any Act of the Province of Alberta or under any regulation referred to in the next succeeding subsection, the provincial medical officer of health may physically examine or cause to be physically examined by a legally qualified medical practitioner such person, in order to ascertain whether such person is infected with venereal disease. Examination of persons committed to gaols, etc.

(2) Whenever any person is under arrest or in custody charged with an offence under *The Criminal Code* of Canada if the provincial medical officer of health believes or is credibly informed that such person is or may be or has been infected with or exposed to infection from venereal disease the said provincial medical officer of health may physically examine or cause to be physically examined such person in order to ascertain whether such person is infected with venereal disease. Persons in custody

(3) The method and extent of the examination authorized by this Act shall be such as to be effectual and may be as prescribed by the regulations. Regulations as to method and extent of examination

(4) If, upon such examination it is found that the person examined is so infected the provincial medical officer of health shall give such directions for the treatment of the patient and, if necessary, for his detention and isolation and the prevention of infection from him as may be deemed proper and as may be authorized by the regulations, and he is hereby empowered to do and authorize any act necessary to effect the carrying out of such treatment, detention, isolation and prevention, and it shall be the duty of every such patient to carry out such directions as to treatment and of every constable, gaoler, warden, superintendent Treatment where disease found to exist

and officer having the care and custody of any infected person in any place of detention or in any hospital to see that the directions of the provincial medical officer of health are duly carried out.

(5) It shall be the duty of every physician in medical charge of any gaol or place of detention or of the inmates thereof to report to the provincial medical officer of health the name and place of detention whether before or after conviction of any person, whether included in the class mentioned in the preceding subsections or not, whom he suspects or believes to be suffering from venereal disease, such report to be made within twenty-four hours after the time of arrival of such person in the gaol or place of detention.

4. No report or certificate of any legally qualified medical practitioner given for the purposes of this Act *bona fide* and without negligence that any person is suffering from venereal disease shall render him liable to an action nor be admissible in evidence in any proceedings, civil or criminal, against such medical practitioner or be made the ground of any prosecution, action or suit against him.

5. The provincial medical officer of health, or a legally qualified medical practitioner appointed by him in writing for that purpose, may upon the request or with the consent in writing of the council of any municipality, enter in and upon any house, outhouse or premises situated within such municipality, for the purpose of making inquiry and examination with respect to the state of health of any person therein, and may cause any person found therein who is infected with any venereal disease to be removed to a hospital or some other proper place, or may give such directions as may prevent others being infected in the said house, outhouse or premises.

6. Every hospital receiving aid from the province under *The Hospital Ordinance* shall provide accommodation satisfactory to the provincial medical officer of health for such persons suffering from venereal disease as may be assigned to it, and, in case of default, the whole or any part of such grants as would otherwise be payable may be withheld. The treatment for such persons shall be carried out under the terms and conditions set out in the regulations under this Act.

(2) The Lieutenant Governor in Council shall have power to designate any hospital or other public institution or portion of any such hospital or institution under its jurisdiction or any house or building as a hospital or place of detention or isolation for the reception and treatment of any person suffering from venereal disease.

7. No person other than a legally qualified medical practitioner shall attend upon or prescribe for or supply or offer to supply any drug, medicine, appliance or treatment to or for a person suffering from venereal disease for the purpose of the alleviation or cure of such disease.

(2) Every person guilty of a contravention of subsection 1 shall incur a penalty of not less than \$100 and not more than \$500.

(3) Subsection 1 of this section shall not apply to a registered pharmaceutical chemist who dispenses to a patient

Duty of
gaol
surgeon, etc.

Report of
certificate
not ground
for action

Right of
entry of
M.O.H.

Hospitals
to keep
provision
for treatment

Designation
of place of
detention for
treatment

Supply of
drugs, etc.
of unqualified
persons

Penalty

Exception
as to
chemists

of a legally qualified medical practitioner the prescription of such practitioner or who sells to any person any patent or proprietary or other medicine, drug or appliance approved of by the regulations for the cure or alleviation of venereal disease.

8. Every person who—

- (a) Publishes or causes or allows to be published in a newspaper or magazine or other periodical publication any notice, advertisement, statement, testimonial, letter or other matter; ^{Unlawful advertisements, etc.}
- (b) Issues or publishes or causes to be issued or published any book, almanac, pamphlet, fly-sheet, document or other matter;
- (c) Posts up or exhibits in any place so as to be visible to persons being in or passing along any street, highway, railway or public place, any notice, statement, advertisement, testimonial, letter or other matter;
- (d) Distributes, circulates or delivers or sends by post to any person any pamphlet, circular, notice, statement, advertisement, testimonial, letter or other matter, intended to recommend or suggest the purchase of or to promote the sale of any article as a drug, medicine, appliance or instrument or as part of any treatment for the alleviation or cure of any venereal disease or of any disease or affection of the genito urinary organs or intended to convey an offer to give or prescribe any form of treatment for any of the aforesaid diseases;

shall incur a penalty of not less than \$100 nor more than \$500, and in default of immediate payment thereof shall be imprisoned for a period not exceeding twelve months.

(2) Subsection 1 of this section shall not apply to any such article which has been approved by regulations nor to books, documents and papers or other matter published in good faith for the advancement of medical or surgical science. ^{Exceptions}

9. Every person who—

- (a) Contravenes any provision of this Act or of the regulations for which no other penalty is provided by this Act; ^{Offences}
- (b) Wilfully neglects or disobeys any order or direction lawfully given by the provincial medical officer of health or by the board under this Act or the regulations;
- (c) Hinders, delays or obstructs any officer in the performance of his duties under this Act; or
- (d) Without lawful authority publishes or discloses any proceedings taken under this Act or the regulations;

shall where no other penalty or proceedings are prescribed or authorized incur a penalty of not less than \$10 nor more than \$100, and in default of immediate payment shall be imprisoned for a period not exceeding three months. ^{Penalty}

10. Every person who, publicly or privately, verbally or in writing, directly or indirectly, states or intimates that any other person has contracted or been infected with ^{Statements as to existence of disease}

venereal disease, or has been examined or otherwise dealt with under the provisions of this Act, whether such statement or intimation is or is not true, in addition to any other penalty or liability, shall incur a penalty of \$200, ^{Penalty} and in default of immediate payment shall be imprisoned for a period of not more than three months.

(2) Subsection 1 shall not apply to disclosures made in ^{Exceptions} good faith to the provincial medical officer of health for his information in carrying out the provisions of this Act, nor to any communication authorized or required to be made by this Act or the regulations.

11. All proceedings for the recovery of penalties under this Act except those authorized by section 7 shall be ^{Proceedings in camera} conducted in camera and no report of any such proceedings shall be published.

12. Every person employed in the administration of this Act shall preserve secrecy with regard to all matters which ^{Obligation as to] observance of secrecy} may come to his knowledge in the course of such employment, and shall not communicate any such matter to any other person except in the performance of his duties under this Act, and in default he shall in addition to any other ^{Penalty} penalty forfeit his office or be dismissed from his employment.

13. The board, subject to the approval of the Lieutenant Governor in Council, may make regulations—

- (a) Declaring what shall be deemed to be lawful and ^{Treatment and remedies} proper methods and remedies for the treatment, alleviation and cure of venereal disease, and requiring all advertisements, statements, testimonials, letters or other matters of or regarding such methods and remedies to state the date and number of the official approval of the same and such other information as may be deemed desirable;
- (b) Prescribing the course of conduct to be pursued by ^{Conduct of patient} any person infected with venereal disease in order to effect a cure and to prevent the infection of other persons;
- (c) For distributing to medical practitioners and ^{Distribution of information} hospitals such information as to the treatment, diet, and care of persons suffering from venereal disease;
- (d) Prescribing rules for the treatment of such persons ^{Regulating treatment} in hospitals, places of detention and other institutions;
- (e) For preventing the spread of infection from ^{Preventing infection} persons suffering from venereal disease;
- (f) Requiring medical practitioners, hospital superintendents and heads of places of detention and public institutions to make reports upon the ^{Reports from physicians, etc.} cases of venereal disease coming under their treatment or care but without disclosing the name or address of any person suffering from venereal disease, and prescribing the form of such reports;
- (g) Providing for the putting up of notices and placards ^{Notices} dealing with venereal disease, its cause, manifestation, treatment and cure in all public urinals and conveniences and similar places;

- (h) Providing for public advertising and placarding of such information relative to the treatment and cure of venereal disease and the places where proper remedies can be obtained as may seem desirable; Publication of information as to treatment, etc.
- (i) Imposing penalties for the violation of any provision of this Act or anything covered by this Act or any regulation; Penalties
- (j) Generally for the carrying out of the provisions of this Act and for the prevention, treatment and cure of venereal disease; Generally
- (k) Prescribing the procedure to be adopted and the evidence to be required in case of an appeal to the board from any action or decision of a medical officer of health under this Act; Procedure on appeals to board
- (l) Providing for the procedure relative to detention for the purpose of examination or cure or the prevention of infection, so as not to interfere with the course of justice in case of persons under arrest or in custody previous to trial for any offence committed against the provisions of this Act or anything therein authorized or under any other Statute or *The Criminal Code*. Detention for examination or cure

(2) The board, with the approval of the Lieutenant Governor in Council may, out of any moneys appropriated by the Legislature for the purposes of the board, provide for the free distribution to such hospitals and institutions as are named in the regulations of any drug, medicine, appliance or instruments which the board may deem useful or necessary for the alleviation, treatment or cure of venereal disease or the prevention of infection therefrom. Expenses of free distribution

14. Every person who deems himself aggrieved by any action or decision of a medical officer of health under this Act may appeal therefrom to the board by giving notice in writing to the board and to the medical officer of health. Appeal to board

(2) The board may require the appellant to furnish such information and evidence and to submit to such examination as may be prescribed or as the board may deem necessary to determine the matter in dispute. Evidence on appeal

(3) The decision of the board shall be final. Decision of board to be final

15. This Act shall come into force and take effect on the . . . day of . . . A.D. 1918. Commencement of Act

No. 52.

FIRST SESSION
FOURTH LEGISLATURE
8 GEORGE V
1918

BILL

An Act for the Prevention of Venereal
Disease.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. SMITH.

EDMONTON:
J. W. JEFFERY, KING'S PRINTER
A.D. 1918