

PUBLIC HEALTH ACT

Chapter P-37

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

Definitions

1 In this Act,

- (a) "biological agent" includes sera, immune globulins, vaccines and toxoids;
- (b) "Board" means the Public Health Appeal Board established under section 3;
- (c) "carrier" means a person who, without apparent symptoms of a communicable disease, harbours and may disseminate an infectious agent;
- (d) "certificate" means a compulsory examination and treatment certificate;
- (e) "Chief Medical Officer" means the Chief Medical Officer of Health appointed by the Minister under section 13;
- (f) "communicable disease" means an illness in humans that is caused by an organism or micro-organism or its toxic products and is transmitted directly or indirectly from an infected person or animal or the environment;
- (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;

(i) "contamination" means the presence of an infectious agent on a body surface, or on or in an inanimate article or substance including food;

(j) "council" means

(i) the council of a city, town, village, summer village, municipal district or Metis settlement,

(ii) in the case of an improvement district, the Minister responsible for the *Municipal Government Act* or a person that Minister designates in writing for the purpose, and

(iii) in the case of a special area, the Minister responsible for the *Special Areas Act* or a person that Minister designates in writing for the purpose;

(k) "Department" means the Department of which the Minister is charged with the administration;

(l) "Deputy Chief Medical Officer" means the Deputy Chief Medical Officer of Health appointed by the Minister under section 13;

(m) "disinfection" means the destruction of infectious agents outside the body by any means;

(n) "disinfestation" means the destruction or removal, by any physical or chemical process, of animal forms present on domestic animals or humans or in the environment;

(o) "epidemic" means the occurrence in a community of persons of a number of cases of a communicable disease in excess of normal expectations;

(p) "executive officer" means an executive officer within the meaning of section 9 or 16;

(q) "facility" means any place where a person can receive treatment for communicable diseases;

(r) "health practitioner" means any person who provides health care or treatment to any person;

(s) "health region" means a health region established under the *Regional Health Authorities Act*;

(t) "hospital" means an approved hospital as defined in the *Hospitals Act*;

(u) "immunization" means the administration of a biological agent to a person to increase that person's resistance to the effect of an infectious agent or its toxic products;

(v) "infection" means the entry and multiplication of an infectious agent in the body of a person or animal;

(w) "infectious agent" means an organism or micro-organism that is capable of producing a communicable disease;

(x) "institution" means a correctional institution as defined in the *Corrections Act*, a facility as defined in the *Mental Health Act*, a nursing home within the meaning of the *Nursing Homes Act*, and a social care facility as defined in the *Social Care Facilities Licensing Act*;

(y) "isolation" means the separation of a person or animal infected with a communicable disease from other persons or animals in a place and under conditions that will prevent the direct or indirect conveyance of the infectious agent from the infected person or animal to a susceptible person or animal;

(z) "laboratory" means a medical diagnostic laboratory where examinations of specimens of blood, spinal fluid, sputum, stool, urine, gastric washings, exudate or other specimen or discharge derived from a body are made for the purpose of determining the presence or absence of an infectious agent;

(aa) "legal representative" means a lawyer, an executor or administrator of the estate of a deceased person, the trustee or guardian of a dependent adult under the *Dependent Adults Act*, the agent designated in a personal directive made by a person in accordance with the *Personal Directives Act* and the trustee or guardian of a minor;

(bb) "medical officer of health" means a physician appointed by a regional health authority or designated by the Minister under this Act as a medical officer of health, and includes the Chief Medical Officer and the Deputy Chief Medical Officer;

(cc) "Minister" means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;

(dd) "municipality" means a city, town, village, summer village, municipal district, improvement district, special area and Metis settlement;

(ee) "nuisance" means a condition that is or that might become injurious or dangerous to the public health, or that might hinder in any manner the prevention or suppression of disease;

(ee.1) repealed 2005 c13 s8;

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

(gg) "prescribed", with respect to a form, means a form that

- (i) is in the form prescribed in the regulations, or
- (ii) is in a form approved by the Chief Medical Officer, where no form has been prescribed in the regulations;

(hh) "private place" means

- (i) a private dwelling, and
- (ii) privately owned land, whether or not it is used in connection with a private dwelling;

(hh.1) "public health emergency" means an occurrence or threat of

- (i) an illness,
- (ii) a health condition,
- (iii) an epidemic or pandemic disease,
- (iv) a novel or highly infectious agent or biological toxin, or
- (v) the presence of a chemical agent or radioactive material

that poses a significant risk to the public health;

(ii) "public place" includes any place in which the public has an interest arising out of the need to safeguard the public health and includes, without limitation,

- (i) public conveyances and stations and terminals used in connection with them,
- (ii) places of business and places where business activity is carried on,
- (iii) learning institutions,
- (iv) institutions,
- (v) places of entertainment or amusement,
- (vi) places of assembly,
- (vii) dining facilities and licensed premises,
- (viii) accommodation facilities, including all rental accommodation,
- (ix) recreation facilities,

- (x) medical, health, personal and social care facilities, and
- (xi) any other building, structure or place visited by or accessible to the public;
- (jj) "quarantine" means
 - (i) in respect of persons or animals, the limitation of freedom of movement and contact with other persons or animals, and
 - (ii) in respect of premises, the prohibition against or the limitation on entering or leaving the premises,
 - during the incubation period of the communicable disease in respect of which the quarantine is imposed;
- (kk) "regional health authority" means a regional health authority established under the *Regional Health Authorities Act*;
- (ll) repealed 2002 c20 s2;
- (mm) "school" means
 - (i) a school operating under the *School Act*,
 - (ii) a place where an early childhood services program is offered or provided, and
 - (iii) a day care facility licensed under the *Social Care Facilities Licensing Act*;
- (nn) "sexually transmitted diseases clinic" means a clinic operated by the Minister or a regional health authority for the purposes of prevention and treatment of sexually transmitted diseases;
- (oo) "teacher" includes an instructor, lecturer, professor, principal, president, supervisor or superintendent of any school, college, university, technical institute or other learning institution;
- (pp) "terminal decontamination" means the decontamination of
 - (i) the clothing of a person,
 - (ii) the physical environment of a person,
 - (iii) the contents of the isolation room, and
 - (iv) any article or piece of equipment used in the diagnosis or treatment of a person

after the person has been removed from isolation or has ceased to be a source of infection or after isolation procedures have been discontinued.

RSA 2000 cP-37 s1; RSA 2000 cH-7 s147;
2002 c20 s2; 2002 c32 s12; 2005 c13 s8

Jurisdiction of regional health authority

2(1) Where a health unit is disestablished and the health unit is located in a health region under the *Regional Health Authorities Act*, then, subject to the regulations under subsection (2), for the purpose of administering this Act in that part of the health region that formerly constituted the health unit, the regional health authority has the power, authority and jurisdiction and is subject to the duties and obligations that the local board of the health unit had and was subject to.

(2) The Lieutenant Governor in Council may make regulations

(a) providing for the non-application of provisions of this Act or the regulations under it in a case where subsection (1) applies,

(b) varying the application of provisions of this Act or the regulations under it in a case where subsection (1) applies, and

(c) respecting any other matters the Lieutenant Governor in Council considers necessary in a case where subsection (1) applies

for the purposes of facilitating the administration of this Act in such a case.

1994 cR-9.07 s25(31)

Part 1

Public Health Appeal Board

Board established

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.

(2) The Lieutenant Governor in Council shall designate the chair and vice-chair of the Board.

(3) The vice-chair shall act as chair in the event of the absence or inability to act of the chair.

(4) The members of the Board shall elect from their number an alternate vice-chair, who shall act as chair in the event of the absence or inability to act of the chair and vice-chair.

(5) The vice-chair and alternate vice-chair when acting under subsection (3) or (4) have the authority and duties of the chair.

(6) The members of the Board shall be appointed for terms not exceeding 3 years and may be reappointed for not more than 2 consecutive additional terms, each not exceeding 3 years.

(7) A member of the Board continues to hold office after the expiry of the member's term until

- (a) the expiration of 30 days, or
- (b) the member's successor is appointed,

whichever occurs first.

(8) Three members constitute a quorum at a meeting of the Board.

(9) The Board shall meet at the call of the chair or on a resolution of the Board.

(10) The Board may make rules governing the calling of meetings, the procedure to be used at meetings and the conduct of the meetings.

(11) Members of the Board

(a) shall be paid remuneration at the rates prescribed by the Lieutenant Governor in Council, and

(b) shall be paid their reasonable travelling and living expenses while absent from their ordinary places of residence and in the course of their duties as members of the Board, at the rates prescribed by the Lieutenant Governor in Council.

(12) The Minister may provide clerical and secretarial services for the Board.

(13) Repealed 2003 c2 s1(26).

RSA 2000 cP-37 s3; 2003 c2 s1(26)

Duties of Board

4(1) The Board shall hear appeals pursuant to section 5.

(2) The Board may engage the services of persons having special technical, professional or other knowledge to assist it in the hearing of appeals.

1984 cP-27.1 s3; 1998 c38 s5

Appeal to Board

5(1) In this section, "decision of a regional health authority" means

- (a) an order issued under section 62, and

(b) a decision to issue or to cancel, suspend or refuse to issue a licence, permit or other approval provided for in the regulations, and any other decision in respect of which an appeal to the Board is permitted under the regulations, whether any of those decisions is made by the regional health authority itself or one of its employees or agents.

(2) A person who

(a) is directly affected by a decision of a regional health authority, and

(b) feels himself or herself aggrieved by the decision

may appeal the decision to the Board.

(3) The person referred to in subsection (2) shall commence the appeal by serving a notice of appeal in the prescribed form on the Board and the regional health authority within 10 days after receiving notice of the decision complained of, and the notice of appeal is sufficiently served if it is left at an office of the Board or regional health authority.

(4) Subject to subsections (5) and (6), the Board shall, if it is satisfied that the requirements of subsection (2) have been met, hear the appeal within 30 days after receiving the notice of appeal.

(5) Where the Board is satisfied that the appellant and the regional health authority, or either of them, have not made a reasonable effort to resolve the matters in dispute between them, it may refer the matter to the regional health authority for further consideration and redetermination.

(6) Where the Board refers a matter to the regional health authority under subsection (5), the Board may prescribe a time period within which the regional health authority must deal with the matter and may give to the regional health authority any other directions it considers appropriate.

(7) The Board shall provide the appellant, the regional health authority and, in a case where the decision or order appealed from was made by an employee or agent of the regional health authority, that employee or agent, an opportunity to appear and make representations orally or in writing, or both orally and in writing.

(8) The appellant, the regional health authority and, where the decision or order appealed from was made by an employee or agent of the regional health authority, that employee or agent, may be represented by counsel.

(9) Notwithstanding subsections (3) and (4), the Board may, if it considers it appropriate to do so, extend the time within which an appeal may be taken under subsection (3) or within which the Board must act under subsection (4).

(10) For the purposes of conducting an appeal under this section, the Board has all of the powers, privileges and immunities of a commissioner appointed under the *Public Inquiries Act*.

(11) The Board may confirm, reverse or vary the decision of the regional health authority and shall give written notice of its decision to the appellant and the regional health authority.

1984 cP-27.1 s4; 1996 c31 s24

Stay pending appeal

6 An appeal taken pursuant to section 5 does not operate as a stay of the decision appealed from except so far as the chair or vice-chair of the Board so directs.

1984 cP-27.1 s5

Annual report

7(1) The Board shall make a report in each year to the Minister summarizing generally its activities and affairs in the preceding year.

(2) On receiving the report under subsection (1), the Minister shall lay a copy of it before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next sitting.

1984 cP-27.1 s6; 1998 c38 s6

Part 2
Administration

Alteration and disestablishment

8 The order disestablishing a health unit may contain any provisions the Lieutenant Governor in Council considers necessary

(a) to provide for the transfer of the assets and property of the local board of the health unit to a regional health authority under the *Regional Health Authorities Act*,

(b) to provide for the assumption of liabilities and obligations of the local board of the health unit by a regional health authority under the *Regional Health Authorities Act*, and

(c) to facilitate the taking over of the affairs of the health unit by a regional health authority under the *Regional Health Authorities Act*.

1984 cP-27.1 s10; 1988 c41 s4; 1994 cR-9.07 s25(31); 1996 c31 s5

Staff

9(1) A regional health authority shall appoint a person as a medical officer of health and persons as executive officers for the regional health authority for the purpose of carrying out this Act and the regulations.

(2) The Minister may appoint a person as a medical officer of health for a regional health authority if the regional health authority fails to do so.

(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.

1984 cP-27.1 s17; 1996 c31 s6; 1998 c38 s7

Provision of services by RHA

10 A regional health authority shall provide the health promotional, preventive, diagnostic, treatment, rehabilitative and palliative services, supplies, equipment and care that the regulations require it to provide.

1984 cP-27.1 s20; 1996 c31 s8

11 Repealed 2005 c13 s8.

Provision of services by Minister

12 The Minister may provide to any person any health promotional, preventive, diagnostic, treatment, rehabilitative or palliative services, supplies, equipment and care and any drugs, medicines and biological agents prescribed in the regulations.

1984 cP-27.1 s22; 1996 c31 s10

Chief Medical Officer

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.

(2) The Deputy Chief Medical Officer may act in the place of the Chief Medical Officer during the Chief Medical Officer's temporary absence or temporary inability to act.

(3) The Chief Medical Officer may in writing delegate to the Deputy Chief Medical Officer any power, duty or function conferred or imposed on the Chief Medical Officer under this Act or the regulations.

1998 c38 s8

Powers of Chief Medical Officer

14(1) The Chief Medical Officer

(a) shall, on behalf of the Minister, monitor the health of Albertans and make recommendations to the Minister and regional health authorities on measures to protect and promote the health of the public and to prevent disease and injury,

(b) shall act as a liaison between the Government and regional health authorities, medical officers of health and executive officers in the administration of this Act,

(c) shall monitor activities of regional health authorities, medical officers of health and executive officers in the administration of this Act, and

(d) may give directions to regional health authorities, medical officers of health and executive officers in the exercise of their powers and the carrying out of their responsibilities under this Act.

(2) Where the Chief Medical Officer is of the opinion that a medical officer of health or executive officer is not properly exercising powers or carrying out duties under this Act in respect of a matter, the Chief Medical Officer may assume the powers and duties of the medical officer of health or executive officer in respect of the matter and act in that person's place.

(3) Where the Chief Medical Officer decides to act under subsection (2), the Chief Medical Officer shall forthwith give a notice in writing setting out the reasons why the Chief Medical Officer has so decided to

(a) the medical officer of health or executive officer,

(b) where applicable, the regional health authority by whom the medical officer or executive officer is employed or for whom the medical officer of health or executive officer acts as agent, and

(c) the Minister.

1998 c38 s8

Diseases under surveillance

15(1) Where

(a) a disease is not prescribed as a notifiable disease under the regulations, and

(b) the Chief Medical Officer considers that it is advisable to keep the disease under surveillance in order to assess the impact of the disease and the need for further intervention under this Act,

the Chief Medical Officer may by notice in writing require a medical officer of health, a physician or a director of a laboratory to provide to the Chief Medical Officer at the times and in the manner set out in the notice any information in respect of the disease that is set out in the notice.

(2) A person who receives a notice under subsection (1) shall comply with it.

1998 c38 s8

Order making Act applicable

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.

(2) The *Regulations Act* does not apply in respect of an order referred to in subsection (1).

2002 c32 s12

Administrative powers

16**(1)** The Minister may designate a physician as a medical officer of health for the purpose of Part 3.

(2) A person who is designated as a medical officer of health under subsection (1) is, by virtue of the appointment, also an executive officer.

(3) The Minister may designate a person employed in the Department as an executive officer for the purposes of this Act.

1984 cP-27.1 s23; 1988 c41 s8; 1996 c31 s13; 1998 c38 s9

Inspection by Minister

17 The Minister and employees of the Government authorized by the Minister for the purpose may

(a) make inquiries into the management and affairs of a regional health authority,

(b) enter and inspect any place under the jurisdiction of a regional health authority, and

(c) examine the records of a regional health authority

for the purpose of verifying the accuracy of reports and ensuring that this Act and the regulations are complied with.

1984 cP-27.1 s30; 1996 c31 s15

Provision of information

18(1) Where a medical officer of health reasonably believes that a person has engaged in or is engaging in any activity that is causing or may cause a threat to the health of the public or a class of the public, the medical officer of health may by notice in writing require the person to provide to the medical officer of health within the time specified in the notice any information respecting the activity that is specified in the notice.

(2) A person who receives a notice under subsection (1) shall comply with it.

1998 c38 s10

Part 3
Communicable Diseases and
Public Health Emergencies

Information to medical officer of health

19(1) Where a medical officer of health knows or has reason to believe

(a) that a person suffering from a communicable disease is or may be in or has frequented or may have frequented a public place, or

(b) that a public place may be contaminated with a communicable disease,

the medical officer of health may by notice in writing to the person in charge of the public place require that person to provide to the medical officer of health within the time specified in the notice any information relating to the public place, the person and the communicable disease that is specified in the notice.

(2) A person who receives a notice referred to in subsection (1) shall comply with it.

1998 c38 s12

Information respecting public health emergency

19.1(1) Where a medical officer of health

(a) knows of or has reason to suspect the existence of, or the threat of the existence of, a public health emergency, and

(b) has reason to believe that a person has information relevant to the public health emergency that will assist the medical officer of health in carrying out duties and exercising powers under section 29 in respect of the public health emergency,

the medical officer of health or an executive officer or community health nurse designated for that purpose by the medical officer of health may, by notice in writing, require the person who has the information to provide the information that is specified in the notice to the medical officer of health, executive officer or community health nurse.

(2) A person who receives a notice referred to in subsection (1) shall comply with it.

2002 c32 s12

Discovery and treatment of infection

20(1) Every person who knows or has reason to believe that the person is or may be infected with a communicable disease prescribed in the regulations for the purposes of this subsection shall immediately consult a physician to determine whether the person is infected or not, and if the person is found to be infected, shall submit to the treatment directed and comply with any other conditions prescribed by the physician until the physician is satisfied that the person is not infectious.

(2) Every person who knows or has reason to believe that the person is or may be infected with a sexually transmitted disease prescribed in the regulations for the purposes of this subsection shall immediately consult a physician or attend a sexually transmitted diseases clinic to determine whether the person is infected or not, and if the person is found to be infected, shall submit to the treatment directed and comply with any other conditions prescribed by a physician until the physician is satisfied that the person is not infectious.

(3) A person is subject to the duties imposed under subsections (1) and (2) with respect to minor children under the person's custody, care or control.

1984 cP-27.1 s31; 1988 c41 s9

Notification of change of address

21 During a period in which a person or a minor under the person's custody, care or control is required by section 20 to submit to treatment or to comply with conditions, that person shall immediately notify the consulting physician, the clinic or the medical officer of health of the regional health authority of any change in the person's address or the address of the minor, as the case may be.

1984 cP-27.1 s32; 1988 c41 s10; 1996 c31 s24

Notification of communicable disease

22(1) Where a physician, a health practitioner, a teacher or a person in charge of an institution knows or has reason to believe that a person under the care, custody, supervision or control of the physician, health practitioner, teacher or person in charge of an institution is infected with a communicable disease prescribed in the regulations for the purposes of this subsection, the physician, health practitioner, teacher or person in charge of an institution shall notify the medical officer of health of the regional health authority

(a) by the fastest means possible in the case of a prescribed disease that is designated in the regulations as requiring immediate notification, or

(b) within 48 hours in the prescribed form in the case of any other prescribed disease.

(2) Where a physician, a nurse practitioner or a midwife knows or has reason to believe that a person under the care in a hospital of the physician, nurse practitioner or midwife is infected with a disease to which subsection (1) applies, the physician, nurse practitioner or midwife shall, in addition to carrying out the physician's, nurse practitioner's or midwife's responsibilities under subsection (1), immediately inform the medical director or other person in charge of the hospital, and the medical director shall notify the medical officer of health of the regional health authority by telephone or in accordance with the prescribed form.

(3) Where a physician, a community health nurse, a nurse practitioner, a midwife or a person in charge of an institution knows or has reason to believe that a person under the care, custody, supervision or control of the physician, community health nurse, nurse practitioner, midwife or person in charge of an institution is infected with a disease referred to in section 20(2), the physician, community health nurse, nurse practitioner, midwife or person in charge of an institution shall, within 48 hours, notify the Chief Medical Officer in the prescribed form.

RSA 2000 cP-37 s22; 2002 c20 s4

Discovery in laboratory

23 Where an examination of a specimen derived from a human body reveals evidence of a communicable disease, the director of the laboratory conducting the examination shall,

(a) in the case of a disease prescribed in the regulations for the purposes of this clause, notify the medical officer of health of the regional health authority

(i) by the fastest means possible in the case of a prescribed disease that is designated in the regulations as requiring immediate notification, or

(ii) within 48 hours in the prescribed form or by telephone, in the case of any other prescribed disease,

and

(b) in the case of a disease referred to in section 20(2), notify the Chief Medical Officer in the prescribed form within 48 hours.

1984 cP-27.1 s34; 1996 c31 s24; 1998 c38 s19

Submission of specimens to Provincial Laboratory

24 Where examination of a specimen at a laboratory indicates the existence or possible existence of a communicable disease prescribed in the regulations for the purposes of this section, the director of the laboratory conducting the examination shall ensure that a sample, together with a description of the type of examination that was carried out, is provided to the Provincial Laboratory of Public Health in accordance with the regulations.

1998 c38 s13

Disease outside boundaries

25 Where a medical officer of health receives notification of a suspected case of a communicable disease referred to in section 20(1) that occurs outside the boundaries of the health region, that medical officer of health shall immediately notify the medical officer of health of the regional health authority of the health region in which the case occurred.

1984 cP-27.1 s35; 1996 c31 s16

Notification of epidemics and other threats

26 A physician, a health practitioner, a teacher or a person in charge of an institution who knows of or has reason to suspect the existence of

- (a) a communicable disease in epidemic form,
 - (b) another illness or health condition occurring at an unusually high rate,
- or
- (c) a communicable disease or another illness or health condition that is caused by a nuisance or other threat to the public health

shall immediately notify the medical officer of health of the regional health authority by the fastest means possible.

RSA 2000 cP-37 s26; 2002 c32 s12

Duty to notify Chief Medical Officer

27(1) Where a medical officer of health receives

- (a) notification under section 26(a), or
- (b) notification of a communicable disease that is designated in the regulations as requiring immediate notification

the medical officer of health shall immediately notify the Chief Medical Officer by the fastest means possible.

(2) Where a medical officer of health receives a notification under section 26(b) or (c) and reasonably believes that the illness, communicable disease or health condition constitutes a significant risk to the public health, the medical officer of health shall immediately notify the Chief Medical Officer by the fastest means possible.

RSA 2000 cP-37 s27; 2002 c32 s12

Weekly summary

28 A regional health authority shall submit to the Chief Medical Officer a weekly summary in the prescribed form of all cases of communicable disease referred to in section 20 occurring within the health region.

1984 cP-27.1 s38; 1996 c31 s17; 1998 c38 s19

Isolation, Quarantine and Special Measures

Isolation and quarantine

29(1) A medical officer of health who knows of or has reason to suspect the existence of a communicable disease or a public health emergency within the boundaries of the health region in which the medical officer of health has jurisdiction may initiate an investigation to determine whether any action is necessary to protect the public health.

(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;

(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

(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.

(3) A medical officer of health shall forthwith notify the Chief Medical Officer of any action taken under subsection (2)(b) or of the existence of a public health emergency.

(3.1) On being notified of the existence of a public health emergency under subsection (3) the Chief Medical Officer shall forthwith notify the Minister.

(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.

RSA 2000 cP-37 s29; 2002 c32 s12

Entry for examination

30(1) Where a medical officer of health knows or has reason to believe that

(a) a person suffering from a communicable disease referred to in section 20 may be found in any place, or

(b) that any place may be contaminated with such a communicable disease,

the medical officer of health may enter that place without a warrant for the purpose of conducting an examination to determine the existence of the communicable disease.

(2) Where a medical officer of health is conducting an examination pursuant to subsection (1), the medical officer of health may

- (a) order the detention of any person, and
- (b) order the closure of the place, including any business that is carried on in it,

until the medical officer of health has completed the investigation, but not for a period of more than 24 hours.

(3) When the medical officer of health is not able to complete the investigation within 24 hours, the medical officer of health may make an application to a provincial court judge for an order to extend the period of detention or closure under subsection (2) for an additional period of not more than 7 days, and the judge may make the order accordingly.

1984 cP-27.1 s40

Examination

31(1) Where a medical officer of health knows or has reason to believe that a person may be infected with a communicable disease referred to in section 20, that person shall, at the request of the medical officer of health, submit to any examinations necessary to determine whether the person is infected with the disease.

(2) In conducting an examination pursuant to subsection (1) to determine the existence of a communicable disease, the medical officer of health may require from any person who has knowledge of it the production of any information concerning the disease, including the sources or suspected sources of the disease and the names and addresses of any persons who may have been exposed to or become infected with the disease.

1984 cP-27.1 s41

Notices

32(1) A medical officer of health may cause to be placed warning notices in the prescribed form in, on, at or near any place in which a person is isolated or quarantined, or which requires decontamination or destruction.

(2) No person shall remove a warning notice placed in accordance with this section unless the person has the consent of a medical officer of health.

1984 cP-27.1 s42

Effect of isolation or quarantine

33(1) Where a person infected with a communicable disease requires isolation or quarantine as prescribed in the regulations, the person shall be isolated or quarantined in a hospital or other place approved for the purpose by a medical officer of health.

(2) No person who is suffering from a communicable disease for which isolation or quarantine is required under the regulations shall remain or be permitted to remain in any public place, other than a hospital or other place approved under subsection (1), unless the medical officer of health is satisfied that the presence of the person in the public place would involve no risk to the public health.

(3) Where a person is isolated or quarantined in

- (a) a social care facility,
- (b) a food handling establishment, or
- (c) living accommodation attached to a social care facility or food handling establishment,

the medical officer of health may, by notice to the owner of the social care facility or food handling establishment, order the owner not to operate or permit the operation of the social care facility or food handling establishment until decontamination of the social care facility or food handling establishment is completed.

(4) Where a person is isolated or quarantined in a place under circumstances that require terminal decontamination, the medical officer of health may, by notice to the owner of the place, order the owner to refuse entry to the place to any person other than

- (a) an executive officer,
- (b) a medical officer of health, or
- (c) a person with the consent of an executive officer or a medical officer of health

until decontamination is completed.

1984 cP-27.1 s43

Provision of services

34(1) When a person is isolated or quarantined, the medical officer of health shall ensure that the person is provided with all supplies and services necessary for the person's health and subsistence.

(2) The medical officer of health shall ensure that any person providing supplies or services pursuant to this section takes adequate precaution to avoid contracting the communicable disease.

(3) Where the Minister is satisfied that it would cause undue hardship to require a person to whom supplies or services are provided under this section to pay for them, the Minister may pay for all or part of the cost of the supplies or services.

1984 cP-27.1 s44

Decontamination

35 No person shall

(a) remove anything from a place in respect of which decontamination is required, or

(b) give, lend, sell or offer for sale anything that has been exposed to contamination

until decontamination has been completed to the satisfaction of the medical officer of health.

1984 cP-27.1 s45

Transportation of infected person

36 A person transporting another person who that person knows or has reason to believe is suffering from a communicable disease requiring isolation or quarantine under the regulations shall inform the medical officer of health of the regional health authority of the health region in which the person is being transported and comply with any conditions respecting the transportation that are prescribed by the medical officer of health.

1984 cP-27.1 s46; 1996 c31 s19

Epidemics

Notification of epidemic

37(1) When a medical officer of health is of the opinion that

(a) a communicable disease is in epidemic form, and

(b) hospital facilities within the area are inadequate to provide the necessary isolation or quarantine facilities,

the medical officer of health shall immediately inform the Minister.

(2) On the recommendation of the Minister, the Lieutenant Governor in Council

(a) may order a board of an approved hospital as defined in the *Hospitals Act* to provide isolation or quarantine accommodation in the amount and manner prescribed in the order, and

(b) may order the owner of a facility to provide isolation or quarantine accommodation in the amount and manner prescribed in the order.

(3) Where an order is made pursuant to subsection (2)(b), any reasonable expense incurred by the owner of a facility in compliance with the order is the responsibility of the Crown in right of Alberta.

1984 cP-27.1 s47; 1996 c31 s20

Order of Lieutenant Governor in Council

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) 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.

(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.

(3) Where a person refuses to be immunized pursuant to an order of the Lieutenant Governor in Council, the person shall be subject to this Part with respect to the disease concerned as if the person were proven to be infected with that disease.

RSA 2000 cP-37 s38; 2002 c32 s12

Recalcitrant Patients

Issue of certificate

39(1) Where a physician, community health nurse, midwife or nurse practitioner knows or has reason to believe that a person

(a) is infected with a disease prescribed in the regulations for the purposes of this section, and

(b) refuses or neglects

(i) to submit

(A) to a medical examination for the purpose of ascertaining whether the person is infected with that disease, or

(B) to medical, surgical or other remedial treatment that has been prescribed by a physician and that is necessary to render the person non-infectious, or

(ii) to comply with any other conditions that have been prescribed by a physician as being necessary to mitigate the disease or limit its spread to others,

the physician, community health nurse, midwife or nurse practitioner shall immediately notify the medical officer of health in the prescribed form.

(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.

(3) A certificate pursuant to subsection (2) must be issued within 72 hours of the date of service of the notification pursuant to subsection (1).

(4) Where the physician referred to in subsection (1) is a medical officer of health in the health region in which the alleged infected person is located, the physician may issue the certificate referred to in subsection (2).

(5) A person in respect of whom a certificate is issued may apply by originating notice to a judge of the Court of Queen's Bench at any time for cancellation of the certificate.

(6) The originating notice shall be served on

(a) the medical officer of health who issued the certificate, and

(b) the chief executive officer of the facility in which the applicant is detained, if the applicant is under detention at the time of the application,

not less than 2 days before the motion is returnable.

(7) Notwithstanding subsection (6), a judge of the Court, on the ex parte application of the person referred to in subsection (5), may dispense with the service of the originating notice under subsection (6) or authorize the giving of a shorter period of notice.

(8) Where the judge considers it appropriate to do so, the judge may order that the application under subsection (5) be heard in private.

(9) The judge may grant or refuse the order applied for and may make any other order the judge considers appropriate.

RSA 2000 cP-37 s39; 2002 c20 s5

Authority of certificate

40(1) A certificate is authority

(a) for any peace officer to apprehend the person named in it and convey the person to any facility specified by the medical officer of health within 7 days from the date the certificate is issued,

(b) for a physician to conduct an examination on that person in the manner prescribed in the regulations and to detain the person at the facility for the period required to obtain the result of the examination,

(c) for any physician to treat or prescribe treatment for that person in order to render that person non-infectious, with or without the consent of the person, and to detain the person for that purpose, and

(d) for a physician to prescribe any other conditions necessary to mitigate the disease or limit its spread to others.

(2) The medical director of, or in the medical director's absence the attending physician at, a facility to which a person is conveyed under subsection (1) shall ensure that the person is examined under that section within 24 hours after the person's arrival at the facility.

(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,

(b) advise the person or the person's guardian, if any, that the person has a right to retain and instruct counsel without delay, and

(c) give the person or the person's guardian, if any, a copy of section 39.

1984 cP-27.1 s50; 1988 c41 ss13,14

Release

41(1) Subject to subsection (2), a person who is detained in a facility pursuant to a certificate shall be released not later than 7 days after the date the person is admitted to the facility pursuant to the certificate, unless an isolation order is issued under section 44.

(2) A person who is detained in a facility pursuant to a certificate shall be released forthwith if the physician who examines the person certifies

(a) that there is no evidence of active disease, or

(b) that, although there is evidence of active disease, the physician is satisfied that the person will comply with the treatment and any other conditions ordered by the physician in a manner that will ensure the protection of the public health.

1984 cP-27.1 s51

Notification of release

42 Where a person is released pursuant to section 41, the physician who examined the patient or the medical director of the facility shall, on the release of the patient, forthwith notify the medical officer of health who issued the certificate of the circumstances of the release.

1984 cP-27.1 s52

Treatment after release

43**(1)** Where a person is released pursuant to section 41(2)(b), the person shall comply with the treatment and any other conditions that are prescribed by any physician assigned by the medical director of the facility.

(2) Where a person who has been required to submit to treatment or comply with conditions following the person's release fails to undergo treatment or comply with the conditions, a medical officer of health may issue an order in the prescribed form to a peace officer or other person to apprehend that person and return that person to the facility.

(3) On receipt of an order under subsection (2), a peace officer or other person is empowered to arrest without warrant the person named in it and return that person to the facility.

(4) Sections 41 and 42 and subsections (1), (2) and (3) apply to a person who is arrested and returned to a facility under subsection (3).

1984 cP-27.1 s53; 1988 c41 s15

Isolation order

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.

(2) Subsection (1) applies whether or not there is a certificate in existence in respect of the person who is the subject of the isolation order or orders.

(3) A physician issuing an isolation order shall forthwith send a copy of the isolation order to the Chief Medical Officer.

1984 cP-27.1 s54;1988 c41 s16;1998 c38 s19

Authority of isolation order

45(1) Where isolation is ordered pursuant to section 44 the order or orders are sufficient authority with or without the consent of the person named in them to observe, examine, care for, treat, obtain biological specimens from, control and detain the person named in them in a facility until the person is released under section 46.

(2) A person in respect of whom isolation is ordered under section 44 shall be re-examined by a physician at least once every 7 days to ascertain whether the person may be released under section 46.

1984 cP-27.1 s55;1988 c41 s17

Cancellation of isolation order

46(1) Where, after separate examinations by each of them, 2 physicians are of the opinion that a person in respect of whom isolation has been ordered under section 44

(a) is not infectious, or

(b) will comply with the conditions of the person's discharge,

the 2 physicians shall issue an order in the prescribed form cancelling the isolation order.

(2) Immediately on issuing an order cancelling an isolation order, the physicians who signed the order shall send a copy of it to the Chief Medical Officer.

1984 cP-27.1 s56;1988 c41 s18;1998 c38 s19

Warrant for examination

47(1) Any person who has reasonable and probable grounds to believe that a person

(a) is infected with a disease prescribed in the regulations for the purpose of this section, and

(b) refuses or neglects

(i) to submit

(A) to a medical examination for the purpose of ascertaining whether the person is infected with the disease, or

(B) to medical, surgical or other remedial treatment that has been prescribed by a physician and that is necessary to render the person non-infectious, or

(ii) to comply with any other conditions that have been prescribed by a physician as being necessary to mitigate the disease or limit its spread to others,

may bring an information under oath before a provincial court judge.

(2) Where an information is brought before a provincial court judge under subsection (1) and the judge is satisfied that the person with respect to whom the information is brought should be examined in the interests of the person's own health or the health of others and that the examination cannot reasonably be arranged in any other way, the judge may issue a warrant in the prescribed form to apprehend that person for the purpose of the examination.

(3) A warrant under this section may be directed to any peace officer and shall name or otherwise describe the person with respect to whom the warrant is issued.

(4) Where a peace officer apprehends a person pursuant to a warrant under this section, the person is deemed to be a person in respect of whom a certificate has been issued under section 39.

1984 cP-27.1 s57; 1988 c41 s19

Duty on issue of isolation order

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,

(b) advise the person or the person's guardian, if any, that the person has a right to retain and instruct counsel without delay, and

(c) give the person or the person's guardian, if any, a copy of section 49.

Application to Court for cancellation

49(1) A person in respect of whom isolation is ordered may apply by originating notice to a judge of the Court of Queen's Bench at any time for cancellation of the isolation order or orders.

(2) The originating notice shall be served on

(a) the physician or physicians who issued the isolation order or orders,
and

(b) the chief executive officer of the facility in which the applicant is a patient

not less than 7 days before the motion is returnable.

(3) Notwithstanding subsection (2), a judge of the Court, on the ex parte application of the person referred to in subsection (1), may dispense with the service of the originating notice under subsection (2) or authorize the giving of a shorter period of notice.

(4) Where the judge considers it appropriate to do so, the judge may order that the application under subsection (2) be heard in private.

(5) The judge may grant or refuse the order applied for and may make any other order the judge considers appropriate.

1984 cP-27.1 s59

Unauthorized absence

50(1) Where a person in respect of whom isolation has been ordered leaves the facility and leave of absence has not been granted by the medical director of the facility, the medical director may issue an order in the prescribed form to a peace officer or other person ordering the return of the person to the facility.

(2) An order issued pursuant to subsection (1) is sufficient authority for the person to whom it is directed to apprehend the person named in it and return the person to the facility.

(3) A person who is returned to a facility under this section may be detained until the conditions under section 46 have been met.

1984 cP-27.1 s60

Transfer to another facility

51(1) The medical director of the facility in which a person is detained may, for reasons of treatment or in compliance with the person's wishes, transfer the person to another facility, on completing a memorandum of transfer in the prescribed form.

(2) Where a person is transferred under subsection (1), the authority to detain, control and treat the person continues in force in the facility to which the person is transferred.

1984 cP-27.1 s61

Leave of absence

52(1) The medical director or an attending physician at a facility in which a person is detained may grant the person a leave of absence from the facility subject to any terms and conditions prescribed by the medical director or attending physician to ensure that the public health is protected.

(2) Where a person is on a leave of absence granted under this section and it appears to the medical director or the attending physician that the person is not complying with the conditions to which the leave of absence is subject, the medical director or attending physician may revoke the leave of absence and recall the person to the facility.

(3) Section 50 applies in the case of a person who has been recalled under subsection (2) and fails to return to the facility in accordance with the instructions of the medical director or attending physician.

1984 cP-27.1 s62

State of Public Health Emergency

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.

2002 c32 s12

Local state of public health emergency

52.2(1) Where, on the advice of the 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 authority, the Minister may, notwithstanding the bylaws, order that the number of members attending constitutes a quorum for the purposes of the meeting.

2002 c32 s12

Contents order

52.3 An order under section 52.1 or 52.2 must identify the nature of the public health emergency and the area to which it relates.

2002 c32 s12

Publication of order

52.4 Immediately after the making of an order under section 52.1 or 52.2, the Minister or the regional health authority shall cause the details of the order to be published by any means of communication that the Minister or regional health authority considers will make the details of the order known to the majority of the population of the area to which the order relates.

2002 c32 s12

Notice to Minister

52.5 A regional health authority shall, forthwith on making an order under section 52.2, provide a copy of the order to the Minister.

2002 c32 s12

Powers during emergency

52.6**(1)** On the making of an order under section 52.1 or 52.2 and during the state of public health emergency the Minister or the 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:

(a) acquire or use any real or personal property;

(b) authorize or require any qualified person to render aid of a type the person is qualified to provide;

- (c) authorize the conscription of persons needed to meet an emergency;
- (d) authorize the entry into any building or on any land, without warrant, by any person;
- (e) provide for the distribution of essential health and medical supplies and provide, maintain and co-ordinate the delivery of health services.

(2) Nothing in this section limits or abrogates the operation of any other provision in this Act or the regulations that imposes a duty or confers a power on any person.

2002 c32 s12

Compensation

52.7(1) Where the Minister or a regional health authority acquires or uses real or personal property under section 52.6 or where real or personal property is damaged or destroyed due to the exercise of any powers under that section, the Minister or regional health authority shall pay reasonable compensation in respect of the acquisition, use, damage or destruction.

(2) If any dispute arises concerning the amount of compensation payable under subsection (1) the matter is to be determined by arbitration, and the *Arbitration Act* applies in such a case.

2002 c32 s12

Termination of state of public health emergency

52.8(1) An order under section 52.1 lapses at the end of 30 days unless it is sooner terminated by the Lieutenant Governor in Council or is continued by a resolution of the Legislative Assembly.

(2) Where, on the advice of the Chief Medical Officer, the Lieutenant Governor in Council considers that a public health emergency no longer exists in an area in relation to which an order was made under section 52.1, the Lieutenant Governor in Council shall make an order terminating the declaration in respect of that area.

2002 c32 s12

Termination of state of local public health emergency

52.81(1) The Minister may cancel an order made under section 52.2 at any time the Minister considers appropriate in the circumstances.

(2) An order under section 52.2 ceases to be of any force or effect on the making of an order under section 52.1 relating to the same area of the health region.

(3) An order under section 52.2 lapses at the end of 30 days unless

(a) it is sooner cancelled by the Minister or terminated by the regional health authority, or

(b) it is renewed for an additional period not exceeding 30 days.

(4) Sections 52.4 and 52.5 apply to the renewal of an order under section 52.2.

(5) Where, on the advice of the medical officer of health and in consultation with the Chief Medical Officer, a regional health authority considers that a public health emergency no longer exists in an area in relation to which an order under section 52.2 was made, the regional health authority shall make an order terminating the declaration in respect of that area.

2002 c32 s12

Publication

52.82 Immediately after an order is made under section 52.8(2) or 52.81(5), the Minister or regional health authority shall cause the details of the order to be published by any means of communication that the Minister or regional health authority considers will make the details of the order known to the majority of the population of the area affected by the termination order.

2002 c32 s12

Regulations Act

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

2002 c32 s12

Regulations

52.9 The Lieutenant Governor in Council may make regulations respecting the exercising of powers under section 52.6.

2002 c32 s12

Termination of employment prohibited

52.91 No person shall terminate the employment of any other person by reason only of that other person's having been conscripted pursuant to section 52.6.

2002 c32 s12

General

Confidentiality of communicable diseases information

53(1) Information contained in any file, record, document or paper maintained by the Chief Medical Officer or by a regional health authority or an employee or agent on its behalf that comes into existence through anything done under this Part and that indicates that a person is or was infected with a communicable disease shall be treated as private and confidential in respect of the person to whom the information relates and shall not be published, released or disclosed in any manner that would be detrimental to the personal interest, reputation or privacy of that person.

(2) For the purposes of assessing and improving the standards of care furnished to persons suffering from communicable diseases, compiling statistics with respect to communicable diseases, conducting research into communicable diseases, or for any reason relating to communicable disease that the Chief Medical Officer considers to be in the interest of protecting the public health, the Chief Medical Officer may require any physician or health practitioner to furnish the Chief Medical Officer with the following information:

(a) a report containing the name and address of any patient of that physician or health practitioner who is, was or may have been suffering from a communicable disease and a description of the diagnostic and treatment services provided to the patient;

(b) medical or other records, or extracts or copies of them, in respect of that patient and in the possession of the physician or health practitioner.

(3) Information obtained by the Chief Medical Officer or by a regional health authority or an employee or agent on its behalf pursuant to this section shall be treated as private and confidential and, subject to subsection (4), shall not be published, released or disclosed in any manner that would be detrimental to the personal interest, reputation or privacy of the patient.

(4) Information obtained by the Chief Medical Officer or by a regional health authority or an employee or agent on its behalf may be disclosed by the Chief Medical Officer or the regional health authority, employee or agent

(a) to any person when required by law;

(a.1) to any person where the Chief Medical Officer, regional health authority, employee or agent believes on reasonable grounds that the disclosure will avert or minimize an imminent danger to the health or safety of any person;

(b) to the person to whom the information relates or the person's legal representative;

(c) in statistical form if the person to whom it relates is not revealed or made identifiable;

(d) repealed RSA 2000 cH-5 s123;

(e) to a person or body conducting an investigation or disciplinary proceedings pursuant to legislation governing a profession or occupation that is specified in the regulations when

(i) the information is requested by the person or body in accordance with the procedure governing the investigation or disciplinary proceedings, and

(ii) the person to whom the information relates consents to the disclosure.

(5) Subsection (1) does not prohibit the disclosure of information

(a) to any person when required by law to do so,

(a.1) to any person where the Chief Medical Officer, regional health authority, employee or agent believes on reasonable grounds that the disclosure will avert or minimize an imminent danger to the health or safety of any person,

(b) to any person with the written consent of the Minister, where in the Minister's opinion it is in the public interest that the information be disclosed to that person, or of the person to whom the information relates or the person's legal representative, or

(c) to any person where the disclosure is necessary in the course of the administration of this Part.

RSA 2000 cP-37 s53; RSA 2000 cH-5 s123;
2002 c32 s12

Application to court

54(1) Where a person

(a) is prohibited by section 53 from publishing, releasing or disclosing information, or

(b) refuses to disclose information that the person is permitted by section 53 to disclose,

the person to whom the information relates or the person's legal representative may apply for an order directing the person having the information to release it or a copy of it to the person to whom the information relates or the person's legal representative or to some other person named in the order.

(2) An application under subsection (1)

(a) shall, if it is made in the course of any action or proceeding to which the person to whom the information relates or the person's legal representative is a party, be made on notice to a judge of the court in which the action or proceeding is taken, and

(b) shall, in any other case, be made by way of originating notice to a judge of the Court of Queen's Bench.

(3) Where the judge considers it appropriate to do so, the judge may order that the application under subsection (1) be heard in private.

(4) In an application under subsection (1), the onus of showing why the order should not be made for the release of the information is on the respondent to the motion.

1984 cP-27.1 s64

Offence

55 No person shall knowingly release, publish or disclose information contrary to section 53.

1984 cP-27.1 s65

Provision of names

56(1) A person suffering from a communicable disease referred to in section 20(2) shall, on request, provide the physician or sexually transmitted diseases clinic responsible for the person's treatment with the names of all persons with whom the person has had sexual contact.

(2) Notwithstanding section 53, a physician who is provided with the names of contacts pursuant to subsection (1) shall immediately provide the information to the Chief Medical Officer.

(3) Notwithstanding section 53, the Chief Medical Officer may notify a person named as a contact pursuant to subsection (1).

1984 cP-27.1 s66; 1998 c38 s19

Delegation of authority

57 The Chief Medical Officer may in writing delegate to an employee of the Department any of the powers, duties and functions conferred or imposed on the Chief Medical Officer by this Act or the regulations.

1984 cP-27.1 s67; 1998 c38 s19

58 Repealed 2002 c32 s12.

Part 4
General

Inspections and Orders

Inspection of place other than private dwelling

59(1) An executive officer may inspect any public place for the purpose of determining the presence of a nuisance or determining whether this Act and the regulations are being complied with.

(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;
- (b) require the production of any books, records or other documents that are relevant to the purpose of the inspection and examine them, make copies of them or remove them temporarily for the purpose of making copies;
- (c) make reasonable oral or written inquiries of any person who the executive officer believes on reasonable grounds may have information relevant to the subject-matter of the inspection;
- (d) inspect and take samples of any substance, food, medication or equipment being used in or on the public place;
- (e) perform tests, take photographs and make recordings in respect of the public place.

(3) Where an executive officer removes any books, records or other documents under subsection (2)(b), the executive officer shall

- (a) give to the person from whom the items were taken a receipt for the items, and
- (b) forthwith return the items to the person from whom they were taken when they have served the purpose for which they were taken.

1984 cP-27.1 s69; 1998 c38 s16

Inspection of private place

60 Where an executive officer believes on reasonable and probable grounds that a nuisance exists in or on a private place or that the private place or the owner of it is in contravention of this Act or the regulations, the executive officer may, with the consent of the owner or pursuant to an order under section 61,

- (a) enter in or on the private place at a reasonable hour and inspect it;
- (b) make reasonable oral or written inquiries of any person who the executive officer believes on reasonable grounds may have information relevant to the subject-matter of the inspection;

(c) take samples of any substance, food, medication or equipment being used in or on the private place;

(d) perform tests, take photographs and make recordings in respect of the private place.

1984 cP-27.1 s70; 1998 c38 s17

Application to Court

61(1) Where the owner of a public place or a private place refuses to allow an executive officer to exercise the executive officer's powers under section 59 or 60 or hinders or interferes with the executive officer in the exercise of those powers, the executive officer may apply by originating notice to a judge of the Court of Queen's Bench for an order directing the owner to do or refrain from doing anything the judge considers necessary in order to enable the executive officer to exercise the executive officer's powers, and the judge may make the order accordingly.

(2) An application under subsection (1) may be made ex parte where the judge considers it proper to do so.

1984 cP-27.1 s71

Order

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.

(2) An order shall be served on the person to whom it is directed and shall set out the reasons it was made, what the person is required to do and the time within which it must be done.

(3) Where the order is directed to a person who is not the registered owner, a copy of it shall also be served forthwith on the registered owner.

(4) An order may include, but is not limited to, provisions for the following:

- (a) requiring the vacating of the place or any part of it;
- (b) declaring the place or any part of it to be unfit for human habitation;
- (c) requiring the closure of the place or any part of it;
- (d) requiring the doing of work specified in the order in, on or about the place;

(e) requiring the removal from the place or the vicinity of the place of anything that the order states causes a nuisance;

(f) requiring the destruction of anything specified in the order;

(g) prohibiting or regulating the selling, offering for sale, supplying, distributing, displaying, manufacturing, preparing, preserving, processing, packaging, serving, storing, transporting or handling of any food or thing in, on, to or from the place.

(5) Where the delay necessary to put an order under this section in writing will or is likely to increase substantially the hazard to the health of any person, the executive officer may issue the order orally.

(6) As soon as is reasonably possible after issuing an oral order under subsection (5), the executive officer shall serve a written version of the order in accordance with subsections (2) and (3).

(7) Where an order is issued under subsection (4)(a), (b) or (c), the executive officer shall ensure that a copy of the order, or in the case of an oral order, a notice of the requirements of the order, is posted in a conspicuous place at, on or near the public place or private place to which the order relates.

(8) A regional health authority shall maintain a record of all orders issued under subsection (4)(a), (b) or (c) and shall make the record available for inspection by the public during the business hours of the main office of the regional health authority.

(9) If, in the course of an inspection under this Act, the executive officer is of the opinion that a condition of emergency exists due to the existence of a nuisance, the executive officer may, notwithstanding anything in this Act, forthwith take any steps the executive officer considers appropriate to remove or lessen the nuisance.

1984 cP-27.1 s72;1988 c41 s20;1996 c31 s24

Recovery of costs

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.

(2) If a person to whom an order is directed under section 62 fails to carry out the order within the time limited by it, in the case of an order that is not appealed, or

within the time limited by the Board in the case of an order that is appealed to the Board, the executive officer or a person appointed by the executive officer may, together with any persons that are necessary, enter the public place or private place and carry out the order.

(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.

(5) On receipt of a statement under subsection (4), the municipality shall place the amount of the expenses incurred in carrying out the order on the tax roll as an additional tax against the land concerned and that amount

- (a) forms a lien on the land in favour of the municipality, and
- (b) is, for all purposes, deemed to be taxes imposed and assessed on land and in arrears under the *Municipal Government Act* from the date the amount was placed on the tax roll, and that Act applies to the enforcement, collection and recovery of the amount.

(6) Subsection (5) does not apply to a Metis settlement.

(7) Any amount collected by the municipality by virtue of subsection (5) shall be paid to the regional health authority.

(8) Where an amount recovered under this section by a regional health authority from a person other than the registered owner of the land to which the order relates is, as between that person and the registered owner, the responsibility of the registered owner, that person is entitled to recover the amount from the registered owner or to deduct the amount from any other amount due from that person to the registered owner.

(9) Where an amount recovered under this section by a regional health authority from the registered owner of land is, as between the registered owner and another person, the responsibility of that other person, the registered owner is entitled to recover the amount from that other person or to deduct the amount from any other amount due from the registered owner to that other person.

1984 cP-27.1 s73; 1988 c41 s21; 1990 cM-14.3 s283;
1994 cM-26.1 s642(56); 1995 c24 s99(38); 1996 c31 s24

Notice of health hazard

64(1) When an order is issued under section 62, the regional health authority may cause to be filed with the Registrar of Land Titles a notice of health hazard against the registration of any person as transferee or owner of, or of any instrument affecting, the land that is the subject of the order, unless the instrument or certificate of title is expressed to be subject to that notice.

(2) A notice of health hazard registered under this section does not lapse and shall not be cancelled or withdrawn except on the receipt by the Registrar of a notice in writing from the regional health authority requesting cancellation or withdrawal.

(3) On registering a notice of health hazard, the Registrar shall notify the person against whose title the notice is registered and notify caveators and mortgagees when the addresses of those persons may be ascertained from the certificate of title.

1984 cP-27.1 s74; 1996 c31 s24

Notice of health hazard - Metis patented land

65(1) When an order is issued under section 62 in respect of patented land as defined in the *Metis Settlements Act*, the regional health authority may submit a notice of health hazard to the Registrar of the Metis Settlements Land Registry and the Registrar shall record the notice against the Metis title register for the land that is subject to the order.

(2) A notice of health hazard recorded under this section does not lapse and shall not be cancelled except on the receipt by the Registrar of the Metis Settlements Land Registry, of a notice in writing from the regional health authority requesting cancellation.

(3) On recording a notice of health hazard, the Registrar of the Metis Settlements Land Registry shall notify the person against whose Metis title the notice is recorded and every person who has recorded an interest against the Metis title.

1998 c22 s32

Regulations

Regulations

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

(a) prescribing communicable diseases for the purposes of any provision of this Act;

(b) prescribing communicable diseases of which immediate notification is required for the purposes of sections 22(1)(a), 23(a)(i) and 27(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(1);

(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 standards and methods of distribution of vaccine and vaccination to be provided;

(h) respecting the immunization of persons pursuant to section 38(1)(c);

(i) respecting the immunization of children attending or wishing to attend a day care facility within the meaning of the *Social Care Facilities Licensing Act*;

(j) respecting the prevention, investigation and suppression among animals of infectious diseases communicable to humans;

(k) respecting the quantity and manner of application of an agent to the eyes of newborn children, to prevent the occurrence of prescribed communicable diseases;

(l) respecting

(i) the construction of itinerant and temporary food establishments, and

(ii) the 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;

(m) respecting the establishment of standards for food and providing for the destruction of any food that does not meet those standards;

(n) respecting the prevention and removal of nuisances;

(o) respecting the location, operation, maintenance, equipping, cleansing, disinfecting and disinfestation of

(i) abattoirs,

(ii) noxious trades,

(iii) camps and campgrounds, and

(iv) wells, water fountains, cisterns and water tanks;

(p) respecting the construction, location, operation, maintenance, disinfection, disinfestation and disposition of outdoor lavatories;

(q) respecting the handling and disposal of biomedical waste;

(r) prescribing the maximum level of contaminants permissible in air or water;

(s) respecting the location, operation, cleansing, disinfection, disinfestation, equipping and maintaining of public places;

(t) respecting the cleansing, disinfection and disinfestation of private dwellings;

(u) respecting the inspection, equipping, operating, maintaining, cleansing and disinfection of public and semi-public swimming pools;

(v) respecting the preparation, interment, disinterment and transportation of human corpses;

(w) respecting the licensing of embalmers and prescribing qualifications for admission of embalmers to practice in Alberta;

(x) respecting the qualifications of persons employed as executive officers by regional health authorities;

(y) 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;

(z) 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;

(aa) - (cc) repealed 2005 c13 s8;

(dd) 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;

(ee) 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 (dd), and setting out what decisions may be appealed and the procedure to apply in an appeal;

(ff) respecting the powers, duties and authority of executive officers or classes of executive officers;

(gg) specifying professions and occupations for the purposes of section 53(4)(e);

(hh) specifying regulated matter for the purposes of section 70;

(ii) respecting all aspects of the granting, cancellation and suspension of licences, permits or other approvals for any activity subject to regulation under this section;

(jj) specifying additional decisions for the purposes of section 5(1)(b) that may be appealed to the Board under that section;

(kk) prescribing forms for the purposes of regulations under this section;

(ll) defining terms for the purposes of regulations under this section;

(mm) 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.

(2) If a code, standard, guideline or body of rules relates to any matter on which regulations may be made under subsection (1) and the code, standard, guideline or body of rules has been published and is available to the public, the Lieutenant Governor in Council may, in addition to or instead of any regulation that may be made under subsection (1), by regulation declare the code, standard, guideline or body of rules to be in force either in whole or in part and with any specified variations.

(3) The Minister may make regulations respecting forms for the purposes of section 5(3) and Part 3.

(4) Regulations under subsection (1) may be made applicable to a portion of Alberta only.

RSA 2000 cP-37 s66; 2002 c20 s6; 2005 c13 s8

Miscellaneous

Protection from liability

66.1 No action for damages may be commenced against

- (a) the Minister,
- (b) a member, employee or agent of a regional health authority,
- (c) an employee under the administration of the Minister,
- (d) the Chief Medical Officer, the Deputy Chief Medical Officer, an executive officer or a medical officer of health,
- (e) a health practitioner, or
- (f) a teacher, a person in charge of an institution or a medical director of a facility

for anything done or not done by that person in good faith while carrying out duties or exercising powers under this or any other enactment.

2002 c32 s12

Crown's right of recovery

67 The Crown in right of Alberta is entitled to recover the Crown's cost of public health services under Part 5 of the *Hospitals Act*.

1994 c37 s5

Service of documents

68(1) Where this Act or the regulations require or permit the service of an order, notice or other document on a person, then unless this Act otherwise provides, the order, notice or other document is sufficiently served if it is

- (a) served personally on the person,
- (b) sent by registered mail to the person at the person's last known address, or
- (c) published in a newspaper in accordance with subsection (2).

(2) Where the person serving an order, notice or other document, after having taken reasonable steps for the purpose, is unable to locate the person to be served or to determine that person's actual address, the order, notice or other document may be served by publishing it in at least 2 issues, at least a week apart, of a newspaper having general circulation

(a) in the place where the person to be served had that person's last known address according to the records or other information available to the person serving the order, notice or other document, and

(b) if the notice, order or other document relates to the property of the person to be served or is given in proceedings that relate to that person's property, in the place where the property is located.

1984 cP-27.1 s76

Validity of documents

69 A certificate, notice, order, warrant or other form issued under this Act or the regulations shall not be held to be insufficient or invalid by reason only of any irregularity, informality or insufficiency in it or in any proceedings in connection with its issuance.

1984 cP-27.1 s77

Intoxicating gas or vapour

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 registered practitioner under the *Medical Profession Act*,
 - (ii) a regulated member of the dental profession under the *Health Professions Act* but does not apply to 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
 - (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.

RSA 2000 cP-37 s70; RSA 2000 cH-7 s145

Obstruction

71 No person shall obstruct, molest, hinder or interfere with a person in the execution of any duty imposed or in the exercise of any power conferred on the person by this Act or the regulations.

1984 cP-27.1 s79

Destruction of notice

72 No person shall conceal, deface, destroy or remove any notice posted for public information under this Act or the regulations.

1984 cP-27.1 s80

Penalty

73(1) A person who contravenes this Act, the regulations, an order under section 62 or an order of a medical officer of health or physician under Part 3 is guilty of an offence.

(2) A person who contravenes an order under section 62 or an order of a medical officer of health or physician under Part 3 is liable to a fine of not more than \$100 for each day the contravention continues.

(3) A person who contravenes this Act or the regulations is, if no penalty in respect of that offence is prescribed elsewhere in this Act, liable to a fine of not more than \$2000 in the case of a first offence and \$5000 in the case of a subsequent offence.

(4) Where a person is convicted of an offence under this Act, the judge, in addition to any other penalty the judge may impose, may order the person to comply with the provision of this Act or the regulations or the order for the contravention of which the person was convicted.

1984 cP-27.1 s81; 1988 c41 s23

Publishing contraventions

74 If a person contravenes an order under section 62, the regional health authority may, notwithstanding that the person has not been convicted for contravention of that order, publish the order in the manner it considers appropriate.

1984 cP-27.1 s82; 1996 c31 s24

Paramountcy

75 Except for the *Alberta Bill of Rights*, this Act prevails over any enactment that it conflicts or is inconsistent with, including the *Health Information Act*, and a regulation under this Act prevails over any other bylaw, rule, order or regulation with which it conflicts.

RSA 2000 cP-37 s75; RSA 2000 cH-5 s123