

2009 Bill 7

Second Session, 27th Legislature, 58 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 7

PUBLIC HEALTH AMENDMENT ACT, 2009

THE MINISTER OF HEALTH AND WELLNESS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 7

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PUBLIC HEALTH AMENDMENT ACT, 2009

(Assented to , 2009)

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

Amends RSA 2000 cP-37

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

**2 Section 14 is amended by adding the following after
subsection (3):**

(4) Notwithstanding anything in this section, the Chief Medical Officer has all the power and authority conferred on a medical officer of health or an executive officer under this Act and the regulations and may exercise that power and authority for any purpose under this Act or the regulations.

Explanatory Notes

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

2 Section 14 presently reads:

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.*

3 The following is added after section 18:

Disclosure of information

18.1(1) In this section, “early childhood services program”, “private school” and “school board” have the meanings given to them in the *School Act*.

(2) A medical officer of health may by notice in writing require a school board, an operator of a private school or an operator of an early childhood services program to provide, in the form and manner and within the time specified in the notice,

- (a) a student’s name, address, date of birth, sex and school,
- (b) the name, address and telephone number of the student’s parent or guardian, and
- (c) any other information prescribed in the regulations

to the medical officer of health for the purpose of contacting the parent or guardian of the student regarding voluntary health programs offered by a regional health authority, including immunization, hearing, vision, speech and dental health programs, and for the purpose of communicable diseases control.

(3) A school board, an operator of a private school or an operator of an early childhood services program who receives a notice under subsection (2) shall comply with it.

(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.*

3 Disclosure of information.

4 Section 53 is amended

(a) in subsection (3) by striking out “subsection (4)” and substituting “subsections (4) and (4.1)”;

(b) by adding the following after subsection (4):

(4.1) Information obtained by the Chief Medical Officer may be disclosed by the Chief Medical Officer to the Government of Canada, the government of another province or territory, the government of a foreign country or an agency of any of those governments for the purpose of addressing public health matters, patient safety, quality of care or the general public interest.

4 Section 53 presently reads in part:

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 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 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 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;*

5 Section 66 is repealed and the following is substituted:

Regulations

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

- (a) prescribing communicable diseases for the purposes of this Act;
- (b) designating prescribed communicable diseases of which immediate notification is required for the purposes of sections 22(1)(a), 23(a)(i) and 27(1)(b);
- (c) respecting the prevention and control of the employment of persons who are carriers of or are infected with prescribed communicable diseases;
- (d) respecting isolation, quarantine, disinfection, disinfestation, decontamination, destruction of property, exclusion from employment, school or a public place

- (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;*
- (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 Section 66 presently reads:

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;*

and other special measures for the purposes of section 29(2);

- (e) respecting the provision of samples to the Provincial Laboratory of Public Health for the purposes of section 24;
- (f) respecting the keeping of records for the purposes of Part 3, including, without limitation, regulations setting out
 - (i) who must keep records,
 - (ii) what information must be kept in the records and the form in which records must be kept, and
 - (iii) confidentiality provisions in respect of the records;
- (g) respecting the immunization of persons pursuant to section 38(1)(c);
- (h) respecting the prevention, investigation and suppression among animals of infectious diseases communicable to humans;
- (i) respecting the quantity and manner of application of an agent to the eyes of newborn children to prevent the occurrence of prescribed communicable diseases;
- (j) respecting the licensing of embalmers and prescribing qualifications for admission of embalmers to practice in Alberta;
- (k) respecting the qualifications of persons employed as executive officers by regional health authorities;
- (l) respecting the powers, duties and authority of executive officers or classes of executive officers;
- (m) respecting the kinds and basic standards of health promotional, preventive, diagnostic, treatment, rehabilitative and palliative services, supplies, equipment and care that must be provided by regional health authorities and the conditions under which they are to be provided;

- (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 child care program that is licensed under the Child Care 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;*

- (n) respecting the services, supplies, equipment, care, drugs, medicines and biological agents that may be provided by the Minister for the purpose of section 12 and respecting the persons to whom and the conditions under which they may be provided;
- (o) establishing a mechanism to deal with appeals from decisions made in connection with the provision of services, supplies, equipment or care under regulations made under clause (n), and setting out what decisions may be appealed and the procedure to apply in an appeal;
- (p) specifying professions and occupations for the purposes of section 53(4)(e);
- (q) specifying regulated matter for the purposes of section 70;
- (r) respecting all aspects of the granting, cancellation and suspension of licences, permits or other approvals for any activity subject to regulations under this subsection;
- (s) specifying additional decisions for the purposes of section 5(1)(b) that may be appealed to the Board under that section;
- (t) prescribing information for the purposes of section 18.1(2)(c);
- (u) prescribing forms for the purposes of regulations under this subsection;
- (v) authorizing the waiving or mitigation of the application of any of the provisions of the regulations in particular cases, respecting the circumstances under which the waiver or mitigation may be granted and respecting the conditions to which a grant of a waiver or mitigation is subject;
- (w) respecting any other matter that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

- (o) *respecting the location, operation, maintenance, equipping, cleansing, disinfecting and disinfection of*
 - (i) *abattoirs,*
 - (ii) *noxious trades,*
 - (iii) *camp and campgrounds, and*
 - (iv) *wells, water fountains, cisterns and water tanks;*
- (p) *respecting the construction, location, operation, maintenance, disinfection, disinfection 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, disinfection, equipping and maintaining of public places;*
- (t) *respecting the cleansing, disinfection and disinfection 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;*

- (2) The Minister may make regulations
- (a) respecting the standards and methods of distribution of vaccine and vaccination to be provided;
 - (b) respecting the immunization of children attending or wishing to attend a child care program that is licensed under the *Child Care Licensing Act*;
 - (c) respecting the construction, location, operation, maintenance, equipping, sanitation and cleansing of food establishments engaged in selling, offering for sale, producing, supplying, distributing, displaying, manufacturing, preparing, preserving, processing, packaging, labelling, serving, storing, transporting or handling any food;
 - (d) respecting the establishment of standards for food, including standards for water and handling food, and providing for the destruction of any food that does not meet those standards;
 - (e) respecting the location, operation, maintenance, equipping, cleansing, disinfection and disinfestation of
 - (i) camps and campgrounds, and
 - (ii) water facilities, including wells, water fountains, cisterns, dugouts and water tanks;
 - (f) respecting the construction, location, operation, maintenance, disinfection, disinfestation and disposition of outdoor lavatories;
 - (g) respecting the handling and disposal of biomedical waste;
 - (h) respecting the location, operation, maintenance, equipping, cleansing, disinfection and disinfestation of public places;
 - (i) respecting the cleansing, disinfection and disinfestation of private dwellings;

- (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;*
- (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;*

- (j) respecting the construction, inspection, operation, maintenance, equipping, cleansing, disinfection and disinfestation of public swimming pools;
- (k) respecting the prevention and removal of nuisances;
- (l) prescribing the maximum levels of contaminants permissible in air, water or soil;
- (m) respecting all aspects of the granting, cancellation and suspension of licences, permits or other approvals for any activity subject to regulation under this subsection;
- (n) respecting the preparation, interment, disinterment and transportation of human corpses;
- (o) authorizing a regional health authority to charge fees for goods and services provided by or on behalf of the regional health authority in respect of its carrying out its duties and exercising its powers under this Act, and respecting the amounts of the fees that may be charged;
- (p) respecting forms for the purposes of section 5(3) and Part 3;
- (q) prescribing forms for the purposes of regulations under this subsection.

(3) In addition to or instead of making a regulation under subsection (1), the Lieutenant Governor in Council may declare to be in force a code, standard, guideline or body of rules that relates to any matter on which a regulation may be made under subsection (1) if it is published and is available to the public.

(4) In addition to or instead of making a regulation under subsection (2), the Minister may declare to be in force a code, standard, guideline or body of rules that relates to any matter on which a regulation may be made under subsection (2) if it is published and is available to the public.

(5) A code, standard, guideline or body of rules may be declared in force under subsection (3) or (4)

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

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

(2) In addition to or instead of making a regulation under subsection (1), the Lieutenant Governor in Council may declare to be in force a code, standard, guideline or body of rules that relates to any matter on which a regulation may be made under subsection (1) if it is published and is available to the public.

(2.1) A code, standard, guideline or body of rules may be declared in force under subsection (1)

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

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

(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.

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

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

6 Section 74 is repealed and the following is substituted:

Publishing reports and order

74 A regional health authority or the Minister may publish the following documents in the manner the regional health authority or the Minister, as the case may be, considers appropriate:

- (a) a report arising from an inspection under this Part;
- (b) an order issued under section 62.

7 The *Public Health Amendment Act, RSA 2000 c27(Supp)*, is repealed.

8 This Act comes into force on Proclamation.

6 Section 74 presently reads:

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.

7 Repeals chapter 27(Supp) of the Revised Statutes of Alberta 2000.

8 Coming into force.

