

2004

CHAPTER 46

An Act to amend *The Public Health Act, 1994*

(Assented to June 17, 2004)

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

Short title

1 This Act may be cited as *The Public Health Amendment Act, 2004*.

S.S. 1994, c.P-37.1 amended

2 *The Public Health Act, 1994* is amended in the manner set forth in this Act.

Section 2 amended

3 Section 2 is amended:

(a) by adding the following clause after clause (t.1):

“(t.2) ‘**medical laboratory**’ means a clinical laboratory in which tests are performed for the purpose of determining the occurrence of disease or infection in humans, whether or not it is licensed pursuant to *The Medical Laboratory Licensing Act, 1994*”; **and**

(b) by adding the following clause after clause (hh):

“(hh.1) ‘**regional health authority**’ means a regional health authority as defined in *The Regional Health Services Act*”.

Section 6 amended

4 Clause 6(1)(a) is amended by striking out “as defined in *The Regional Health Services Act*”.

Section 7 amended

5 Clause 7(a) is amended by adding “and the regulations” **after** “Act”.

Section 14 amended

6 Subsection 14(1) is amended:

(a) by adding “or an organized hamlet” **after** “a hamlet”; **and**

(b) by adding “, organized hamlet” **after** “, hamlet”.

New section 15

7 Section 15 is repealed and the following substituted:**“Prohibition**

15 No person shall make available to the public a water supply that is not potable unless:

- (a) the regulations authorize it; or
- (b) the water supply is a well with a single outlet that is situated on the same parcel of land as the well, and the public is clearly advised:
 - (i) that the water is not potable; and
 - (ii) of the uses to which the water may safely be put”.

Section 17 repealed

8 Section 17 is repealed.

Section 19 amended

9 Clause 19(2)(b) is amended by striking out “minister” and substituting “local authority”.

Section 22 amended

10 Subsection 22(1) is amended:

- (a) in the portion preceding clause (a) by striking out “shall”;
- (b) in clause (a) by striking out “placard” and substituting “may placard”; and
- (c) in the portion of clause (b) preceding subclause (i) by striking out “order” and substituting “may order”.

Section 26 amended

11(1) Clause 26(1)(b) is amended by striking out “order” and substituting “request”.

(2) Subsection 26(2) is amended by striking out “an order” and substituting “a request”.

Section 32 amended

12 Clause 32(1)(b) is amended by striking out “within the meaning of *The Medical Laboratory Licensing Act*, where” and substituting “if”.

Section 36 amended

13(1) Subsection 36(1) is amended by striking out “within the meaning of *The Medical Laboratory Licensing Act*”.

(2) Subsection 36(2) is amended by striking out “Canadian Red Cross Society” and substituting “Canadian Blood Services”.

Section 38 amended**14(1) The following clause is added after clause 38(2)(c):**

“(c.1) require the person to whom the order is directed to take the measures specified in the order, on lands or premises owned or controlled by the person, to:

- (i) reduce the number of animals of any species specified in the order that are carrying or suspected by the medical health officer of carrying a communicable disease; or
- (ii) eliminate the breeding grounds or harbourages of animals described in subclause (i)”.

(2) The following subsection is added after subsection 38(2):

“(2.1) Nothing in subsection (1) or clause (2)(c.1) authorizes a medical health officer to require a person to carry out adult mosquito control measures that involve fogging or aerial spraying”.

Section 45 amended**15(1) Clause 45(1)(b) is repealed and the following substituted:**

“(b) the requirements set out in the order are necessary to decrease or eliminate the serious public health threat”.

(2) Subsection 45(2) is amended:

(a) in clause (d) by striking out “require” and substituting “in the case of a serious public health threat that is a communicable disease, require”; and

(b) in clause (i) by striking out “require” and substituting “in the case of a serious public health threat that is a communicable disease, require”.

New section 45.2**16 The following section is added after section 45.1:****“Emergency mosquito control**

45.2(1) A medical health officer, with the approval of the chief medical health officer, may make an order described in subsection (2) if the medical health officer believes, on reasonable grounds, that:

- (a) mosquitoes pose a serious public health threat to the residents of an area; and
- (b) the requirements set out in the order are necessary to decrease or eliminate the serious public health threat posed by mosquitoes.

(2) An order pursuant to subsection (1) may require any of the following persons to take the measures specified in the order, within the time specified in the order, to reduce or eliminate the mosquito population or the breeding grounds of mosquitoes:

- (a) the council of a municipality, within any area specified in the order that is within the boundaries of the municipality;

- (b) a regional park authority, as defined in *The Regional Parks Act, 1979*, within any area specified in the order that is within the boundaries of the regional park;
 - (c) a department or agency of the Government of Saskatchewan, within any area specified in the order that is administered by the department or agency;
 - (d) any other person, within any area specified in the order that is owned by or within the operational control of that person.
- (3) Any person to whom an order pursuant to subsection (1) is directed, and any person acting on behalf of the person to whom an order pursuant to subsection (1) is directed, may enter on lands described in the order for the purpose of carrying out the measures specified in the order.
- (4) If the person to whom an order pursuant to subsection (1) is directed fails to comply with the order within the time specified in the order or fails to carry out the measures specified in the order to the satisfaction of the medical health officer, the medical health officer may:
- (a) carry out the measures specified in the order or engage the services of any person to carry out those measures; and
 - (b) recover the costs and expenses incurred pursuant to clause (a) on behalf of the local authority in whose jurisdictional area the measures were carried out, as a debt due and recoverable by the local authority from the person who failed to comply with the order.
- (5) If, in the opinion of a medical health officer, mosquitoes pose a serious public health threat to the residents of the jurisdictional area of a local authority, the local authority may take any measures that the medical health officer, after consultation with the chief medical health officer, considers necessary to reduce or eliminate the mosquito population or the breeding grounds of mosquitoes within the boundaries of the jurisdictional area of the local authority.
- (6) A medical health officer, a local authority or a person acting on behalf of a medical health officer or a local authority may enter on any lands within the jurisdictional area of the local authority for the purposes of subsections (4) and (5).
- (7) If the minister considers it appropriate to do so, the minister may provide a grant:
- (a) to any person to whom an order pursuant to subsection (1) is directed for the purpose of:
 - (i) assisting that person to comply with the order; or
 - (ii) reimbursing the person for costs incurred in complying with the order; or
 - (b) to a local authority for the purpose of defraying the costs of taking the measures described in subsections (4) and (5)."

Section 46 amended**17 Subsection 46(1) is amended:****(a) by adding the following clause after clause (g):**

“(g.1) without limiting the generality of clause (g), requiring the installation of specified plumbing fixtures in buildings situated on lands abutting a municipal water main or sewer main and requiring the connection of those fixtures to the water main or sewer main”;

(b) by repealing subclause (l)(vi) and substituting the following:

“(vi) other premises in which food or ice is manufactured or food, bottled water or ice is processed”;

(c) in clause (x) by striking out “Canadian Red Cross Society” and substituting “Canadian Blood Services”; and**(d) by adding the following clause after clause (jj):**

“(jj.1) with respect to any matter that may be the subject of a regulation made pursuant to any other provision in this section, requiring persons engaging in an activity related to a matter to give notice to, or register with, any person or body with respect to their engaging in that activity”.

Section 50 amended**18(1) Subsection 50(1) is amended by striking out “No bylaw” and substituting “Subject to subsection (3.01), no bylaw”.****(2) Subsection 50(2) is amended by striking out “No bylaw” and substituting “Subject to subsection (3.01), no bylaw”.****(3) Subsection 50(3) is amended by striking out “subsections (3.1) and (3.2)” and substituting “subsections (3.01), (3.1) and (3.2)”.****(4) The following subsection is added after subsection 50(3):**

“(3.01) Subsections (1), (2) and (3) do not apply to a bylaw made by a council of a municipality with respect to:

- (a) setting fees for plumbing permits; or
- (b) fluoridating a water supply”.

Section 55 amended**19 Subsection 55(1.1) is amended by adding “or section 45.2” after “subsection 38(2), 45(2) or 45(3)”.****Section 58 amended****20 The following subsection is added after subsection 58(3):**

“(4) If the address of a person to whom an order made pursuant to section 22, 23, 24 or 25 is directed is unknown, the person who made the order shall publish the order twice in a newspaper circulating in the locality, and that publication shall be sufficient service of the order on the person to whom the order is directed”.

Section 68 amended**21 The following subsection is added after subsection 68(2):**

- “(3) No action lies or shall be instituted against a person who, in good faith:
- (a) carries out an order issued pursuant to this Act by a local authority, a medical health officer or the minister; or
 - (b) assists a local authority or a medical health officer in taking measures to reduce or eliminate the mosquito population pursuant to subsection 45.2(4) or (5)”.

Coming into force

- 22(1)** Subject to subsections (2) and (3), this Act comes into force on assent.
- (2) Section 7 of this Act comes into force on proclamation.
- (3) If this Act receives assent before section 26 of *The Public Health Act, 1994* comes into force, section 11 of this Act comes into force on the day on which section 26 of *The Public Health Act, 1994* comes into force.