

The Venereal Diseases Act

being

Chapter 219 of *The Revised Statutes of Saskatchewan, 1930*
(effective February 1, 1931).

FOR HISTORICAL REFERENCE ONLY

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER 219

An Act respecting the Control and Prevention of Venereal Disease

SHORT TITLE

Short title

- 1 This Act may be cited as *The Venereal Diseases Act*.

R.S.S. 1920, c.175, s.1; R.S.S. 1930, c.219, s.1.

INTERPRETATION

Interpretation

- 2 In this Act, unless the context otherwise requires, the expression;

“Board of health” or “board”

1. “**Board of health**” or “**board**” means the board of health or health of a city, town or health district;

“Minister”

2. “**Minister**” means the Minister of Public Health;

“Physician”

3. “**Physician**” means the duly qualified medical practitioner as defined by *The Medical Profession Act*;

“Prescribed”

4. “**Prescribed**” means prescribed by this Act or the regulations;

“Regulations”

5. “**Regulations**” means regulations made under this Act and so far as applicable regulations made under *The Public Health Act*;

“Venereal disease”

6. “**Venereal disease**” includes syphilis, gonorrhoea and chancroid.

R.S.S. 1920, c.175, s.2; R.S.S. 1930, c.219, s.2.

DUTY OF PATIENT

Patient consults physician

- 3 Every person suffering from a venereal disease shall, within three days of his becoming aware or suspecting that he is so suffering, consult a physician with respect thereto, and shall remain under treatment of such physician until a certificate of cure is obtained.

R.S.S. 1920, c.175, s.2; R.S.S. 1930, c.219, s.3.

DUTIES OF PHYSICIANS

Physician's report

4 Physicians who give treatment for venereal diseases, shall, within three days of the first visit of a patient, mail to the minister a card supplied by him, stating the age, sex, colour, marital condition and occupation of the patient, the nature and previous duration of the disease and its probable origin.

R.S.S. 1920, c.175, s.4; R.S.S. 1930, c.219, s.4.

Circular supplied to patients

5 Physicians shall hand to every patient suffering from venereal disease, at the first examination, a circular of information and advice furnished by the minister.

R.S.S. 1920, c.175, s.5; R.S.S. 1930, c.219, s.5.

Notification to former attending physician

6 The attending physician shall ascertain from the patient whether he has previously been under treatment for the disease by another physician or by any other person, and, if the patient has been under treatment by another physician, the attending physician shall immediately notify such other physician that the patient is now under his treatment.

R.S.S. 1920, c.175, s.6; R.S.S. 1930, c.219, s.6.

Failure to receive notice

7 Should the physician who previously treated the disease fail to receive such notice within thirty days after the patient's last visit to him, he shall forthwith report to the minister the name and address of the patient.

R.S.S. 1920, c.175, s.7; R.S.S. 1930, c.219, s.7.

Name of unlicensed practitioner

8 If the information supplied is to the effect that the person previously giving treatment was not a physician, the name of such person shall at once be sent to the minister.

R.S.S. 1920, c.175, s.8; R.S.S. 1930, c.219, s.8.

PROHIBITIONS

Unqualified persons not to give treatment

9(1) No person other than a physician shall attend upon or prescribe for or offer to supply any drug, medicine treatment or appliance to or for a person suffering from venereal disease for the purpose of curing, alleviating or treating such disease.

(2) Subsection (1) shall not apply to a registered pharmaceutical chemist who dispenses to a patient the prescription of a physician, and complies with subsection (3).

(3) The dispensing chemist shall retain the prescription and shall not, nor shall any other person, make or deliver a copy thereof, and such prescription shall be filled only once; except by consent of the physician giving the same.

(4) Every person guilty of a contravention of the provisions of this section shall incur a penalty of not less than \$100 and not more than \$500.

R.S.S. 1920, c.175, s.9; R.S.S. 1930, c.219, s.9.

Infected persons excluded from certain occupations

10 No person infected with venereal disease shall without written permission from the minister, follow the dental or teaching profession or the trade of barber, butcher or waiter, or in any way engage in the handling of food or milk or in the manufacture of food stuffs, nor shall any one, without such permission, employ a person so affected in any such profession, trade, calling or occupation.

1920, c.65, s.1; R.S.S. 1930, c.219, s.10.

Report or certificate not ground for action

11 No action or other proceeding shall brought be against a physician in respect of any examination, report or certificate made or given by him under the provisions of this Act, unless and until the consent, in writing, of the minister to such action or other proceeding has been obtained.

R.S.S. 1920, c.175, s.12; R.S.S. 1930, c.219, s.11.

POWERS AND DUTIES OF HEALTH OFFICERS

Duties of local board and M.H.O.

12 Local boards of health and the medical health officers of such boards shall, when directed to do so by the minister, institute such measures for the treatment and care of venereally diseased persons as will tend, as far as possible, to prevent the spread of the disease.

R.S.S. 1920, c.175, s.13; R.S.S. 1930, c.219, s.12.

Examination of persons in custody

13 When a person is under arrest or in custody with an offence against the *Criminal Code* or against any statute of Saskatchewan or any bylaw, regulation or order made under the authority thereof, or has been committed to a gaol, reformatory or other place of detention upon conviction of such an offence, and the medical health officer, gaol physician or minister believes that such person is, or may be, infected with, or has been exposed to infection from venereal disease, the medical health officer, gaol physician or minister may cause such person to undergo such physical examination as is necessary or as is prescribed by the regulations, in order to ascertain whether or not such person is infected with venereal disease.

R.S.S. 1920, c.175, s.14; R.S.S. 1930, c.219, s.13.

Treatment where disease found to exist

14(1) If, upon such examination it is found that the person examined is so infected, or has been so exposed to infection, the medical health officer shall give such directions for the treatment of the patient and, if necessary, for his detention and isolation and for the prevention of infection from him, as are deemed proper and as are authorised by the regulations, and the medical health officer is hereby empowered to do and authorise any act necessary to effect the carrying out of such treatment, detention, isolation and prevention.

(2) Every such patient shall carry out such directions as to treatment, and every constable, gaoler, warden, superintendent and officer having the care and custody of any infected person in any place of detention or in any hospital shall see that the directions of the medical health officer are duly carried out.

(3) Every physician in medical charge of a gaol or place of detention or of the inmates thereof shall report to the medical health officer the name and place of detention whether before or after conviction of any person, whether included in the class mentioned in this or section 13, or not, whom he suspects or believes to be suffering from venereal disease, such report to be made within twenty-four hours after the time of arrival of such person in the gaol or place of detention.

R.S.S. 1920, c.175, s.15; R.S.S. 1930, c.219, s.14.

Action by M.H.O. on information

15(1) Where a medical health officer or the minister is credibly informed that any person in the municipality or district for which the medical health officer is appointed is infected with venereal disease and has infected or may infect other persons, the medical health officer or the minister may give notice in writing to such person requiring him to consult a physician and to procure and produce to the medical health officer within a time to be specified in the notice, a report or certificate of such physician that the person so notified is or is not suffering from venereal disease.

(2) If such certificate is not produced within the time specified in the notice the medical health officer or the minister may by writing, signed by him, authorise a physician to examine such person and to report or certify as to whether he is or is not suffering from venereal disease.

(3) If by the report or certificate mentioned in either subsection (1) or (2) it appears that the person so notified is suffering from venereal disease, the provisions of this Act shall be complied with.

R.S.S. 1920, c.175, s.16; R.S.S. 1930, c.219, s.15.

Right of entry of M.H.O.

16 A medical health officer or a physician appointed by him in writing for that purpose may when thereunto authorised in writing by the minister, enter any house, outhouse or premises, in the daytime, for the purpose of making inquiry and examination with respect to the state of health of any person therein, and may cause any person found therein, who is infected with venereal disease, to be removed to a hospital or some other proper place, or may give such directions as may prevent the other inmates from being infected.

R.S.S. 1920, c.175, s.17; R.S.S. 1930, c.219, s.16.

Minister may exercise M.H.O.'s powers

17 The powers and duties conferred or imposed upon medical health officers under the provisions of this Act, may be exercised and performed by the minister or any qualified person appointed by him for the purpose.

R.S.S. 1920, c.175, s.18; R.S.S. 1930, c.219, s.17.

Appeal to minister

18(1) Every person who deems himself aggrieved by any action or decision of a medical health officer under this Act may appeal therefrom to the minister by giving notice in writing to the minister and to the medical health officer.

(2) The minister may require the appellant to furnish such information and evidence and to submit to such examination as is prescribed or as the minister deems necessary to determine the matter in dispute.

(3) The decision of the minister shall be final.

R.S.S. 1920, c.175, s.19; R.S.S. 1930, c.219, s.18.

SECURITY**Obligations as to observance of secrecy**

19 Every person employed in the administration of this Act shall preserve secrecy with regard to all matters which may come to his knowledge in the course of such employment, and shall not communicate any such matter to any other person except in the performance of his duties under this Act.

R.S.S. 1920, c.175, s.20; R.S.S. 1930, c.219, s.19.

Reports secret

20 All reports shall be confidential and inaccessible to the public.

R.S.S. 1920, c.175, s.22; R.S.S. 1930, c.219, s.20.

Penalty for disclosure

21(1) Every person who publicly or privately, verbally or in writing, directly or indirectly, states or intimates that any person has been notified or examined or otherwise dealt with under the provisions of this Act, whether such statement or intimation is or is not true, shall, in addition to any other penalty or liability, incur a penalty of \$200, and in default of immediate payment be imprisoned for a period of not more than three months.

(2) Subsection (1) shall not apply to disclosures made in good faith to a medical health officer or to the minister for his information in carrying out the provisions of this Act, nor to any communications or disclosures made to a physician or in the course of consultation for the treatment of venereal disease nor to any communication authorised or required to be made by this Act, nor to disclosures made in any judicial proceeding of facts relevant to the issue.

(3) Notwithstanding the provisions of subsection (1), a physician may give information concerning the patient to other members of the patient's family, for the protection of health.

R.S.S. 1920, c.175, s.23; 1924-25, c.45, s.1;
R.S.S. 1930, c.219, s.21.

CERTAIN PUBLICATIONS PROHIBITED

Penalty for advertising cure

22(1) Every person who:

- (a) publishes or causes or allows to be published in a newspaper or magazine or other periodical any notice, advertisement, statement, testimonial, letter or other matter;
- (b) issues or publishes or causes to be issued or published any book, almanac, pamphlet, fly sheet, document or other matter;
- (c) posts up or exhibits in any place so as to be visible to persons in or passing along any street, highway, railway or public place, any notice, statement, advertisement, testimonial, letter, or other matter;
- (d) distributes, circulates, delivers or sends by post to any person any pamphlet, circular, notice, statement, advertisement, testimonial, letter or other matter;

intended to recommend or suggest the purchase of or to promote the sale of any article as a drug, medicine, appliance or instrument or as part of any treatment for the alleviation or cure of venereal disease or of any disease or affection of the genito-urinary organs, or intended to convey an offer to give or prescribe any form of treatment for any of the aforesaid diseases, shall incur a penalty of not less than \$100, nor more than \$500, and in default of immediate payment thereof, shall be imprisoned for a period not exceeding twelve months.

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

(3) Before any proceedings are taken under this section against a newspaper proprietor, printer or publisher for printing or publishing or allowing to be published any notice, advertisement, statement, testimonial, letter or other matter in a newspaper, the minister shall notify the proprietor, printer or publisher that the publication complained of is an infringement of this Act, and he shall not be liable to prosecution, except in respect of an offence of the same or a similar nature after such notification.

(4) Any of the matters or things prohibited by this section may be restrained by injunction or order in an action in the district court having local jurisdiction or in the Court of King's Bench, but such proceedings shall not prevent, delay or be in any way a bar to any prosecution or other proceedings authorised by this Act.

R.S.S. 1920, c.175, s.24; R.S.S. 1930, c.219, s.22.

GENERAL

Parents responsible for compliance of minors

23 If children or minors who are living with their parents or guardians have venereal disease, the parents or guardians, as the case may be, shall be responsible for compliance with the requirements of this Act in so far as such children or minors are concerned.

R.S.S. 1920, c.175, s.25; R.S.S. 1930, c.219, s.23.

Hospitals receiving aid to provide treatment

24 Hospitals receiving aid from the province shall be required to make provisions for the reception and treatment of venereally diseased patients.

R.S.S. 1920, c.175, s.26; R.S.S. 1930, c.219, s.24.

Lieutenant Governor may designate places of detention

25 The Lieutenant Governor in Council may designate any hospital or other public institution, or portion of any such hospital or institution under its jurisdiction or any house or building, as a hospital or place of detention or isolation for the reception and treatment of persons suffering from venereal disease.

R.S.S. 1920, c.175, s.27; R.S.S. 1930, c.219, s.25.

Treatment of destitutes

26 In case of destitutes requiring treatment, notice shall be sent forthwith to the minister who shall direct in what manner treatment may be provided.

R.S.S. 1920, c.175, s.28; R.S.S. 1930, c.219, s.26.

Regulations

27 The minister may, subject to the approval of the Lieutenant Governor in Council, make regulations:

- (a) prescribing the forms of notices and certificates to be given or issued under this Act;
- (b) declaring what shall be deemed to be lawful and proper methods and remedies for the treatment, alleviation and cure of venereal disease, and requiring all advertisements, statements, testimonials, letters or other matters of or regarding such methods and remedies to state the date and number of the official approval of the same and such other information as is deemed desirable;
- (c) prescribing the course of conduct to be pursued by any person infected with venereal disease in order to effect a cure and to prevent the infection of other persons;
- (d) for distributing to physicians and hospitals information as to the treatment, diet and care of persons suffering from venereal disease, and requiring medical practitioners and hospitals to distribute the same to such persons;
- (e) prescribing rules for the treatment of venereally diseased persons in hospitals, places of detention and other institutions;
- (f) for preventing the spread of infection from persons suffering from venereal disease;
- (g) requiring physicians, hospital superintendents and heads of places of detention and public institutions to make reports upon the cases of venereal disease coming under their treatment or care but, except where it is otherwise provided in this Act, without disclosing the name or address of any person suffering from venereal disease, and prescribing the form of such reports;
- (h) providing for putting up notices and placards dealing with venereal disease, its cause, manifestation, treatment and cure, in all public urinals and conveniences and similar places;

- (i) providing for public advertising and placarding of such information relative to the treatment and cure of venereal disease, and the places where proper remedies can be obtained, as may seem desirable;
- (j) imposing penalties for the violation of any provision of this Act or anything covered by this Act or any regulation made thereunder;
- (k) prescribing the procedure to be adopted, and the evidence to be required in case of an appeal to the minister, from any action or decision of a medical health officer or physician;
- (l) providing for the procedure relative to detention for the purpose of examination or cure or the prevention of infection, so as not to interfere with the course of justice in the case of persons under arrest or in custody previous to trial for any offence committed against the provisions of this Act or anything therein authorised or under any other statute or the *Criminal Code*;
- (m) prescribing the method and extent of the examination of any person with a view to ascertaining whether or not such person is infected with venereal disease;
- (n) generally for the better carrying out of the provisions of this Act and for the prevention, treatment and cure of venereal disease.

R.S.S. 1920, c.175, s.29; R.S.S. 1930, c.219,
s.27.

Offences and penalty

28 Every person who:

- (a) wilfully neglects or disobeys any order or direction lawfully given by a medical health officer or by the minister or a board of health under this Act;
- (b) hinders, delays or obstructs an officer in the performance of his duties under this Act;
- (c) without lawful authority publishes or discloses any proceedings taken under this Act; or
- (d) contravenes any other provision of this Act or of the regulations;

shall, where no other penalty or proceedings are prescribed or authorised, incur, upon summary conviction a penalty of not less than \$25 nor more than \$100, and in default of immediate payment shall be imprisoned for a period not exceeding three months.

R.S.S. 1920, c.175, s.30; R.S.S. 1930, c.219,
s.28.