The Venereal Disease Prevention Act

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Chapter 263 of The Revised Statutes of Saskatchewan, 1965 (effective February 7, 1966).

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 263
An Act respecting the Prevention and Control of Venereal Disease

SHORT TITLE

Short title
1 This Act may be cited as The Venereal Disease Prevention Act.
R.S.S. 1965, c.263, s.1.

INTERPRETATION

Interpretation
2 In this Act:
“board of health” or “board”
(a) “board of health” or “board” means the board of health of a municipality or of a health region established under any Health Services Act;
“clinic”
(b) “clinic” means a medical facility approved by the minister, for the diagnosis and treatment of venereal disease;
“department”
(c) “department” means the Department of Public Health;
“medical health officer”
(d) “medical health officer” means a medical health officer appointed under The Public Health Act;
“minister”
(e) “minister” means the Minister of Public Health;
“municipality”
(f) “municipality” means a city, town, village or rural municipality;
“physician”
(g) “physician” means a duly qualified medical practitioner registered under The Medical Profession Act;
“prescribed”
(h) “prescribed” means prescribed by this Act or the regulations;
“regulations”
(i) “regulations” means regulations made under this Act and, so far as applicable, regulations made under The Public Health Act;
“venereal disease”
(j) “venereal disease” includes syphilis, gonorrhea, chancroid, granuloma inguinale and lymphogranuloma venereum.

R.S.S. 1953, c.236, s.2; R.S.S. 1965, c.263, s.2.
DUTIES OF PATIENT

Consultation with physician or attendance at clinic

3(1) Every person infected with venereal disease shall, within three days of his becoming aware or suspecting that he is so infected, consult a physician or attend a clinic with respect thereto, and shall remain under treatment as long as deemed necessary by the physician consulted or the physician in charge of the clinic.

(2) Every person, when informed by the minister or a medical health officer, or his duly appointed representative, that such person has been exposed to a venereal disease, shall within three days consult a physician or attend a clinic with respect thereto, and shall remain under treatment as long as deemed necessary by the physician consulted or the physician in charge of the clinic.

R.S.S. 1953, c.236, s.3; R.S.S. 1965, c.263, s.3.

DUTIES OF PHYSICIAN

Reports of cases to department

4 Every physician who makes a diagnosis in, attends, examines or treats a case of venereal disease, including a case under his care in a hospital, clinic, dispensary, charitable or penal institution, shall within three days report thereon in writing to the department or to a medical health officer designated by the minister, on a form supplied by the department, giving the required information pertaining to the patient and his contacts.

R.S.S. 1953, c.236, s.4; R.S.S. 1965, c.263, s.4.

Instructions to patients

5 Every physician who examines or treats a person infected with venereal disease shall instruct him in measures for preventing the spread of the disease and inform him of the necessity of regular treatment until cured.

R.S.S. 1953, c.236, s.5; R.S.S. 1965, c.263, s.5.

Reports on delinquent patients

6 When a person suffering from venereal disease fails to continue regular treatment, as prescribed by a physician or an officer of a clinic, the physician or the person in charge of the clinic shall report the person to the department.

R.S.S. 1953, c.236, s.6; R.S.S. 1965, c.263, s.6.

Non-liability to action or prosecution

7 No report of a physician made or given for the purposes of this Act, bona fide and without negligence, that a person is or is not infected with venereal disease shall render the physician liable to an action or be admissible in evidence in any proceedings against him or be made the ground of any prosecution, action or suit against him.

R.S.S. 1953, c.236, s.7; R.S.S. 1965, c.263, s.7.
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Prohibitions

Pharmaceutical chemists and persons other than physicians

8(1) No pharmaceutical chemist or other person not a physician shall:

(a) prescribe, recommend, sell, give or offer to supply to any person any
drug, medicine or other substance to be used for the cure or alleviation of
venereal disease, whether or not the drug, medicine or substance is patented
or proprietary; or

(b) compound or mix drugs or medicines for such purpose;

except upon a written formula, prescription or order written for the person for whom
the drugs or medicines are compounded and signed by a physician.

(2) Subsection (1) applies to all drugs, medicines, substances and compounds
commonly prescribed by physicians for the cure or alleviation of venereal disease.

(3) All retail drug stores shall be open at all times to the inspection of any medical
health officer or of any person designated by the minister.

(4) A sale by an employee shall be deemed to be a sale not only by the employee
but also by his employer.

(5) Every pharmaceutical chemist who dispenses the prescription of a physician
for the treatment of venereal disease shall retain the prescription and shall not,
nor shall any other person, make or deliver a copy thereof, and the prescription
shall be filled only once, except by written consent of the physician who gave the
prescription.

R.S.S. 1953, c.236, s.8; R.S.S. 1965, c.263, s.8.

Certificates of freedom from disease prohibited

9(1) No physician, medical health officer or other person shall issue a certificate of
freedom from venereal disease, or provide to any person, other than the department,
a physician or clinic, a laboratory report or copy thereof, indicating freedom from
venereal disease.

(2) Subsection (1) does not apply to a certificate of freedom from communicable
disease in a communicable state necessarily given in a report of a general examination
or to a health certificate for marriage.

R.S.S. 1953, c.236, s.9; R.S.S. 1965, c.263, s.9.

Penalty

10 Every person who violates any of the provisions of section 8 or 9 is guilty of an
offence and liable on summary conviction to a fine of not less than $100 nor more
than $500.

R.S.S. 1953, c.236, s.10; R.S.S. 1965, c.263, s.10.

Powers and Duties of Health Officers

General duties

11 Boards of health and the medical health officers of such boards shall institute
adequate measures for the prevention, diagnosis and treatment of venereal
disease.

R.S.S. 1953, c.236, s.11; R.S.S. 1965, c.263, s.11.
Investigations

12. The minister and, within their respective jurisdictions, all medical health officers shall use every available means to ascertain the existence of and to investigate all cases of venereal disease and to investigate the spread of infection.

R.S.S. 1953, c.236, s.12; R.S.S. 1965, c.263, s.12.

Examination of persons in custody

13(1) When a person is under arrest or in custody charged with an offence under the Criminal Code or under a statute of Saskatchewan or any bylaw, regulation or order made under the authority thereof, or has been committed to a jail, reformatory or other place of detention upon conviction of such an offence, and the medical health officer, jail 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, jail physician or minister may cause that person to undergo such physical examination as is necessary or as is prescribed by the regulations, in order to ascertain whether or not he is infected with venereal disease.

(2) Where a person is under arrest or in custody charged with:

(a) any of the following offences under the Criminal Code, namely: procuring, or living on the earnings of prostitution (section 184); being found in a common bawdy house (section 182); keeping a common bawdy house or being an inmate of a common bawdy house (section 182); being a loose, idle or disorderly person (section 164); being a common prostitute or nightwalker (section 164); or living on the avails of prostitution (section 184); or

(b) an offence under section 33 of the Juvenile Delinquents Act (Canada); or

(c) any other sexual offence;

the medical health officer, jail physician or minister shall cause that person to undergo the prescribed examination in order to ascertain whether or not he is infected with venereal disease.

R.S.S. 1953, c.236, s.13; R.S.S. 1965, c.263, s.13.

Treatment of persons in custody where disease found to exist

14(1) If any person referred to in section 13 is found to be infected with venereal disease the medical health officer or the minister may by order in writing direct that such person undergo treatment therefor and that such action be taken as the medical health officer or the minister may deem advisable for his isolation and the prevention of infection by him, and that he be detained in custody until cured or until he has received a degree of treatment considered adequate by the attending physician and the minister notwithstanding that he may be otherwise entitled to be released, and any order made under this section shall be sufficient warrant to the person to whom the order is addressed to carry out the terms thereof.

(2) Every patient shall carry out all directions so given as to treatment, and every constable, jailer, warden, superintendent and officer having the care and custody of an infected person in a place of detention or in a hospital shall see that the directions of the medical health officer or the minister are duly carried out.

R.S.S. 1953, c.236, s.14; R.S.S. 1965, c.263, s.14.
Power to compel submission to examination

15(1) When the minister or a medical health officer has reason to believe that a person is infected with venereal disease, the minister or medical health officer shall cause that person to undergo one or more medical examinations for the purpose of ascertaining whether or not he is so infected.

(2) Such person shall submit to such examination and permit such specimens of blood or body discharge, or both, to be taken as the minister or medical health officer deems necessary for the purpose of establishing the presence or absence of infection, and the person may be detained until the results are known.

(3) The examination shall be made and the specimens taken by the medical health officer or at a clinic or, at the option of the person to be examined, by a qualified physician approved by the medical health officer or minister.

(4) The physician who makes the examination shall report thereon to the minister or medical health officer.

(5) If a person neglects or refuses to submit to such examination or to permit a specimen of blood or body discharge to be taken, the minister or medical health officer may apply to a magistrate for an order compelling the person to do so and upon such application the magistrate may, upon good cause shown, require the person to appear before him at a stated time and place to show cause why the application should not be granted; and if after the hearing the magistrate determines that there is insufficient reason for withholding the examination, the magistrate may order that the person shall submit to the examination and permit the required specimens to be taken.

(6) The application and all relative documents shall be withheld from inspection and no person shall be allowed access thereto except upon an order of the magistrate, and no application for access and inspection shall be granted except after due notice to the person in respect of whom the application under subsection (5) was made and where good cause for access and inspection is shown.

R.S.S. 1953, c.236, s.15; R.S.S. 1965, c.263, s.15.

Apprehension and detention for purpose of examination

16(1) An order of a magistrate requiring a person to submit to an examination may require that the person be apprehended by a peace officer and placed and held in custody in a place to be stated in the order until the examination has been made and the release of the person is authorized by the magistrate.

(2) The custodian shall comply with the order and shall cause the person to be conveyed to and from the place at which the examination is made.

R.S.S. 1953, c.236, s.16; R.S.S. 1965, c.263, s.16.

Power to close dance halls, etc.

17(1) When, as a result of information received from persons infected with venereal disease, the minister or a medical health officer is satisfied that persons are contracting venereal disease from persons met in any dance hall, restaurant, hotel, lodging house or other premises of a public nature and that the premises are accordingly a menace to the health of the community, then, subject to subsection (3), the minister or medical health officer with the approval of the minister may order that the premises be closed for such period of time as he may deem advisable in the interest of the public health, notwithstanding any Act or municipal bylaw relating to the licensing of such premises.
(2) When, as a result of information received by him, the minister or a medical health officer is satisfied that sexual exposures resulting in venereal disease are occurring in any hotel, lodging house, tourist camp or other premises of a public nature and that the premises are accordingly a menace to the health of the community, then, subject to subsection (3), the minister or medical health officer with the approval of the minister may order that the premises be closed for such period of time as he deems advisable in the interest of the public health, notwithstanding any Act or municipal bylaw relating to the licensing of such premises.

(3) The powers conferred by subsections (1) and (2) shall not be exercised until the proprietor, manager or other person in charge of the premises has been notified in writing by the minister or medical health officer of the menace of the premises to the health of the community, and the person so notified has failed, within the period of time designated in the notice, to take action to prevent the further spread of venereal disease through persons met or sexually exposed on the premises.

(4) Where an order is made under subsection (1) or (2), a licence issued by any authority in the province in respect of the premises affected by the order shall become automatically suspended and shall remain suspended for the period during which the premises are ordered to be closed.

R.S.S. 1953, c.236, s.17; R.S.S. 1965, c.263, s.17.

Appeal to minister

18(1) A 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. 1953, c.236, s.18; R.S.S. 1965, c.263, s.18.

SECRECY

Preservation of secrecy

19 Every person employed in the administration of this Act shall preserve secrecy with regard to all matters that 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. 1953, c.236, s.19; R.S.S. 1965, c.263, s.19.

Reports secret

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

R.S.S. 1953, c.236, s.20; R.S.S. 1965, c.263, 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 this Act, whether the statement or intimation is or is not true, is, in addition to any other penalty or liability, guilty of an offence and liable on summary conviction to a fine of not less than $50 nor more than $200, and in default of payment shall be imprisoned for a period not exceeding three months.

(2) Subsection (1) does 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 communications or disclosures made to a physician or in the course of consultation for the treatment of venereal disease nor to a communication authorized or required to be made by this Act, nor to disclosures made in a judicial proceeding of facts relevant to the issue, nor to disclosures made in consultation between solicitor and client, or made in loco parentis, or made, with the written consent of the minister, in anticipation of a judicial proceeding.

(3) Notwithstanding 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. 1953, c.236, s.21; R.S.S. 1965, c.263, 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 and offer to give or prescribe any form of treatment for any of the said diseases, is guilty of an offence and liable on summary conviction to a fine of not less than $100 nor more than $500, and in default of payment shall be imprisoned for a period not exceeding twelve months.

(2) Subsection (1) does not apply to any article which has been approved by the minister nor to books, documents, papers or other matter published in good faith for the advancement of medical or surgical science.
(3) Before 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 or in the Court of Queen’s Bench, but such proceedings shall not prevent, delay or be in any way a bar to any prosecution or other proceedings authorized by this Act.

R.S.S. 1953, c.236, s.22; R.S.S. 1965, c.263, s.22.

GENERAL

Parents responsible for compliance by minors
23 When a person affected or believed to be affected with venereal disease is a child under the age of sixteen years, all notices, directions and orders required or authorized by this Act or the regulations to be given in respect of the child shall be given to the father or mother, or in the case of the death, illness or absence from the province of the father and mother then to the person having for the time being custody of the child, and the father or mother or other person shall cause the child to comply with every such notice, order or direction made in respect of the child, and in default the father or mother or other person as the case may be shall be liable to the penalties provided by this Act for non-compliance therewith unless on any prosecution in that behalf such person proves that he did everything reasonably within his power to cause the child to comply with such notices, orders or directions.

R.S.S. 1953, c.236, s.23; R.S.S. 1965, c.263, s.23.

Hospitals to provide treatment
24 Hospitals receiving aid from the province shall make provision for the reception and treatment of patients infected with venereal disease.

R.S.S. 1953, c.236, s.24; R.S.S. 1965, c.263, s.24.

Power of Lieutenant Governor in Council to 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 infected with venereal disease.

R.S.S. 1953, c.236, s.25; R.S.S. 1965, c.263, s.25.

Treatment or destitute and indigent persons
26 In case of destitute or indigent persons requiring treatment, notice shall be sent forthwith to the minister who shall direct in what manner treatment may be provided.

R.S.S. 1953, c.236, s.26; R.S.S. 1965, c.263, 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 a 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 and care of persons suffering from venereal disease, and requiring medical practitioners and hospitals to distribute the information 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 infected with venereal disease;

(g) providing for public education to promote public understanding of venereal disease and the means for its prevention and control;

(h) imposing penalties for the violation of any regulation made under this Act;

(i) 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;

(j) 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 an offence committed under this Act or anything therein authorized or under any other statute or the Criminal Code;

(k) prescribing the method and extent of the examination of any person with a view to ascertaining whether or not he is infected with venereal disease;

(l) defining the persons or groups of persons for whom diagnosis and treatment of venereal disease will be provided by the department;

(m) 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. 1953, c.236, s.27; R.S.S. 1965, c.263, s.27.
Offences and penalties

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 provisions of this Act or of the regulations;

is, where no other penalty or proceedings are prescribed or authorized, guilty of an offence and liable on summary conviction to a fine of not less than $25 nor more than $100, and in default of payment shall be imprisoned for a period not exceeding three months.

R.S.S. 1953, c.236, s.28; R.S.S. 1965, c.263, s.28.

Proceedings in camera

29 All proceedings for the recovery of penalties under this Act or the regulations shall be conducted in camera and no person shall publish or disclose any such proceedings except with the written authority of the minister.

R.S.S. 1953, c.236, s.29; R.S.S. 1965, c.263, s.29.