



Province of Alberta

# **PUBLIC HEALTH (EMERGENCY POWERS) AMENDMENT ACT, 2020**

Statutes of Alberta, 2020  
Chapter 5

Assented to April 2, 2020

© Published by Alberta Queen's Printer

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*Bill 10*

## **PUBLIC HEALTH (EMERGENCY POWERS) AMENDMENT ACT, 2020**

### Chapter 5

*(Assented to April 2, 2020)*

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 1 is amended by adding the following after clause  
(ff):**

(ff.1) “police officer” means a police officer as defined in the  
*Police Act*;

**3 Section 52.1(2) is repealed and the following is substituted:**

(2) On the making of an order under subsection (1) and for up to  
60 days following the lapsing of that order, a person referred to in  
subsection (3) may by order, without consultation,

- (a) suspend or modify the application or operation of all or  
part of an enactment, subject to the terms and conditions  
that person may prescribe, or
- (b) specify or set out provisions that apply in addition to, or  
instead of, any provision of an enactment,

if the person is satisfied that doing so is in the public interest.

(2.1) An order made under subsection (2) may be made  
retroactive to a date not earlier than the date on which a state of  
public health emergency was declared under subsection (1).

(2.2) An order made under subsection (2) may not

- (a) impose or increase any tax or impost,
- (b) appropriate any part of the public revenue or any tax or impost, or
- (c) create a new offence with retroactive effect.

**(2.3)** Every order made under subsection (2) on or after March 17, 2020 and before the coming into force of this subsection that is purported to apply retroactively to a date not earlier than March 17, 2020 is deemed to have been validly made.

**(2.4)** Where there is a conflict or inconsistency between an order made under subsection (2) and a provision of the enactment to which the order relates, the order prevails to the extent of the conflict or inconsistency.

#### **4 Section 52.21 is amended**

**(a) in subsection (1) by striking out “may authorize” and substituting “may make an order authorizing”;**

**(b) by repealing subsection (2) and substituting the following:**

**(2)** On the making of an order under subsection (1) and continuing until the lapsing of that order, a Minister authorized under subsection (1) may by order, without consultation,

- (a) suspend or modify the application or operation of all or part of an enactment for which the Minister is responsible, subject to the terms and conditions the Minister may prescribe, or
- (b) specify or set out provisions that apply in addition to, or instead of, any provision of an enactment for which the Minister is responsible,

if the person is satisfied that failing to do so may directly or indirectly unreasonably hinder or delay action required in order to protect the public health.

**(3)** An order made by a Minister under subsection (2) may be made retroactive to a date not earlier than the date on which an order was made under subsection (1) in relation to that Minister.

**(4)** An order made under subsection (2) may not

- (a) impose or increase any tax or impost,

- (b) appropriate any part of the public revenue or any tax or impost, or
- (c) create a new offence with retroactive effect.

(5) Where there is a conflict or inconsistency between an order made under subsection (2) and a provision of the enactment to which the order relates, the order prevails to the extent of the conflict or inconsistency.

**5 The following is added after section 60:**

**Assistance by police officer, expert**

**60.1** An executive officer making an inspection who enters in or on a public place or private place under section 59 or 60 may be accompanied by

- (a) a police officer whose presence is required by the executive officer for the purposes of assisting with the inspection, or
- (b) a qualified expert or professional whose presence is required by the executive officer for the purposes of inspecting and taking samples under section 59(2)(d) or 60(c) or performing tests, taking photographs or making recordings under section 59(2)(e) or 60(d).

**6 The following is added after section 62:**

**Enforcement of order**

**62.1(1)** 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.

(2) A police officer may accompany an executive officer or a person appointed by the executive officer who is carrying out an order under subsection (1) for the purposes of assisting the executive officer or person appointed by the executive officer in carrying out the order.

**7 Section 63(2) is repealed.**

**8 Section 68(1) is amended by striking out “or” at the end of clause (b) and adding the following after clause (b):**

- (b.1) served by electronic means, including facsimile, on a person at the electronic address provided by that person, where the electronic means provides
- (i) the sender with confirmation that transmission to the electronic address of the recipient of the order, notice or other document was successfully completed, and
  - (ii) the recipient with the order, notice or other document in a form that is usable for subsequent reference,

or

**9 Section 73 is amended**

**(a) in subsection (2)**

- (i) **by striking out** “medical officer of health or”;
- (ii) **by striking out** “not more than \$100 for each day the contravention continues” **and substituting** “not less than \$100 and not more than \$5000 for each day or part of a day during which the contravention occurs or continues”;

**(b) in subsection (3)**

- (i) **by striking out** “Act or the regulations” **and substituting** “Act, the regulations or an order of a medical officer of health under Part 3”;
- (ii) **by striking out** “2000” **and substituting** “100 000”;
- (iii) **by striking out** “5000” **and substituting** “500 000”.

**Related Amendment, Validation of  
Regulation and Effective Dates**

**Amends SA 2006 cP-3.5**

**10(1) The *Peace Officer Act* is amended by this section.**

**(2) Section 13 is amended by adding the following after subsection (1):**

**(1.1)** Where a state of emergency has been declared under section 18(1) of the *Emergency Management Act* or a state of public health emergency has been declared under section 52.1(1) of the *Public Health Act*, the Minister is not required to obtain the consent of peace officers and the peace officers’ employers before making an order under subsection (1) declaring the peace officers to have jurisdiction in any part of Alberta to which the

declaration of a state of emergency or a state of public health emergency relates.

**Validates AR 51/2020**

**11(1)** The *Procedures (Public Health) Amendment Regulation* (AR 51/2020) is validated and declared for all purposes to have been validly made as of the date on which it was made.

**(2)** Everything done under or in reliance of the *Procedures (Public Health) Amendment Regulation* (AR 51/2020) is validated and declared for all purposes to have been validly done.

**(3)** The *Procedures (Public Health) Amendment Regulation* (AR 51/2020) is not subject to and is deemed not to have been subject to section 3(5) of the *Regulations Act* and on filing is as valid against all persons as if it had been published.

**Effective dates**

**12(1)** This Act, except sections 2, 5 to 8 and 11, has effect on March 17, 2020.

**(2)** Section 11 has effect on March 27, 2020.

