



CHAPTER 7

An Act to amend the Health Protection and Promotion Act

Assented to May 4, 2011

Note: This Act amends the *Health Protection and Promotion Act*. For the legislative history of the Act, see the Table of Consolidated Public Statutes – Detailed Legislative History at www.e-Laws.gov.on.ca.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 69 of the *Health Protection and Promotion Act* is amended by adding the following subsections:

Approvals required

(3) No person shall perform any duties or exercise any powers under this section unless his or her appointment has been approved in writing by the Minister and the Chief Medical Officer of Health.

Exception

(4) Subsection (3) does not apply in respect of an appointment as acting medical officer of health that is for a term of less than six months.

Transitional

(5) A person who held the position of acting medical officer of health immediately before the coming in force of this subsection continues to hold the position, but ceases to hold it on the earlier of the following days, unless the Minister and the Chief Medical Officer of Health approve the continuation of his or her appointment:

1. The day when his or her term would otherwise expire.
2. The day that is six months after the day this subsection comes into force.

Conditions

(6) An approval of an appointment or a continuation of an appointment under this section may be made subject to any conditions that the Minister and the Chief Medical Officer of Health consider appropriate, and the approval may be withdrawn if those conditions are not met.

Time limit

(7) An approval of an appointment or a continuation of an appointment is in force for the period set out in the approval, which shall not exceed one year.

Renewal

(8) An approval under this section may be renewed.

2. (1) Subsection 77.4 (1) of the Act is repealed and the following substituted:

Possession of premises for public health purposes

(1) The Minister, in the circumstances mentioned in subsection (3), and subject to subsection (1.1), by order may require the occupier of any premises to deliver possession of all or any specified part of the premises to the Minister to be used for public health purposes.

Publicly owned premises

(1.1) The Minister may only make an order under subsection (1) with respect to premises that are publicly owned premises, unless the premises are to be used as a temporary isolation facility.

(2) Subsection 77.4 (3) of the Act is repealed and the following substituted:

Grounds for order

(3) The Minister may make an order under subsection (1) where the Chief Medical Officer of Health certifies in writing to the Minister that the Chief Medical Officer of Health is of the opinion that,

- (a) there exists, or there is an immediate risk of, an outbreak of a communicable disease anywhere in Ontario, or there exists, or there may exist, an immediate risk to the health of persons anywhere in Ontario; and
- (b) the premises are needed for use for public health purposes in respect of the immediate risk of an outbreak of a communicable disease, the outbreak of the communicable disease or the immediate risk to the health of persons.

(3) Clauses 77.4 (6) (a) and (b) of the Act are repealed and the following substituted:

- (a) that it is reasonable to believe that,
 - (i) there exists, or there is an immediate risk of, an outbreak of a communicable disease anywhere in Ontario, or
 - (ii) there exists, or there may exist, an immediate risk to the health of persons anywhere in Ontario;
- (b) that it is reasonable to believe that the premises are needed for use for public health purposes in respect of the communicable disease or the immediate risk to the health of persons; and

(4) Section 77.4 of the Act is amended by adding the following subsection:

Definitions

(11) In this section,

“public health purposes” mean any purposes described in section 2; (“*fin*s de sant  publique”)

“publicly owned premises” means premises whose owner is part of the “broader public sector” within the meaning of subsection 1.0.19 (2) of the *Financial Administration Act*. (“*lieu public*”)

3. Part VI.1 of the Act is amended by adding the following section:

Directives to boards and medical officers

77.9 (1) The Chief Medical Officer of Health may issue a directive to any or all boards of health or medical officers of health requiring the adoption or implementation of policies or measures concerning the matters set out in subsection (2) if the Chief Medical Officer of Health is of the opinion,

- (a) that there exists, or there is an immediate risk of, a provincial, national or international public health event, a pandemic or an emergency with health impacts anywhere in Ontario; and
- (b) that the policies or measures are necessary to support a co-ordinated response to the situations referred to in clause (a) or to otherwise protect the health of persons.

Restriction

(2) The Chief Medical Officer of Health may only make a directive under this section with respect to measures or policies concerning,

- (a) infectious diseases;
- (b) health hazards;
- (c) public health emergency preparedness; or
- (d) a matter prescribed in regulations made by the Minister.

Compliance required

(3) A board of health or medical officer of health that is served with a directive under this section shall comply with it.

Duration

(4) Subject to subsections (5) and (6), a directive under this section is in force for the period set out in the directive, which shall not exceed six months.

Termination or renewal

(5) The Chief Medical Officer of Health may terminate a directive under this section, or renew it for one or more additional periods of not more than six months each.

Consultation

(6) The Chief Medical Officer of Health shall consult with every affected board of health and medical officer of health before,

- (a) renewing a directive under this section so that it is in force more than six months; or
- (b) issuing a directive identical or substantially similar to one or more directives already issued, where the effect would be that identical or substantially similar directives would be in force for the same board or medical officer of health for a total period of more than six months, whether or not they are in force for consecutive periods.

4. (1) Subsection 95 (1) of the Act is amended by adding “or of a municipality” after “an employee of a board of health”.

(2) Subsection 95 (1.2) of the Act is amended by striking out “77.7 or 77.8” and substituting “77.7, 77.8 or 77.9”.

5. Section 97 of the Act is amended by adding the following clauses:

- (c) defining or further specifying the meaning of any or all of “infectious disease”, “pandemic”, “provincial, national or international public health event” or “public

health emergency preparedness” for the purposes of section 77.9;

(d) prescribing matters for the purposes of clause 77.9 (2) (d).

6. Subsection 100 (3) of the Act is amended by striking out “subsection 82 (13)” and substituting “subsection 77.9 (3), 82 (13)”.

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. The short title of this Act is the *Health Protection and Promotion Amendment Act, 2011*.

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