

UNEDITED

The Public Health Act

being

Chapter P-37 of *The Revised Statutes of Saskatchewan, 1978*
(effective February 26, 1979).

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 P-37.

An Act relating to Public Health.

SHORT TITLE.

Short title

- 1 This Act may be cited as *The Public Health Act*.

INTERPRETATION.

Interpretation

- 2 In this Act:

“apartment block”

- (a) “**apartment block**” means a house or building portions of which are rented or leased as residences to three or more families living independently of each other but having common rights in the halls, stairways, yards or other conveniences;

“bakeshop”

- (b) “**bakeshop**” means a building, premises, shop, room or place, or portion thereof, in which bread is made for sale;

“boarding house”

- (c) “**boarding house**” means a building or structure or part of a building or structure kept, used or advertised as or held out to be a place where sleeping accommodation is furnished to the public as regular roomers for a period of one week or more, and having sleeping accommodation for five or more roomers;

“board of health”

- (d) “**board of health**” means the board of health of a city, town, village or rural municipality;

“common use”

- (e) “**common use**” means use by more than one person;

“communicable disease”

- (f) “**communicable disease**” includes actinomycosis, anthrax, chancroid, cholera, diarrhoea of the newborn (epidemic), diphtheria, dysentery (bacillary, amoebic), encephalitis, erysipelas, food poisoning (animal, bacterial, chemical, vegetable), gonorrhoea, impetigo contagiosa, infectious hepatitis, influenza (epidemic), leprosy, malaria, measles (rubeola), meningitis (all forms), ophthalmia neonatorum, paratyphoid fever, pediculosis, pemphigus neonatorum, plague (bubonic, pneumonic, septicemic), poliomyelitis (infantile paralysis), psittacosis (ornithosis), puerperal infection, rabies, rickettsial infections (all forms), ringworm, rubella, scabies, scarlet fever, smallpox, sore throat (epidemic), streptococcal infections, syphilis, tetanus, trachoma, trichinosis, tuberculosis, tularaemia, typhoid fever, typhus, undulant fever (brucellosis), whooping cough, yellow fever, and such other diseases as the minister may declare to be communicable;

“dairy”

- (g) “**dairy**” means a place where one or more cows or goats are kept, a part or all of the milk or cream from which is sold, offered for sale or delivered for human consumption, and includes all buildings, yards and premises occupied or used in connection with the production of milk;

“department”

(h) **“department”** means the Department of Health;

“deputy minister”

(i) **“deputy minister”** means the Deputy Minister of Health;

“factory”

(j) **“factory”** means:

(i) any building, workshop, structure or premises of the description mentioned in schedule A;

(ii) any other premises, building, workshop, structure, room or place wherein or within the precincts, of which steam, water or other mechanical power is used to move or work machinery employed in preparing, manufacturing or finishing any article, substance, material, fabric or compound or incidental thereto, or is used to aid the manufacturing process carried on therein;

(iii) any other premises, building, workshop, structure, room or place wherein the employer of the persons working therein has the right of access or control and in which or within the precincts of which manual labour is exercised by way of trade or for the purposes of gain in or incidental to the following purposes or any of them, that is to say: the making of any article or part of an article; the alteration, repair, ornamentation or finishing of any article or adapting it for sale;

“food”

(k) **“food”** means a substance, whether solid or liquid, used or intended to be used for human consumption, other than drugs and water, and any article intended to enter into or be used in the preparation or composition of such substance, and includes confectionery, flavouring and colouring matters and condiments;

“health district”

(l) **“health district”** means a health district established under this Act or any former *Public Health Act*;

“health region”

(m) **“health region”** means a health region heretofore or hereafter established under any *Health Services Act*;

“house”

(n) **“house”** includes a dwelling house, school, factory, hut or tent or building of any kind used for human occupation, whether so used permanently or temporarily and whether stationary or movable, and an outhouse used for any purpose;

“isolation”

(o) **“isolation”** means the keeping of a patient in a room set apart for his treatment;

“laundry”

(p) **“laundry”** means a building or part of a building used for the washing, ironing or dressing of clothes, linens or other fabrics and materials where such work is carried on as a trade or business;

“local governing authority”

(q) **“local governing authority”** means a council in the case of a municipality, the Minister of Municipal Affairs in the case of a local improvement district and the Minister of Northern Saskatchewan in the case of the Northern Saskatchewan Administration District;

“meat”

(r) **“meat”** means the flesh of any animal, fish or fowl, when killed, intended to be used for food, whether fresh or prepared by freezing, chilling, preserving, salting or other process;

“medical health officer”

(s) **“medical health officer”** means a medical health officer appointed under this Act or any former *Public Health Act* or any *Health Services Act*;

“milk”

(t) **“milk”** means the natural lacteal secretion obtained by the milking of one or more cows or goats, and includes cream, skim milk, and any other portion of whole milk;

“minister”

(u) **“minister”** means the Minister of Health;

“motel”

(v) **“motel”** means a building or a series of buildings, other than a public hotel, in which living and sleeping accommodation is made available to the public and in which:

(i) each unit of accommodation comprises one or more rooms that are furnished for the purpose of providing accommodation for over-night stay and that may be equipped in such a way as to enable the preparation of meals;

(ii) at least two units of accommodation are rented, offered for rent or held out as being offered for rent;

(iii) all the units of accommodation may be located in one building or each unit of accommodation may be located within a separate building or a number of units of accommodation may be located in each of several buildings;

(iv) the units of accommodation are rented or offered for rent primarily to the travelling public; and

(v) space is made available on the premises for the parking of automobiles of the occupants of the units of accommodation;

“municipality”

(w) **“municipality”** means a city, town, village, rural municipality or the Municipal Corporation of Uranium City and District;

“nuisance”

(x) **“nuisance”** means anything or condition of things that is or may become injurious or dangerous to health, or that prevents or hinders in any manner the suppression of disease;

“owner”

(y) **“owner”** means the person for the time being receiving the rent of lands or premises, whether on his own account or as agent or trustee for another, or who would so receive the rent if the lands or premises were let;

“public eating establishment”(z) **“public eating establishment”** means:

- (i) a building, structure or enclosure or any part thereof where food or drink is prepared or kept and served or sold to the public for immediate consumption;
- (ii) a restaurant, hotel dining room, coffee shop, cafeteria, luncheonette, sandwich shop, milk bar, dairy bar, soda fountain, soft drink stand, outlet within the meaning of *The Liquor Licensing Act*, and any other eating or drinking establishment;
- (iii) a kitchen and any other place in which food or drink is prepared for sale for immediate consumption elsewhere;

“public hotel”(aa) **“public hotel”** means a building or structure or part of a building or structure kept, used or advertised as or held out to be a place where sleeping accommodation with or without meals is provided for transient lodgers, and where a guest register or record is kept, and furnishing accommodation for periods including those of less than one week, but does not include a tourist camp or rooming house;**“public place”**(bb) **“public place”** means a railway, railway station, railway car, school, municipal building, hotel, restaurant, pool room, club, theatre, opera house, public hall, market, public square, public garden, park, amusement ground, resort, factory, office, store, lodging house, boarding house, or a tent, building or structure of any kind to which the public have access;**“quarantine”**(cc) **“quarantine”** means the isolation of a house or district with the persons residing therein;**“regional board”**(dd) **“regional board”** means the board of health of a health region heretofore or hereafter established under any *Health Services Act*;**“restaurant”**(ee) **“restaurant”** includes every building or part of a building, tent or other erection used as a restaurant, cafe, lunch counter, ice cream parlour or other place of refreshment where food or drink is sold to the public;**“sanitary officer”**(ff) **“sanitary officer”** means a sanitary officer appointed by the Public Service Commission or a council of a municipality and who is in possession of a certificate of competency issued by the Canadian Public Health Association; and **“assistant sanitary officer”** means an officer so appointed who is not in possession of a certificate of competency and **“public health inspector”** and **“assistant public health inspector”** *mutatis mutandis* have a corresponding meaning;**“sewage”**(gg) **“sewage”** means the liquid wastes from residences and other buildings, including industrial establishments, and includes ground, surface and storm water;**“street”**(hh) **“street”** includes a highway, public bridge, road, road allowance, square, lane, court, alley and passage whether a thoroughfare or not;

“swimming pool”

(ii) **“swimming pool”** includes any area of water to which the public have access for bathing purposes and any pool of water maintained for the use of patrons of a hotel, motel, apartment block, trailer court or other place of public accommodation;

“trailer coach”

(jj) **“trailer coach”** means any vehicle used or constructed in such a way as to enable it to be used as a conveyance upon public streets or highways and includes a self-propelled or non-self-propelled vehicle designed, constructed or reconstructed in such a manner as will permit the occupancy thereof as a dwelling or sleeping place for one or more persons notwithstanding that its running gear is removed or that it is jacked up;

“trailer court”

(kk) **“trailer court”** means any tract or parcel of land on which two or more occupied trailer coaches are or are permitted to be harboured whether or not a charge is made or paid for the use thereof and includes any building or structure used or intended for use as a part of the equipment of such trailer court, but does not include an industrial or construction camp.

R.S.S. 1965, c.251, s.2; 1967, c.55, s.2; 1969, c.44, s.2; 1970, c.48, s.2; R.S.S. 1978, c.P-37, s.2.

 PART I.
Health Regions.

REGIONAL BOARDS OF HEALTH.

Regional board advises on public health matters

3 The regional board of each health region shall advise the respective local governing authorities within the region on all matters affecting public health.

R.S.S. 1965, c.251, s.3; R.S.S. 1978, c.P-37, s.3.

Duties of municipal councils

4 The council of each municipality wholly or partly included in a health region shall:

- (a) carry out the recommendations of the regional board regarding public health;
- (b) refer to the medical health officer all problems affecting public health;
- (c) transmit to the medical health officer all bylaws affecting public health and requiring the minister’s approval.

R.S.S. 1965, c.251, s.4; R.S.S. 1978, c.P-37, s.4.

Duties of regional board

5 Each regional board shall:

- (a) review monthly and annual reports of the progress of the public health program of the region prepared by the medical health officer;

- (b) submit to the minister not later than the thirty-first day of August of each year estimates of the cost of public health services for the next ensuing fiscal year;
- (c) transmit to the minister information regarding refusal by a municipal council to carry out the recommendations of the regional board regarding public health;
- (d) keep advised each local governing authority of the policies and services developed in the health region.

R.S.S. 1965, c.251, s.5; R.S.S. 1978, c.P-37, s.5.

Powers of regional board

6 The regional board may:

- (a) make recommendations to the minister for the improvement of the services being provided by the medical and sanitary staff and for the extension of the activities of the board;
- (b) advise upon general policies to be followed by the medical health officer in administering and enforcing provincial statutes, orders and regulations governing public health and maintaining standards of public health established by the department;
- (c) review expenditures made by the medical and sanitary staff of the health region.

R.S.S. 1965, c.251, s.6; R.S.S. 1978, c.P-37, s.6.

Quorum

7 At any meeting of the regional board a majority of the members shall constitute a quorum.

R.S.S. 1965, c.251, s.7; R.S.S. 1978, c.P-37, s.7.

PUBLIC HEALTH SERVICES.

Power of minister to provide services

- 8(1)** The minister may provide public health services in any health region or part of a health region and may pay part or the whole of the costs of such services.
- (2) The minister may provide for the appointment of a medical and sanitary staff for a health region, consisting of a medical health officer and such medical assistants as the minister deems necessary, one or more dentists, one or more registered nurses, one or more sanitary officers, and other personnel, including clerical staff, and may make such provision as he deems necessary for working accommodation for the staff.
- (3) The members of the public health staff in each region shall be appointed by the Public Service Commission and shall be under the control and direction of the minister.
- (4) In addition to other powers and duties herein conferred and imposed on a regional medical health officer, such officer in person, or through other officers and employees in the department, shall have and exercise the following powers and duties:

(a) the administration and enforcement, within the region, of the public health laws of the province and the orders, rules, regulations and standards of the department;

(b) the right of inspection of all places outside the health region from which food of any description is brought or sent into the health region.

R.S.S. 1965, c.251, s.8; R.S.S. 1978, c.P-37, s.8.

“Sanitary officer” deemed to include reference to “public health inspector”

9 Wherever the expression “**sanitary officer**” is used in this Act or the regulations it shall be deemed to include reference to “**public health inspector**”.

1967, c.55, s.3; R.S.S. 1978, c.P-37, s.9.

Apportionment of costs of services

10(1) Subject to any regulations made under clause (oo) of subsection (1) of section 73, the minister shall determine what portion of the costs of public health services is to be paid by the health region.

(2) The Local Government Board shall after consultation with the regional board or, in the absence of a regional board, with the local governing authorities affected apportion the part of the costs of public health services to be paid by each local governing authority.

R.S.S. 1965, c.251, s.9; 1970, c.48, s.9; R.S.S. 1978, c.P-37, s.10.

Payments by municipalities

11(1) The council of each municipality affected shall pay to the Minister of Finance, on or before a date in each year to be designated by the minister, the sum apportioned by The Local Government Board as the municipality’s share of the costs of public health services.

(2) All sums due by a municipality and remaining unpaid after the date so designated shall be a debt due by the municipality to the province, bearing interest at the rate of five per cent per annum from the said date and may be recovered, with accrued interest, by the Minister of Finance.

(3) Sums payable by a municipality under subsection (1) may be included in the general municipal levy or may be raised by special levy. In the latter case the tax shall be levied in the same manner as general municipal rates, and all the provisions of the relevant Acts, respecting the assessment and collection of taxes, including penalties for non-payment and provisions for enforcing payment thereof, and *The Tax Enforcement Act* shall apply to the tax in the same manner and to the same extent as if it were part of the general municipal levy.

R.S.S. 1965, c.251, s.10; R.S.S. 1978, c.P-37, s.11.

Payments by Mister of Municipal Affairs for local improvement districts

12(1) The Minister of Finance shall send to the Minister of Municipal Affairs a notice showing the portion of the costs of public health services to be borne by each local improvement district affected.

(2) Sums payable by the Minister of Municipal Affairs under subsection (1) may be levied in the respective local improvement districts affected, in which case *The Local Improvement Districts Act* shall apply, and sums collected by the minister shall be paid as collected to the Minister of Finance.

R.S.S. 1965, c.251, s.11; R.S.S. 1978, c.P-37, s.12.

Payments by Minister of Northern Saskatchewan for Northern Saskatchewan Administration District

13(1) The Minister of Finance shall send to the Minister of Northern Saskatchewan a notice showing the portion of costs of public health services to be borne by the Northern Saskatchewan Administration District where that District is affected.

(2) Sums payable by the Minister of Northern Saskatchewan under subsection (1) may be levied in that part of the Northern Saskatchewan Administration District affected, in which case *The Northern Administration Act* shall apply, and sums collected shall be paid as collected to the Minister of Finance.

1970, c.48, s.4; R.S.S. 1978, c.P-37, s.13.

PART II.

Health Districts.

CONSTITUTION.

Constitution by Lieutenant Governor in Council

14(1) The Lieutenant Governor in Council may:

(a) constitute as a health district any portion of Saskatchewan not contained within the boundaries of a municipality or health region;

(b) vary the boundaries of or disorganize any health district so constituted; and

(c) appoint boards of health and make orders, rules and regulations with respect to the constitution, establishment, disestablishment, election, appointment, discharge, management, maintenance, jurisdiction, powers, duties and functions of boards of health and medical health officers for such health districts concerning all matters relating to the public health or in any way dealt with by this Act, or for the preservation of the public health therein, including power to levy special rates and taxes within the jurisdiction of any such health district.

(2) In case of the enlargement or diminution in area or of the disorganization of a health district, the minister may settle and adjust all matters arising therefrom pertaining to the district.

(3) In portions of Saskatchewan not included within the boundaries of a health district, municipality or health region the minister may exercise such of the powers of a board of health as in the circumstances he thinks proper, and for the purpose of this Act he may exercise the functions of a board of health, and may appoint one or more medical health officers to act therein.

(4) The salaries of medical health officers so appointed may be paid out of moneys arising from the levy of a special rate or tax under the power conferred upon the Lieutenant Governor in Council by this section, or out of moneys appropriated by the Legislature for the purpose.

R.S.S. 1965, c.251, s.12; R.S.S. 1978, c.P-37, s.14.

MUNICIPAL BOARDS OF HEALTH.

Composition

15(1) The council of a municipality shall be its board of health, but in cities the council may appoint from among its members a committee to act in that capacity.

(2) A majority of the members of every board shall be a quorum.

(3) The mayor, overseer or reeve, as the case may be, shall be the chairman of the board, and in cities one of the members of the committee shall be chosen as chairman.

(4) Every board shall have a secretary and, unless otherwise provided by the council, the clerk or secretary treasurer, as the case may be, shall so act and shall record in a book to be kept for that purpose the proceedings of the board.

R.S.S. 1965, c.251, s.13; R.S.S. 1978, c.P-37, s.15.

Reports to minister

16(1) The secretary shall, upon request, prepare and send to the minister a report of the sanitary work done by the board together with a copy of the record of communicable cases occurring and the number of deaths resulting therefrom.

(2) The report shall be prepared for such period and upon such forms as the minister may prescribe.

R.S.S. 1965, c.251, s.14; R.S.S. 1978, c.P-37, s.16.

Powers of board

17 The board of health of each municipality:

(a) has the duty and the power to enforce the orders, rules and regulations made by the minister under this Act and the bylaws made by the council of the municipality affecting public health and to do such other acts, matters and things as may be necessary for enforcing those orders, rules, regulations and bylaws; and

(b) has jurisdiction only within the limits of the municipality;

and its officers, notwithstanding clause (b), have the power to inspect any place outside the municipality, but within the province, from which food of any description is brought into the municipality.

1969, c.44, s.3; R.S.S. 1978, c.P-37, s.17.

Appropriation of funds

18(1) The board of health shall annually prepare and submit to the council an estimate of the moneys required for payment of officials, supplies and work undertaken, and the council shall set aside such appropriation for public health purposes as it considers necessary.

(2) Abnormal expenditures occasioned by epidemic or unforeseen circumstances or by granting relief to those in necessitous circumstances or distress shall be a first charge against any moneys in the hands of the treasurer of a municipality upon demand made by the board of health.

R.S.S. 1965, c.251, s.15; R.S.S. 1978, c.P-37, s.18.

Enforcement of authority

19 A board of health that has authority to direct and has directed that a matter or thing shall be done by a person or corporation may, in default of its so being done, direct that it shall be done at the expense of the person or corporation in default, and may recover the expense thereof by action from that person or corporation.

R.S.S. 1965, c.251, s.16; R.S.S. 1978, c.P-37, s.19.

MEDICAL HEALTH OFFICERS.**In municipalities**

20(1) Subject to section 21, the council of every municipality shall appoint, to be the medical health officer of the municipality, a duly qualified medical practitioner who shall perform the duties prescribed by this Act and by the municipal bylaws.

(2) When a medical health officer becomes temporarily or permanently incapable of performing his duties, or resigns office, or leaves the locality, the council shall forthwith appoint another in his stead.

R.S.S. 1978, c.P-37, s.20.

21 Where a health region has been established under any *Health Services Act* and a medical health officer has been appointed for the region, the medical health officer so appointed shall also be the medical health officer of each municipality, local improvement district and portion thereof within the region, unless the minister otherwise directs.

R.S.S.1965, c.251, s.17; R.S.S. 1978, c.P-37, s.21.

Powers

22 The medical health officer shall be the chief municipal health and sanitary official, and shall perform all duties imposed upon him by the regulations, and the fact that similar duties are or may be by statute imposed upon boards of health shall not relieve a medical health officer from the performance of his duties.

R.S.S. 1965, c.251,s.18; R.S.S. 1978, c.P-37, s.22.

Fees

23(1) A medical health officer in a city shall receive such remuneration as may be fixed by the council, shall be paid by the municipality and shall hold office during the pleasure of the council.

(2) In every municipality other than a city, the medical health officer may be appointed by agreement, either at a fixed salary to perform all the duties prescribed by regulations relating to such officers, or at a retaining fee for prescribed duties.

(3) A medical health officer shall in addition perform such duties as the local board of health may require of him, for which he shall be paid such fees as may be prescribed by the regulations.

R.S.S. 1965, c.251, s.19; R.S.S. 1978, c.P-37,
s.23.

In unorganized districts

24(1) The Lieutenant Governor in Council may appoint a medical health officer for any portion of Saskatchewan not included within the limits of a municipality or health region, who shall receive such remuneration, payable out of the moneys voted by the Legislature for the purposes of this Act, as the Lieutenant Governor in Council may sanction.

(2) A medical health officer so appointed shall perform all the duties imposed upon him by the regulations.

R.S.S. 1965, c.251, s.20; R.S.S. 1978, c.P-37,
s.24.

Dual position

25 Nothing in the appointment of a medical practitioner as medical health officer in a municipality debar him from being also appointed by the Lieutenant Governor in Council a medical health officer of a health district or other portion of Saskatchewan.

R.S.S. 1965, c.251, s.21; R.S.S. 1978, c.P-37,
s.25.

SANITARY OFFICERS.

Appointment by board of health

26 A board of health may employ one or more sanitary officers, and the minister may require the municipality to appoint such officers as he deems necessary for the proper execution of the provisions of this Act, whose remuneration shall be fixed by the board and paid by the municipality.

R.S.S. 1965, c.251, s.22; R.S.S. 1978, c.P-37,
s.26.

Right of inspection

27 Each medical health officer and sanitary officer shall have the right to inspect any building, place, matter or thing, within his jurisdiction, affecting the public health of the province.

R.S.S. 1965, c.251, s.23; R.S.S. 1978, c.P-37,
s.27.

PART III.

Sanitation.

WATERWORKS, SEWERAGE AND SEWAGE DISPOSAL.

Provisions respecting waterworks and sewage works

28(1) In this section:

(a) **“sewage works”** means any works for the collection, transmission, treatment and disposal of sewage and includes a ditch, drain, sewer pipe or conduit used for the conveyance of sewage;

(b) **“waterworks”** means any works for the supply, collection, treatment, storage and distribution of water for the purpose of human consumption.

(2) A medical health officer or a sanitary officer has the right to inspect any waterworks or sewage works within his jurisdiction and to take tests, samples and measurements in connection with the operation of the waterworks or sewage works and any matter relating thereto.

(3) The municipality, body corporate or person operating a waterworks or sewage works shall when requested to do so by the minister:

(a) cause samples, tests and measurements to be taken in connection with the operation of the waterworks or sewage works and any matter related thereto;

(b) maintain records of the samples, tests and measurements required to be taken;

(c) furnish the minister or other person designated by him with samples taken and with reports of tests and measurements made in accordance with this section; and

(d) furnish the minister with such other information as he may require.

(4) Notwithstanding the provisions of *The Water Resources Commission Act*, where the minister is of opinion:

(a) that the quality of water provided or that will be provided through a waterworks; or

(b) that the operation of a waterworks or a sewage works or a proposed waterworks or sewage works;

may be a danger to the public health, he may by notice to the operator or the proposed operator require him to take such steps as the minister may direct to alleviate the danger to the public health.

NUISANCES.

Inspection by medical health officer or sanitary officer

29 Medical health officers shall visit, or cause to be visited from time to time by a sanitary officer, the land and buildings situated within the limits of their respective jurisdictions, for the purpose of ascertaining whether there are any accumulations of filth, dirt, rubbish or other matter injurious to health, or any nuisances, and shall take necessary measures to remove and abate in the manner hereinafter provided, any accumulations or nuisances found to exist.

R.S.S. 1965, c.251, s.29; R.S.S. 1978, c.P-37,
s.29.

Inquiry into complaint of nuisance

30 Upon receipt of a complaint of the existence of a nuisance in or about any land or building within a municipality, the board of health or the medical health officer of the municipality shall inquire into the facts, cause the place complained of to be visited and, if necessary, hear the evidence of any person in connection therewith.

R.S.S. 1965, c.251, s.30; R.S.S. 1978, c.P-37,
s.30.

Notice requiring abatement of nuisance

31 When the board of health or medical health officer of a municipality is aware that a nuisance exists within the municipality, the board or the medical health officer, as the case may be, shall give notice in writing to the person responsible for the nuisance or, if that person cannot be found, to the owner or occupant of the land or building, requiring him to abate the nuisance within the time mentioned in the notice.

R.S.S. 1965, c.251, s.31; R.S.S. 1978, c.P-37,
s.31.

Notice to owner

32 If a nuisance arises from a defect in the conformation or construction of the land or building, or if the land or building is unoccupied, the notice prescribed by section 31 shall be given to the owner.

R.S.S. 1965, c.251, s.32; R.S.S. 1978, c.P-37,
s.32.

Abatement by municipality

33 If a board of health or medical health officer is of opinion, that a nuisance is not due to the acts or omission of the owner of the land or building and the person responsible for its existence cannot be found, it may, if located within a municipality, be abated at the expense of the municipality and if not so located, then at the expense of the province.

R.S.S. 1965, c.251, s.33; R.S.S. 1978, c.P-37,
s.33.

Recovery of expenses

34 All reasonable expenses lawfully incurred in abating a nuisance may be recovered from the person or persons responsible therefor:

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- (a) summarily under the provisions of the *Criminal Code* relating to summary convictions, before a provincial magistrate, or a judge of the District Court acting at the judicial centre nearest to which the expense is incurred or the defendant or one of the defendants resides or carries on business when the proceedings are brought, sitting as a justice of the peace; or
- (b) by an ordinary action.

R.S.S. 1965, c.251, s.34; R.S.S. 1978, c.P-37, s.34.

Non-performance

35(1) In case of failure to abate a nuisance within the time fixed by the notice prescribed by section 31, the board of health of the municipality may do so at the expense of the person to whom the notice was given.

(2) If the probable expense of abatement is \$250 or more, the person to whom notice has been given may appeal from the order therein to the minister within the time specified for abatement.

(3) The minister shall thereupon inquire into the facts and, if he finds that the appellant is properly required to abate the nuisance, shall order him to do so within a specified time.

(4) If the order of the minister is disobeyed, the local board of health shall abate the nuisance at the expense of the defaulter.

(5) Where the board of health of a municipality has incurred expenses under subsection (1) or (4), the council of the municipality may recover the sum so spent by the board of health by action with costs against the person in default, or the sum may be added to and form part of the taxes upon the land upon which the nuisance was situated.

R.S.S. 1965, c.251, s.35; 1969, c.44, s.4; 1970, c.48, s.5; R.S.S. 1978, c.P-37, s.35.

Nuisance situated outside municipality

36 When a nuisance affects the public health of a municipality but is situated outside it, sections 29 to 35 shall apply to the same extent as if the nuisance were situated within that municipality.

R.S.S. 1965, c.251, s.36; R.S.S. 1978, c.P-37, s.36.

Unsanitary dwellings

37(1) When a building or part of a building is, in the opinion of the medical health officer, sanitary officer or minister, unfit for human occupation through lack of repair, filthy keeping, want of sanitary plumbing, absence of plumbing, or any other defect or condition, it shall be placarded as unsanitary and unfit for occupation.

(2) Notice in writing shall be given with respect to any such building or part of a building:

- (a) to the occupant requiring him to vacate the building or part of the building within a given time; and

- (b) to the owner requiring him to execute such repairs as shall make the building or part of the building fit for occupation, to the satisfaction of the medical health officer, sanitary officer or minister, before taking up residence, or permitting any other person to take up residence, therein.
- (3) When any such building or part of a building in a city has been placarded as unsanitary and unfit for occupation owing to the want of sanitary plumbing or absence of plumbing, the owner may, within ten days from receipt by him of the notice mentioned in sub section (2), give notice to the city clerk of his intention to appear before an advisory committee, which shall consist of the mayor, medical health officer, city solicitor, city commissioner, if any, and municipal engineer.
- (4) At a time and place appointed, the advisory committee shall inquire into the whole circumstances of the case, including the financial ability of the owner to install the necessary plumbing, and, if the committee finds that the owner is unable to pay the cost of the work, it shall report accordingly to the council.
- (5) The committee may take evidence on oath or otherwise, as it may deem expedient, and it may administer the oath to witnesses, and it shall have all the powers conferred upon commissioners under *The Public Inquiries Act*.
- (6) If, after receiving notice under subsection (2), the occupant fails to vacate the premises, the medical health officer may apply to a magistrate or justice of the peace for an order to enforce compliance with the notice.
- (7) Where the building or part thereof placarded as unsanitary and unfit for occupation owing to the want of sanitary plumbing or absence of plumbing is located within a municipality other than a city, the owner may within ten days from receipt by him of the notice mentioned in subsection (2) give notice to the clerk or secretary of the municipality of his intention to appear before the board of health of the municipality, and the board of health shall thereupon inquire into the matter and, in such a case, the provisions of subsections (3) to (6), *mutatis mutandis*, apply.
- (8) The occupant is liable on summary conviction to a fine of not less than \$1 nor more than \$10 for each day during which the premises continue to be occupied after the date upon which they are required by the order to be vacated.

R.S.S. 1965, c.251, s.37; 1969, c.44, s.5; R.S.S.
1978, c.P-37, s.37.

Default by boards of health

38(1) Upon receipt of information that a remediable unsanitary condition or nuisance exists in a municipality or in any other part of Saskatchewan, and that the local authorities have, after proper representation of the fact, failed to take efficient measures to remove the condition or abate the nuisance, the minister may cause investigation to be made, and if necessary may take sworn evidence concerning the matter complained of.

(2) If upon investigation it is proved that the condition complained of exists, the minister may direct its immediate removal or abatement by the party responsible therefor, and, if the responsible party fails to remove or abate the condition as directed, the minister may cause the removal or abatement to be made and collect the expense thereof from such person by ordinary process of law.

(3) If, after inspection made by a sanitary officer of the department, the council of a municipality fails to comply with the instructions of the minister to remove or abate any unsanitary condition or nuisance, the minister may order the abatement to be made at the expense of the municipality.

R.S.S. 1965, c.251, s.38; R.S.S. 1978, c.P-37, s.38.

EXPROPRIATION OF LAND.

Expropriation

39 Subject to the approval of the Lieutenant Governor in Council, the minister or any board of health or medical health officer authorized by the minister may take possession:

- (a) of any land for use as a waste disposal ground; or
- (b) of any land or building, for the purpose of quarantining a person who is infected or has been exposed to a communicable disease.

R.S.S. 1965, c.251, s.39; R.S.S. 1978, c.P-37, s.39.

Summary expropriation

40(1) In cases of emergency, possession may be taken without prior agreement with the owner of the land or building and without his consent, and may be retained for such period as may appear to the minister, board of health or officer who took possession thereof to be necessary.

(2) The minister, board of health or officer by whom or under whose direction or authority possession is taken shall within five days thereafter give notice (form A), to the owner.

(3) The minister, board of health or officer so taking possession of a building shall before restoring it to the owner cleanse, disinfect and put it in the same state of repair as it was in when possession was taken, and shall give notice to the owner that this has been done.

(4) A reasonable sum for the use of the premises shall be paid to the owner.

(5) All expenses incurred under this section shall be paid by the municipality.

R.S.S. 1965, c.251, s.40; R.S.S. 1978, c.P-37, s.40.

Compensation

41(1) Where under this Act or the regulations any land or building is taken for the use of a municipality, the owner shall be entitled to compensation for the use or occupation thereof, including any damages arising from the use or occupation, from the municipality for whose use the land or building is so taken.

(2) The compensation shall be agreed upon between the municipality and the owner, or, if they fail to agree, shall be determined by proceedings under *The Arbitration Act*.

(3) When the land or building taken is not within the limits of a municipality and is not taken for the use of any municipality, the compensation shall be paid by the province, and in case of disagreement as to the amount it shall be determined by proceedings under *The Arbitration Act*, the parties in that case being the minister and the owner or owners of the land or building.

R.S.S. 1965, c.251, s.41; R.S.S. 1978, c.P-37, s.41.

District Court to give possession

42 When resistance or forcible opposition is offered or apprehended to the taking of possession of any land or building under the authority of this Act or the regulations, a judge of the District Court acting at the judicial centre nearest to which the land or building is situated may, without notice to any person, issue his warrant to the sheriff acting at that judicial centre, or to any other person, requiring him to put the board, medical health officer or other proper authority, their or his servants or agents, in possession and to put down the resistance or opposition, which the sheriff or other person, taking with him sufficient assistance, shall accordingly do.

R.S.S. 1965, c.251, s.42; R.S.S. 1978, c.P-37, s.42.

FOOD.

Certain sales prohibited

43 No person shall sell or offer for sale or use or offer for use for human consumption:

- (a) food or drink that is injured, tainted or spoiled; or
- (b) the flesh of animals that have died of sickness or have been killed while in ill health; or
- (c) the flesh of calves, swine or lambs that have been killed before they are at least two weeks old; or
- (d) adulterated milk or milk from cows known to be affected with tuberculosis or any other disease.

R.S.S. 1965, c.251, s.43; R.S.S. 1978, c.P-37, s.43.

Pasteurization of milk

44(1) Subject to subsections (2) and (3), no person shall sell, offer for sale or deliver:

- (a) in a city;
- (b) in a town having a population of 1,000 or more as shown by the latest federal census; or
- (c) in any other urban municipality that may be designated by the Lieutenant Governor in Council;

milk that has not been pasteurized in a pasteurization plant approved by the minister.

(2) The minister may order that subsection (1) shall not apply with respect to a municipality referred to in clause (b) of that subsection, and in such case that subsection shall cease to apply to such municipality on a date to be specified in the order.

(3) Subsection (1) does not apply to milk brought into a municipality for delivery to a distributor for pasteurization nor to products of milk prepared in a plant and by methods approved by the minister.

R.S.S. 1965, c.251, s.44; R.S.S. 1978, c.P-37, s.44.

Milk from infected herds

45 If an animal in a dairy herd is suspected of being affected with tuberculosis, infectious bovine abortion or a disease communicable to human beings, the minister may at his discretion require from the owner of the herd a certificate of a qualified veterinary surgeon, stating his findings following a test of the herd for such diseases, and, after receipt by the owner of such request, the milk from the herd shall not be sold or offered for sale or use, or offered for use for human consumption, unless with the previous approval of the minister and subject to such conditions as he may deem expedient.

R.S.S. 1965, c.251, s.45; R.S.S. 1978, c.P-37, s.45.

Municipal milk bylaws approved by minister

46 No municipal bylaw or regulation affecting the production, treatment or sale of milk shall be operative until approved by the minister.

R.S.S. 1965, c.251, s.46; R.S.S. 1978, c.P-37, s.46.

Creamery sites approved by minister

47 No person shall erect any building, or use any building already erected, for the purposes of a creamery unless the site therefor has been approved by the minister with regard to water supply and drainage.

R.S.S. 1965, c.251, s.47; R.S.S. 1978, c.P-37, s.47.

Inspection and seizure

48(1) A medical health officer, sanitary officer or other officer appointed by the minister or a municipality for the purpose may inspect:

(a) all animals, dead or alive, meat, fowl, game, fish, fruit, vegetables, grain, bread, flour, milk or other solid or liquid substance intended to be used for human consumption and offered for sale or deposited in a place or transported in a vehicle for the purpose of being afterwards sold or offered for sale or delivered after being sold;

(b) all food processing, manufacturing or dispensing establishments, including dairies, slaughter-houses and water supplies, if food, milk or water therefrom is consumed by the public.

(2) A medical health officer, sanitary officer or other officer appointed for the purpose may take a sample of any of the substances specified in subsection (1) for laboratory examination purposes and if, through his own inspection or otherwise, he has reason to suspect that the substance may be unwholesome, putrid, damaged or infected or otherwise injurious to health, he may seize and hold or cause such substance to be held so as to prevent human consumption of the substance pending the result of the laboratory examination.

(3) If upon inspection or upon a laboratory examination being made, any animal, meat, fowl, game, fish, fruit, milk or other article or substance is found to be unwholesome, putrid, damaged or infected with the germs of disease or otherwise injurious to health, or if upon inspection it is found that any provision of this Act or a municipal bylaw respecting any animal, meat, fowl, game, fish, fruit or other article or substance has been contravened, the medical health officer, sanitary officer or other officer may seize and carry off the same or continue to hold the same, as the case may be; and thereupon the article or substance shall not be sold or offered for sale or used as food.

(4) Where subsection (3) applies, power to destroy or dispose of the substance or article seized or being held may be given to the officer by the owner or person selling or offering it for sale or by a judge of the magistrate's court, a justice of the peace or the minister.

1969, c.44, s.6; R.S.S. 1978, c.P-37, s.48.

Burden of proof

49 The burden of proof that the article seized is not intended to be sold, or to be delivered after having been sold, or to serve as food for human consumption shall lie upon the owner or person in possession thereof at the time of seizure.

R.S.S. 1965, c.251, s.49; R.S.S. 1978, c.P-37, s.49.

Penalty

50 The person to whom the articles seized belong at the time of exposure for sale, or in whose possession or on whose premises the articles are found, is guilty of an offence and liable on summary conviction to a fine of not less than \$10 nor more than \$100 for every such offence unless he proves that he did not know and had no means of knowing the condition of the article.

R.S.S. 1965, c.251, s.50; R.S.S. 1978, c.P-37, s.50.

Infected workers

51 No manufacturer of or dealer in food or in foodstuffs of any kind intended to be used as food, and no owner, employee or person in charge of a store, public hotel, shop, bakery, restaurant or other place in which meat, fish flesh, fowl, game, fruit, vegetables, biscuits, crackers, pretzels, pies, cakes, bread, flour, meal, cereals, confectionery, candy, popcorn, ice cream, ice cream cones, groceries, pickles, jams, butter, milk, cream or other kind of food, provisions or merchandise is manufactured, prepared, stored, sold or offered for sale, shall employ or continue in his employment after being aware of the fact, any person affected with tuberculosis in the open or infectious form, or with any other communicable disease, or a communicable skin affection, or continue in his employment, without the permission of the medical health officer or minister, any person coming from an infected house or premises.

R.S.S. 1965, c.251, s.51; R.S.S. 1978, c.P-37, s.51.

MISCELLANEOUS.

Common drinking cups prohibited

52 No person owning or controlling a public place shall provide drinking cups for common use or allow drinking cups for common use to be in or upon the premises.

R.S.S. 1965, c.251, s.52; R.S.S. 1978, c.P-37, s.52.

Sanitary fountains or cups

53 Persons owning or controlling a public place where drinking water is supplied for the public use shall furnish for such use sanitary drinking fountains or individual drinking cups.

R.S.S. 1965, c.251, s.53; R.S.S. 1978, c.P-37, s.53.

Drinking water

54 Water for drinking purposes shall not be kept in open vessels in any public place.

R.S.S. 1965, c.251, s.54; R.S.S. 1978, c.P-37, s.54.

Towels for common use prohibited

55(1) No person owning or controlling a public place shall furnish towels for common use or permit towels intended for common use to be upon the premises.

(2) Where towels are furnished in a public place for the public or for guests, patrons, visitors or employees, the proprietor, manager or person in charge shall provide a separate towel or towels for each person.

R.S.S. 1965, c.251, s.55; R.S.S. 1978, c.P-37, s.55.

PART IV.

Communicable Diseases.

CONTROL.

Ingress to province

56 When a part of Saskatchewan becomes exposed to a communicable or epidemic disease then existing in a place outside the province, the Lieutenant Governor in Council may prohibit all ingress to Saskatchewan therefrom for a period to be named in the order.

R.S.S. 1965, c.251, s.56; R.S.S. 1978, c.P-37, s.56.

Meetings

57 In case of epidemic or threatened epidemic in a part of the province the medical health officer, or the minister at the request of the local board of health or medical health officer, may prohibit, for such period as he deems advisable, the holding of such public meetings or gatherings as in his opinion it may be necessary to prohibit.

R.S.S. 1965, c.251, s.57; R.S.S. 1978, c.P-37, s.57.

Examination of premises and persons

58(1) A medical health officer or a medical practitioner under the authority of a medical health officer or the minister may enter into or upon any house, outhouse or premises in the daytime, for the purpose of inquiry and examination with respect to such house or any person therein; and the medical health officer may, upon his own examination or upon the written report and recommendation of a medical practitioner who has acted under this authority or the authority of the minister, cause any person found therein infected to be removed to a hospital or other proper place and may, in case of resistance or either written or verbal objection to the removal, call to his assistance all constables and peace officers and such other persons as he may think fit.

(2) No removal shall be effected unless the medical health officer is satisfied from his own examination or unless the report of the medical practitioner states:

- (a) that the person can be removed without danger to life; and
- (b) that the removal is necessary in order to guard against the spread of the disease.

(3) A person who is removed to a hospital or other place pursuant to subsection (1) shall not leave that place except with the written permission of the proper medical health officer.

R.S.S. 1965, c.251, s.58; 1971, c.40, s.2; R.S.S. 1978, c.P-37, s.58.

Procedure for apprehending, etc., tuberculosis cases

59(1) In this section “**magistrate**” means a provincial magistrate or a justice of the peace.

(2) A qualified medical practitioner may lay an information on oath before a magistrate, in the prescribed form, alleging that the person named in the information is suffering from tuberculosis in the open or infectious form and that the person;

- (a) is unwilling or unable to conduct himself in such a manner as not to expose other persons to danger of infection; or
- (b) refuses to be admitted to, or to remain in, a sanatorium or has left a sanatorium against the advice of the superintendent thereof.

(3) Where an information is laid pursuant to this section, the magistrate before whom it is laid may issue his warrant in the prescribed form to apprehend the person named in the information and cause him to be brought before the issuing magistrate or some other magistrate.

(4) Where a person is brought before a magistrate pursuant to a warrant issued under subsection (3), the magistrate shall thereupon inquire into the matters alleged in the information and where he is satisfied that those allegations are true he may order that the person brought before him be conveyed and admitted to and be detained in a sanatorium for such period not exceeding one year as the magistrate deems necessary.

(5) A person who is detained in a sanatorium pursuant to an order made under this section may be brought before a magistrate at any time during the last thirty days of the period for which he is detained, and where the magistrate is satisfied that the person is still suffering from tuberculosis in the open or infectious form, he may order that the person be detained in a sanatorium for such further period not exceeding one year as the magistrate deems necessary.

(6) The superintendent, or a member of the medical staff of a sanatorium, or an attendant or nurse employed in a sanatorium, or a medical health officer, constable or peace officer, has authority to:

- (a) bring a person before a magistrate in accordance with a warrant issued under this section;
- (b) enforce the order of a magistrate made under this section; or
- (c) prevent the leaving of, or apprehend without warrant, any person who has left a sanatorium in contravention of any order made under this section.

(7) Where a magistrate is satisfied that the person named in a warrant issued under this section is too ill to appear in person before him, he may dispense with the personal appearance before him of that person, and in any such case, the person named in the warrant may appoint a representative to appear in his stead and the magistrate may dispose of the matter as if the person named in the warrant had appeared before him in person.

(8) For the purposes of any matter before a magistrate pursuant to this section, a certificate signed or purporting to be signed by the director of a laboratory stating that *tubercle bacilli* are present in the sputum or in discharges from the diseased tissue of a person is *prima facie* proof of the facts stated therein and of the authority of the person signing the same without proof of his signature or appointment.

(9) Notwithstanding subsection (4) and (5), where the superintendent of a sanatorium is satisfied that a person detained in the sanatorium pursuant to an order made under subsection (4) or (5) is no longer suffering from tuberculosis in the open or infectious form, he may authorize the discharge of that person.

(10) The minister may prescribe the forms of information and warrant to be used for the purposes of this section.

1971, c.40, s.3; R.S.S. 1978, c.P-37, s.59.

Removal of persons from unsanitary dwellings

60 Where a communicable disease is reported or discovered in a dwelling house or outhouse occupied as a dwelling, and the house or outhouse is in a filthy and neglected state, the medical health officer may, at the expense of the municipality, compel the inhabitants to remove therefrom, and may furnish them with proper shelter and accommodation, in a more suitable situation, until measures can be taken, under the direction and at the expense of the municipality, for the immediate cleansing, ventilation, purification and disinfection of the dwelling house or outhouse.

R.S.S. 1965, c.251, s.59; R.S.S. 1978, c.P-37,
s.60.

Enforcement of orders

61 If the owner or occupant refuses to obey the orders of the medical health officer or minister, the medical health officer or minister may call to his assistance all constables and peace officers and such other persons as he may think fit, to assist him in enforcing the orders.

R.S.S. 1965, c.251, s.60; R.S.S. 1978, c.P-37,
s.61.

EMERGENCY PROVISIONS.

Emergency hospital

62(1) If smallpox or any other communicable disease dangerous to the public health breaks out in a municipality, or other portion of Saskatchewan, the board of health or medical health officer shall, if temporary accommodation has not been provided, immediately provide a temporary hospital, hospital tent or such other place or places for the reception of the sick and infected as shall be deemed best for their accommodation and for the safety of the inhabitants.

(2) For the purposes of this section the board of health or medical health officer may:

- (a) erect such hospital tents, hospitals or places of reception;
- (b) contract for the use of any such hospital or part of a hospital or place of reception whether within or outside the same jurisdiction;
- (c) enter into an agreement with any person having the management of a hospital, for the reception of the sick, on payment of such sum as may be agreed upon.

(3) In municipalities the cost of providing such accommodations shall be met by the municipality, and in other portions of the province by the province.

R.S.S. 1965, c.251, s.61; R.S.S. 1978, c.P-37,
s.62.

Isolation

63(1) When a person is infected or has been exposed to a communicable disease, the medical health officer of the municipality or other portion of Saskatchewan where that person may be or a medical practitioner authorized by the medical health officer, may make such effective provision as he deems best for the removal of such person in the interests of the public safety to a separate house or for otherwise isolating him and providing him with nurses, assistance and necessaries.

(2) The costs and charges incurred in making such provision may be recovered from:

- (a) that person;
- (b) the husband or wife of that person;
- (c) the father or mother of that person where that person is under twenty-one years of age and is dependent upon his parents or either of them for support;

- (d) the executor or administrator of any person mentioned in clause (a), (b) or (c).
- (3) If the costs and charges cannot be recovered from any of those persons they shall be paid by and recoverable from the municipality in which the infected person may be or, if not within a municipality, then from the province.

R.S.S. 1965, c.251, s.62; R.S.S. 1978, c.P-37, s.63.

Suspension of municipal and school elections

64(1) If the minister reports to the Lieutenant Governor in Council that on account of an epidemic of communicable disease in any municipality it would be dangerous to hold an election therein, the Lieutenant Governor in Council may issue his proclamation postponing the holding of any intended municipal or school election for a period not exceeding three months, and for the same reason may from time to time by proclamation further postpone the same.

(2) The Lieutenant Governor in Council may by such proclamation name days for holding the nominations and polling for the election, but in case days are not so named, the council shall, as soon as practicable after the period named in the proclamation or the last of such proclamations expires, by bylaw name days for the nominations and polling.

(3) If an annual election, or the election of the entire council or of all the members of a board of trustees or other body, is postponed under this section, the members of the council, board or other body shall continue to hold office until their successors are elected.

R.S.S. 1965, c.251, s.63; R.S.S. 1978, c.P-37, s.64.

EPIDEMICS.

Compulsory vaccination

65(1) In case of a threatened epidemic of smallpox, the minister may, subject to the approval of the Lieutenant Governor in Council, define an area within which quarantine shall be observed and compulsory vaccination enforced, and shall issue such special orders or regulations as he deems necessary for the suppression and control of the outbreak.

(2) During the time that such orders or regulations are in force in a municipality or health district all bylaws or regulations in force therein that in any manner conflict with the orders or regulations are suspended.

R.S.S. 1965, c.251, s.64; R.S.S. 1978, c.P-37, s.65.

Payment of expenses

66 All expenses incurred by the minister in connection with an epidemic or the investigation of conditions in any way affecting or endangering the public health shall be defrayed out of moneys appropriated by the Legislature for the purpose.

R.S.S. 1965, c.251, s.65; R.S.S. 1978, c.P-37, s.66.

Expenses of boards of health

67(1) The expenses incurred by boards of health, or by the medical health officers of such boards, in connection with the control and prevention of communicable disease within their respective areas:

- (a) in superintending the execution of the regulations made by the minister under statutory authority; or
- (b) in carrying out the instructions or orders of the minister;

shall be defrayed by the municipalities having jurisdiction over the respective places affected.

(2) Subsection (1) does not apply to expenses incurred by reason of the public health activities of regional boards or medical health officers in health regions.

(3) In case of extraordinary or serious epidemics the Lieutenant Governor in Council may upon the recommendation of the minister, pay any part of the said expenses out of any moneys appropriated by the Legislature for the purpose.

R.S.S. 1965, c.251, s.66; R.S.S. 1978, c.P-37, s.67.

VACCINATION AGAINST SMALLPOX.**Compulsory vaccination**

68 The minister may order vaccination and revaccination against smallpox to be compulsory within the limits of any specified locality, and may make all necessary regulations respecting the same.

R.S.S. 1965, c.251, s.67; R.S.S. 1978, c.P-37, s.68.

Certificates

69 Upon the successful vaccination of a child, the medical practitioner who performed the operation shall upon request forthwith deliver to the father or mother or other person having the care of the child a certificate (form B).

R.S.S. 1965, c.251, s.68; R.S.S. 1978, c.P-37, s.69.

Exceptions

70(1) If pursuant to section 68 the minister orders vaccination to be compulsory and if a medical practitioner is of the opinion that a person or child affected by the order is not in a fit and proper state to be vaccinated, he shall deliver to that person, or to the father or mother or other person having the care of that child, a certificate (form C) valid for two months after its delivery.

(2) At the end of that period that person, or the father or mother or other person having the care of that child shall either have the certificate renewed or vaccination performed.

R.S.S. 1965, c.251, s.69; R.S.S. 1978, c.P-37, s.70.

SCHOOLS.

Closing of schools

71 When the regional board or the municipal board of health, upon the advice of the medical health officer, or the minister considers it necessary to order the closing of one or more schools, for the purpose of preventing or checking the spread of a communicable disease, the unit board, school trustees or persons in charge of any such school shall not admit any pupil into it until permission to reopen the school has been received from the minister, or from the regional board or the municipal board of health upon the advice of the medical health officer, as the case may require.

R.S.S. 1965, c.251, s.70; R.S.S. 1978, c.P-37, s.71.

No admissions to school without vaccination

72 Boards of health, unit boards, school trustees and all educational authorities may with the approval of the medical health officer require that admittance to any school under their control be refused an attending pupil who fails to furnish the teacher, when called upon to do so with a certificate of vaccination (form B).

R.S.S. 1965, c.251, s.71; R.S.S. 1978, c.P-37, s.72.

 PART V.
Regulations.**Power to make regulations. etc.**

73(1) Subject to the approval of the Lieutenant Governor in Council, the minister may make rules, orders and regulations which he deems necessary for the protection or in the interests of the public health and the relief of destitution, and, without prejudice to the foregoing general power, for all or any of the following purposes:

- (a) the control, notification, prevention and treatment of all communicable diseases;
- (b) the reporting to a medical health officer by every medical practitioner of persons under his treatment suffering from a communicable disease;
- (c) the isolation or placing in a hospital or building provided for quarantine or isolation purposes, or in any other proper place, of any person having a communicable disease;
- (d) the disposition of all conveyances which or persons who have been exposed to a communicable disease, or persons who are living in unhealthy houses or congested, unhealthy or infected localities;
- (e) the supply of medical aid, accommodation and medicine and such other articles or things as he may deem necessary for mitigating an epidemic or a communicable disease;

- (f) the keeping under surveillance of persons living in infected localities, the removal and departure of persons from such localities, and the passing from one locality to another and detention in a locality of persons who or conveyances which have been exposed to infection;
- (g) the entry to the different ports or places in Saskatchewan of steamboats or other vessels and their departure therefrom and the landing of passengers or cargoes therefrom, or from railroad carriages or cars, and the receiving of passengers or cargoes on board the same;
- (h) the vaccination of children generally and of persons entering or residing in Saskatchewan who have not been vaccinated, or who are insufficiently protected by previous vaccination, and the supply and quality of vaccine matter and serum;
- (i) the location of cemeteries, making provision for a portion of the ground for the burial of unclaimed bodies and the bodies of indigents, the safe and speedy interment of the dead and disinterment of the dead, the conduct of funerals, and the transportation of dead bodies;
- (j) house to house visitation and inspection;
- (k) the inspection, cleaning, purifying, ventilating and disinfecting of houses, school, churches, hospitals, maternity homes, private hospitals, jails, orphanages, reformatories, public hotels, restaurants, boarding houses, laundries, garages, and all other buildings and places of assembly, railway stations, steamboats and other vessels, railway carriages and cars and public conveyances, and anything contained therein, at the expense of the owner, occupier or other person having the care or ordering thereof, and for the detention for that purpose of any steamboat or other vessel, railway carriage or car or other public conveyance and anything contained therein or of any person travelling thereby, for such time as may be necessary;
- (l) the prevention and removal of nuisances and unsanitary conditions on public or private property;
- (m) the entering and inspection of premises used for human occupation in a locality where the existing conditions are in the opinion of the minister unsanitary;
- (n) the prevention of overcrowding of premises used for human occupation, hotel bedrooms, common lodging houses, and places of assembly, and fixing the amount of air space to be allowed for each individual;
- (o) the cleansing of streets, lanes, yards, lots and the location of water closets, cesspools, privies, pig pens and wells and their cleansing by the local health authorities or by the owners or occupiers of houses and adjoining tenements or otherwise;
- (p) requiring the local governing authorities of municipalities, local improvement districts and the Northern Saskatchewan Administration District, or of any class or classes of municipalities and local improvement districts, to provide a scavenging system and waste disposal ground for the municipalities, local improvement districts or the Northern Saskatchewan Administration District, as the case may be, or for any part of them or part of any one or more of them, and regulating the operation and maintenance of scavenging systems and the location, operation and maintenance of waste disposal grounds;

- (q) the construction and maintenance of water supply systems as regards the efficiency and purity of supply;
- (r) the construction, maintenance, cleansing and disinfection of drains, sewers and systems for sewage disposal;
- (s) the plumbing, water supply, ventilation, lighting, construction and heating of buildings and premises;
- (t) the situation, construction, ventilation equipment, inspection and sanitary control of bakeshops;
- (u) the construction, lighting, ventilation, heating, inspection and sanitary control of apartment blocks;
- (v) the construction, maintenance, operation, equipment, cleansing, disinfection and inspection of swimming pools and the prohibition of bathing therein;
- (w) the situation, inspection, equipment, quarantining and sanitary management of market gardens, creameries, dairies, cowsheds and stables in connection therewith, including the testing of cattle for tuberculosis, infectious bovine abortion, or any disease communicable to human beings;
- (x) defining the standards of milk, cream and ice cream used for human consumption within the province;
- (y) governing the licensing by municipalities of owners of cows the milk from which is used for human consumption and of persons operating depots or dairies at which milk is treated, bottled or otherwise handled in bulk;
- (z) respecting the pasteurization of milk and the equipment and operation of pasteurizing plants, and defining the process of pasteurization;
- (aa) the means for preventing the use of noxious manures and fertilizers and manures and fertilizers dangerous to the public health;
- (bb) the method of carrying on noxious and offensive trades or businesses and the summary abatement of nuisance, or injury to the public health, arising therefrom;
- (cc) the inspection, licensing, construction, furnishing, equipment and maintenance, cleansing and disinfection of slaughter houses and other places in which animals are killed or their meat prepared for sale or to be used for food, and all canneries, fish houses, smokehouses and warehouses in which fish are cured, packed or prepared for sale or to be used as food, and all starch factories, dye works or factories in which blood, offal, or skin or paraffin, tallow, soap or fertilizer or gas are worked up;
- (dd) the prevention of the pollution, defilement, discolouration or fouling of lakes, streams, pools, springs and waters, so as to ensure their sanitary condition, and the regulation of the cutting and storing of ice;
- (ee) the sanitary control of lumbering, mining, construction, threshing, tourist and other camps;
- (ff) the sanitary precautions to be taken in health and summer resorts;
- (gg) the management, maintenance, functions, duties and jurisdiction of boards of health, regional boards, medical health officers and executive officers;

- (hh) the imposition, levying and recovery of penalties upon and from every person who violates any of the rules, orders or regulations made hereunder;
- (ii) the inspection and sanitary control of barbers' shops and ladies' hairdressing, manicuring and beauty parlours;
- (jj) providing for the licensing of owners of ambulances, prescribing the form of licences and the fees to be paid for licences, governing the suspension and cancellation of licences and prohibiting the operation of any ambulance for which the owner does not hold a subsisting licence issued under the regulations;
- (kk) governing the first aid qualifications to be held by the persons in direct supervision of an ambulance while in actual operation and the first aid kit, splints and other equipment to be carried in ambulances, and prohibiting the operation of an ambulance unless equipped and under the direct supervision of qualified persons, in accordance with the regulations;
- (ll) governing nursing homes, maternity homes, convalescent homes, private hospitals, homes for children, homes for aged and infirm persons and homes for physically and mentally handicapped persons;
- (mm) the location, construction, ventilation, inspection, operation, equipment, sanitary control and licensing of public eating establishments, except the licensing of premises in respect of which a beer parlour licence, beverage room licence or cocktail room licence has been issued under *The Liquor Licensing Act*;
- (nn) the construction, lighting, ventilation, heating, equipment, inspection, operation, sanitary control and licensing of public hotels and rooming houses, motels, trailer courts and other places of public accommodation;
- (oo) governing the provision of public health services for which the minister is by this Act authorized to pay and governing the payment by the minister of any part or the whole of the cost of providing public health services in any health region or part of a health region;
- (pp) the protection of the health and welfare of persons exposed to conditions, substances or processes that occur in any industry or occupation and that may be injurious to health;
- (qq) carrying out the provisions of this Act according to their true intent and supplying any deficiency therein.
- (rr) the heating, lighting, ventilation, inspection and general cleanliness and sanitary standards of factories;
- (ss) the preparation, retention, storage, transportation, displaying and sale of perishable foods and meat being sold or offered for sale for human consumption;
- (tt) the construction, manufacture, alteration, renovation, repairing, renewal, covering and recovering, inspection and sale of upholstered or stuffed articles.

(2) Upon the recommendation of the minister the Lieutenant Governor in Council may order that any regulation made under subsection (1) shall apply to the Crown, or to any department, board, commission or other agency of the Crown or any Crown corporation, or to any building or part thereof owned or operated by the Crown or by any department, board, commission or other agency of the Crown or any Crown corporation.

R.S.S. 1965, c.251, s.72; 1969, c.44, s.7; 1971, c.40, s.4; 1972, c.94, s.2; R.S.S. 1978, c.P-37, s.73.

Publication of regulations

74(1) All rules, orders and regulations made under section 73 shall be forthwith published in *The Saskatchewan Gazette*, and shall, from the date of the issue of the *Gazette* in which the publication appears, or in which it first appears if published more than once, have and be deemed to have the force of law and be so recognized by all courts.

R.S.S. 1965, c.251, s.73; 1972, c.94, s.3; R.S.S. 1978, c.P-37, s.74.

Execution of regulations

75 It shall be the duty of all boards of health or of the medical health officers to see to the execution of rules, orders and regulations made by the minister or to execute or aid in executing the same within their respective jurisdictions, and to do and provide all such acts, matters and things as are necessary for superintending or aiding in the execution of such rules, orders and regulations.

R.S.S. 1965, c.251, s.74; R.S.S. 1978, c.P-37, s.75.

PART VI.

General.

Vaccination and inoculation

76 Any registered nurse who is certified by the deputy minister to be capable of performing vaccination or inoculation may vaccinate or inoculate any person who so desires.

R.S.S. 1965, c.251, s.75; R.S.S. 1978, c.P-37, s.76.

Investigations of sanitary conditions and causes of disease

77(1) With the concurrence of the minister, the deputy minister or any other person may, in any district other than a city or a health region act as a committee to investigate:

- (a) the sanitary conditions and surroundings of the district or any part thereof; or
- (b) the cause of any communicable disease or unusual mortality there prevalent.

(2) On completion of its investigation, the committee shall report to the minister.

(3) In cities not included within a health region a committee consisting of the mayor, medical health officer, city solicitor, city engineer and a representative of the department appointed for the purpose by the minister shall, when required by the minister to do so, investigate the sanitary conditions and surroundings of the city or the cause of any communicable disease or unusual mortality there prevalent. A city commissioner may act on the committee in place of the city engineer if requested by the mayor to do so.

(4) The investigation committee mentioned in subsection (3) shall make to the city council a report embodying the results of the investigation, with such recommendations as may be deemed advisable. One copy of the report shall be forwarded to the minister.

(5) In health regions, a committee consisting of the medical health officer, the chairman of the regional board, and another member of the board appointed by the chairman shall when required to do so by the minister investigate the sanitary conditions and surroundings of the health region or any portion thereof, or the cause of any communicable disease or unusual mortality there prevalent. On completion of its investigation, the committee shall prepare a report for the regional board embodying the results of the investigation with such recommendations as may be deemed advisable. One copy of the report shall be forwarded to the minister.

(6) At such investigations evidence may be taken on oath or otherwise as the committee deems expedient and the committee may administer the oath to witnesses.

(7) A committee shall have all the powers conferred upon commissioners under *The Public Inquiries Act*.

R.S.S.1965, c.251, s.76; R.S.S. 1978, c.P-37, s.77.

Formalin poison

78 Every person who sells formaldehyde shall, before delivering the same to the purchaser, affix to the vessel or package containing it a label bearing the word "Formaldehyde" or "Formalin" and the word "Poison" together with the name and address of the vendor.

R.S.S. 1965, c.251, s.77; R.S.S. 1978, c.P-37, s.78.

Posting of notices

79 The minister may cause notices regarding public health to be posted in schools, public hotels and railway stations.

R.S.S. 1965, c.251, s.78; R.S.S. 1978, c.P-37, s.79.

Service of notices

80(1) Except as herein otherwise provided all notices required to be given by this Act shall be delivered personally to the party to be notified, or left for him at his last or most usual place of abode with an inmate thereof apparently of the age of sixteen years or over.

(2) In addition to these methods of service, if the party required to be notified and his address are known, the notice may be served by forwarding a true copy thereof by registered mail to that party, and the notice shall be deemed to be served at the time when it would reach him in the ordinary course of the mail.

(3) If any owner or other person required to be notified is unknown or does not reside in Saskatchewan, or if his residence is unknown to the minister, board or officer required to give notice, the minister, board or officer shall publish the notice twice in a newspaper circulating in the locality and mail a copy of the notice to the last known address, if any, of the owner or other person in a registered letter, postage prepaid, and such publication shall be sufficient notice to the owner or other person.

R.S.S. 1965, c.251, s.79; R.S.S. 1978, c.P-37, s.80.

Mutilation of notices

81 A person who maliciously takes down, covers up, mutilates, defaces or alters a proclamation, notice or document required to be posted under this Act, is 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 to imprisonment for a term of not less than one month nor more than six months.

R.S.S. 1965, c.251, s.80; R.S.S. 1978, c.P-37, s.81.

Infringement of Act

82(1) A person who infringes any of the provisions of this Act, or fails to comply therewith or with any notice of a health authority lawfully given, is, where no other penalty is provided, guilty of an offence and liable on summary conviction to a fine of not less than \$5 nor more than \$100.

(2) The imposition of a fine for failure to comply with a notice of the health authority shall not relieve the person in default from carrying out the work therein mentioned; and he is liable on summary conviction to a further fine of not less than \$1 nor more than \$10 for each day after the first fine is imposed until he has complied with the notice.

R.S.S. 1965, c.251, s.81; R.S.S. 1978, c.P-37, s.82.

Municipal bylaws

83(1) The council of any municipality may make such bylaws as it deems necessary or as may be recommended by the regional board for the prevention, treatment, mitigation and suppression of disease and, without prejudice to the said general power, for all or any of the purposes mentioned in section 73.

(2) A bylaw made under subsection (1) may be stated as applying only to that portion of the municipality specified in the bylaw.

(3) Subject to subsection (6), where the council of a municipality makes bylaws under subsection (1) or under the provisions of any other Act conferring power to make bylaws with regard to any matter affecting the public health, those bylaws shall be subject to the provisions of this Act and of any rules, orders or regulations made thereunder relating to the same matter.

(4) No such bylaw shall have any effect unless approved by the minister.

(5) Where the municipality is within a health region those bylaws shall be submitted to the minister through the medical health officer, who may make such recommendations to the minister concerning the bylaws as he may deem advisable.

(6) Where, in the opinion of the minister, it is in the public interest, in a municipality, to vary any rules, orders or regulations made under this Act, he may approve a bylaw containing such variations, in which case the bylaw shall supersede those rules, orders and regulations, and it shall not on that account be open to question or review.

(7) A certificate by the clerk or secretary treasurer of a municipality, under his hand and the seal of the municipality, specifying the bylaw and stating that it has been approved by the minister and the date of the approval, shall be *prima facie* evidence that the bylaw has been so approved.

R.S.S. 1965, c.251, s.82; 1969, c.44, s.8; R.S.S. 1978, c.P-37, s.83.

Minister may operate hospitals for persons with chronic diseases or disabilities

84(1) The minister may operate hospitals for providing active care and treatment to persons with chronic diseases or disabilities resulting from accident, injury, disease or other illness.

(2) Sums required for the purposes of this section may be paid from moneys appropriated by the Legislature for the purpose.

(3) Without limiting the power conferred on the minister by subsection (1), the Lieutenant Governor in Council may make regulations governing:

(a) the operation, management and conduct of any of the hospitals operated under subsection (1) and the services provided to the patients in any such hospital;

(b) the amount of moneys belonging to patients in any of the hospitals operated under subsection (1) that may be held in trust by any such hospital and governing the disposition of interest earned on the moneys so held in trust;

(c) the receiving and holding in trust by any of the hospitals operated under subsection (1) of the moneys realized from donations or bequests or that are otherwise connected with the operation of any such hospital, and governing the disposition of moneys so held in trust.

1967, c.55, s. 5; 1973-74, c.85, s.1; R.S.S. 1978, c.P-37, s.84.

Board of governors, term of office, etc.

85(1) For the purposes of this section, and sections 86, 87 and 88.

(a) **“board”** means a board of governors appointed under subsection (2) of this section; and

(b) **“member”** means a member of a board.

(2) The Lieutenant Governor in Council may appoint a board of governors consisting of not less than six persons and he may designate one of the members as chairman and one of the other members as vice-chairman.

(3) The member designated as chairman shall hold office at the pleasure of the Lieutenant Governor in Council and, subject to subsection (4), the other members first appointed under subsection (2) shall hold office for the following terms:

(a) one-third, or as nearly as may be, of such remaining members shall hold office for a term of three years;

- (b) one-third, or as nearly as may be, of such remaining members shall hold office for a term of two years;
 - (c) the balance of such remaining members shall hold office for a term of one year; and thereafter each member, other than the chairman, shall be appointed by the Lieutenant Governor in Council for a term of three years.
- (4) the Lieutenant Governor in Council may order that one of the members specified by him, in addition to the member designated as chairman, is to hold office at pleasure.
- (5) Each person appointed as a member shall hold office until his successor is appointed and may be reappointed, but no person shall be appointed for more than two consecutive terms.
- (6) Where a vacancy occurs in the membership of the board by reason of death, resignation or otherwise, the Lieutenant Governor in Council may appoint another person to fill the vacancy for the unexpired term of office of the member being replaced.

1973-74, c.86, s.1; R.S.S. 1978, c.P-37, s.85.

Board of governors is body corporate, name, quorum

- 86(1)** The Lieutenant Governor in Council may, under section 85, appoint one or more boards of governors and each board shall be a body corporate under the name assigned to the board by the Lieutenant Governor in Council when the appointments to the board were first made by him.
- (2) The Lieutenant Governor in Council may change the name assigned to a board when he considers it advisable to do so.
- (3) A majority of the members of a board shall constitute a quorum for the transaction of business and during a vacancy in the membership of a board, the remaining members may exercise all the powers and shall perform all the functions and duties of the board.

1973-74, c.86, s.1; R.S.S. 1978, c.P-37, s.86.

Powers of board of governors

- 87(1)** A board may, with the approval of the Lieutenant Governor in Council:
- (a) purchase, lease or otherwise acquire land for the purposes of a hospital;
 - (b) sell, lease or otherwise dispose of land when no longer required for hospital purposes or whenever the board considers it advisable.
- (2) A board may construct, purchase, lease or otherwise acquire buildings for use as a hospital or for any other purpose related thereto and may renovate or alter or sell, lease or otherwise dispose of such buildings when no longer required for hospital purposes or whenever the board considers it advisable.
- (3) The management, administration and control of land and buildings acquired by a board for use as a hospital is vested in the board.
- (4) Without limiting any powers conferred upon it by this section, a board may:
- (a) provide, furnish and fit out, with all necessary furniture, instruments and other equipment, and maintain, operate and manage, a hospital for the care and treatment of the sick;

- (b) enter into an agreement with any person, corporation, board, commission, Department of the Government of Saskatchewan or the Government of Canada, municipality, board of health of a health region or agency or with any other hospital, for:
- (i) the joint operation of any hospital facility;
 - (ii) the joint provision of any hospital services; or
 - (iii) any purpose incidental to the administration, operation or management of a hospital;
- (c) determine the charges to be made for services supplied by a hospital;
- (d) receive grants or other moneys;
- (e) accept subscriptions and donations, whether of real or personal property, and devises and bequests, for all or any of the purposes provided for by this section, and may manage such property and sell and dispose of any property so received and not required to be, or capable of being, used for the purposes of a hospital;
- (f) manage and expend its moneys, and manage its property;
- (g) with the approval of the Lieutenant Governor in Council, operate, control and manage a hospital owned by the province;
- (h) exercise such other powers as are necessary and incidental to the exercise of the powers conferred upon the board by this section.
- (5) A board may, in any fiscal year, by resolution authorize the borrowing of such sums of money as may be required to meet the expenditures of the board until the revenues for that year are available, but such sums shall not exceed the estimated revenues to be received by the board in that year as approved by the minister for the purpose of this subsection, and the board shall provide in such resolution that those sums are to be repaid within twelve months.
- (6) Any loans made as authorized by subsection (5) shall be paid out of and shall be a first charge upon the revenues received by the board and may be secured by a promissory note or notes given on behalf of the board by the chairman and secretary or such other person or persons as the board may designate.
- (7) A board may, from time to time:
- (a) invest any part of the capital or operating moneys not presently required for expenditure in any security or class of securities mentioned in section 36 of *The Department of Finance Act*;
 - (b) dispose of any securities in which the board has invested under clause (a) in any manner, on any terms and in any amount as the board considers expedient.

1976-77, c.63, s.2; R.S.S. 1978, c.P-37, s.87.

Audit, fiscal year, annual report

- 88(1) The accounts of a board shall be audited by the Provincial Auditor.
- (2) The fiscal year for a board shall be the period fixed from time to time by the Lieutenant Governor in Council for the purpose of this subsection.

(3) A board shall, in accordance with *The Tabling of Documents Act*, prepare and submit to the minister:

- (a) a report upon its business for the immediately preceding fiscal year; and
- (b) a financial statement showing the business of the board for such fiscal year.

(4) The minister shall, in accordance with *The Tabling of Documents Act*, lay before the Legislative Assembly each report and statement received by him pursuant to subsection (3).

1973-74, c.86, s.1; 1976-77, c.63, s.3; R.S.S. 1978, c.P-37, s.88.

Authorization for patient or Weyburn Psychiatric Centre to be admitted to a hospital operated under section 84

89(1) Where the minister commences the operation of a hospital under subsection (1) of section 84 at Weyburn, every person who, on the day immediately preceding the commencement of the operation, was an in-patient in the Weyburn Psychiatric Centre may be admitted as an in-patient to the hospital on the day of the commencement of its operation upon the authority of this subsection without any additional authorization being required unless the patient, if he is considered by the medical officer in charge of the Weyburn Psychiatric Centre to be mentally competent for the purpose of this section, or his nearest relative, if any, opposes the admission by a statement made in writing to that effect directed to the medical officer in charge.

(2) A patient of the Weyburn Psychiatric centre, if he is considered by the medical officer in charge of that hospital to be mentally competent for the purpose of this section, and his nearest relative, if any, shall, at least thirty days before the commencement of the operation of a hospital under subsection (1) of section 84 at Weyburn, be notified by the medical officer in charge of the Weyburn Psychiatric Centre of the provisions of subsection (1) of this section and of the date on which the hospital will commence operation.

(3) A notice to the nearest relative under subsection (2) shall be deemed to be given if it is sent by registered mail to the nearest relative at his last known postal address.

(4) In this section the expressions “**nearest relative**” and “**medical officer in charge**” have the same meanings as ascribed to them by *The Mental Health Act*.

1971, c.41, s.1; R.S.S. 1978, c.P-37, s.89.

Consent of nearest relative

90(1) In this section:

“**dentist**”

- (a) “**dentist**” means a dentist who holds a valid and subsisting licence under *The Dental Profession Act* authorizing him to practise the profession of dentistry in Saskatchewan and who is not under suspension;

“nearest relative”

(b) **“nearest relative”** means, subject to the exceptions mentioned herein, the person first described in the following subclauses who is for the time being residing in the province and who has not disclaimed responsibility for the patient, relatives of the whole blood being preferred to relatives of the same description of the half-blood and the elder or eldest of two or more relatives described in any subclause being preferred to the other or others of those relatives regardless of sex:

- (i) husband or wife;
- (ii) son or daughter;
- (iii) parent;
- (iv) brother or sister;
- (v) grandparent;
- (vi) grandchild;
- (vii) uncle or aunt;
- (viii) nephew or niece;

except that, where the patient has been committed to the Minister of Social Services under *The Family Services Act*, **“nearest relative”** means that minister and except that, where the parent or parents of the patient would be the nearest relative or relatives and the parent or one of the parents has legal custody of the patient, **“nearest relative”** means that parent regardless of the place of residence of that parent;

“physician”

(c) **“physician”** means a legally qualified medical practitioner who is licensed to practise medicine, surgery and midwifery in Saskatchewan and who is in good standing and not under suspension pursuant to any of the provisions of *The Medical Profession Act*.

(2) Where an adult person:

- (a) is, in the opinion of a physician, in need of an examination or medical, surgical or obstetrical treatment or should be admitted as a patient to a hospital, nursing home or other institution, or is, in the opinion of a dentist, in need of dental treatment; and
- (b) is incapable by reason of mental or physical disability of understanding and consenting to the examination or medical, surgical, obstetrical or dental treatment needed or to the need to be admitted as a patient to a hospital, nursing home or other institution;

that physician or dentist may:

- (c) with the consent of the nearest relative; or
- (d) where there is no nearest relative or where a reasonable attempt has been made to find the nearest relative but the nearest relative cannot be found, with the concurrence in writing of another physician that the examination or the medical, surgical or obstetrical treatment is needed or that the admission as a patient to a hospital, nursing home or other institution is needed, or with the concurrence in writing of another dentist that the dental treatment is needed;

examine the person, prescribe treatment for the person and provide the person with such medical, surgical or obstetrical treatment, or apply for his admission as a patient to a hospital, nursing home or other institution, or provide him with such dental treatment, as the case may be, in such manner and to such an extent as is reasonably necessary and in the best interest of the person, in the same way that the physician or dentist could have acted if the person had been an adult of full legal capacity and had consented to such examination, treatment or admission.

1976-77, c.63, s.4; R.S.S. 1978, c.P-37, s.90.

SCHEDULE.

FORM A.

(Section 40)

EXPROPRIATION OF LAND.

Take notice that by virtue of *The Public Health Act* and the regulations made thereunder, possession has been taken of the following land (or building), namely:

And further take notice that such land (or building) will be occupied and used for the purpose of the said Act and regulations from and after the date hereof for a period of or such other time as may in the discretion of the undersigned, be necessary.

Dated at _____ this _____ day of _____ 19 _____.

.....
(Signature.)

FORM B.

(Sections 69 and 72)

CERTIFICATE OF VACCINATION AGAINST SMALLPOX.

I, the undersigned _____ medical practitioner of _____, Saskatchewan, hereby certify that _____ child of _____ aged _____ residing (at No. _____ street, in the _____ of _____ or the _____ quarter of section _____ township _____ range _____ west of the _____ meridian) in the Province of Saskatchewan, has been vaccinated by me.

The result was:

- * 1. Primary vaccinia.
- * 2. Accelerated vaccinoid.
- * 3. Reaction of immunity.
- * (Strike out the two which do not apply.)

Dated at _____ this _____ day of _____ 19 _____.

.....
(Signature)

FORM C.

(Section 70)

CERTIFICATE THAT A PERSON OR CHILD IS NOT FIT FOR VACCINATION.

I, the undersigned _____ medical practitioner of _____, Saskatchewan, hereby certify that I am of the opinion that _____ child of _____ aged _____ residing (at no. _____ street, in the _____ of _____ or the _____ quarter of section _____ township _____ range _____ west of the _____ meridian) in the Province of Saskatchewan, is not now in a fit and proper state to be vaccinated, and I do hereby postpone the vaccination until the _____ day of _____, 19 _____.

Dated at _____ this _____ day of _____ 19 _____.

.....
(Signature)

