



## CHAPTER 59.

## An Act respecting Sexual Sterilization.

[Assented to 7th April, 1933.]

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the “Sexual Sterilization Act.”

Short title.

2. In this Act, unless the context otherwise requires:—

Interpretation.

“Inmate” means a person who is a patient or in custody or under detention in an institution:

“Institution” means any public hospital for insane as defined in section 2 of the “Mental Hospitals Act,” the Industrial Home for Girls maintained under the “Industrial Home for Girls Act,” and the Industrial School maintained under the “Industrial School Act”:

“Superintendent,” in the case of a public hospital for insane, means the Medical Superintendent of that hospital, and, in the case of the Industrial Home for Girls or the Industrial School, means the Superintendent or other head thereof.

3. For the purposes of this Act, the Lieutenant-Governor in Council may from time to time appoint three persons, one of whom shall be a Judge of a Court of Record in the Province, one of whom shall be a psychiatrist, and one of whom shall be a person experienced in social-welfare work, who shall constitute a Board to be known as the “Board of Eugenics.”

Board of Eugenics.

4. (1.) Where it appears to the Superintendent of any institution within the scope of this Act that any inmate of that institution, if discharged therefrom without being subjected to an operation for sexual sterilization, would be likely to beget or bear children who

Recommendation of Superintendent of institution.

by reason of inheritance would have a tendency to serious mental disease or mental deficiency, the Superintendent may submit to the Board of Eugenics a recommendation that a surgical operation be performed upon that inmate for sexual sterilization.

Particulars  
accompanying  
recommendation.

(2.) The recommendation of the Superintendent shall be in writing, and be accompanied by a statement setting forth the history of the inmate as shown in the records of the institution, so far as it bears upon the recommendation, and setting forth the reasons why sexual sterilization is recommended.

Examination of  
inmate.

(3.) The Superintendent may cause the inmate to be examined by or in the presence of the Board of Eugenics.

Power to order  
surgical operation.

5. (1.) If upon such examination of the inmate the Board of Eugenics is unanimously of opinion that procreation by the inmate would be likely to produce children who by reason of inheritance would have a tendency to serious mental disease or mental deficiency, the Board may by an order in writing signed by its members direct such surgical operation for sexual sterilization of the inmate as is set out in the order, and may appoint some legally qualified medical practitioner to perform the operation.

(2.) Nothing in this section or in any order made under it shall prevent the inmate, or any person acting on behalf of the inmate, from selecting and employing at the expense of the inmate a duly qualified medical practitioner to attend in consultation at or to perform the operation directed by the order of the Board of Eugenics.

Consent of inmate  
or other person.

6. The operation directed by the order of the Board of Eugenics in any case shall not be performed unless the inmate has consented thereto in writing, if in the opinion of the Board the inmate is capable of giving consent, or, if in the opinion of the Board the inmate is not capable of giving consent, unless the husband or wife of the inmate or, in case the inmate is unmarried, the parent or guardian of the inmate has consented thereto in writing, or, in case the inmate has no husband, wife, parent, or guardian resident in the Province, the Provincial Secretary has consented thereto in writing.

Protection from  
action.

7. A legally qualified medical practitioner appointed by the Board of Eugenics to perform any surgical operation on an inmate duly directed by order of the Board pursuant to this Act shall not be liable to any civil action whatsoever by reason of the performance thereof, except in the case of negligence in the performance of the operation.

Expenses of  
members of Board  
of Eugenics.

8. (1.) The members of the Board of Eugenics shall not receive any compensation for their services, but they shall be paid the amount of the travelling and other personal expenses necessarily incurred by them in the discharge of their official duties.

(2.) Every legally qualified medical practitioner appointed by the Board of Eugenics who performs an operation on any inmate as directed by the Board shall be paid his proper fees therefor. Remuneration of physician.

(3.) All expenses and fees payable under this section in respect of any inmate shall be paid out of the moneys appropriated for the purposes of the institution in which that inmate is a patient or is in custody or under detention. Appropriation.

9. This Act shall have effect only in so far as the legislative authority of the Province extends. Legislative authority.

10. This Act shall come into operation on the first day of July, 1933. Commencement.




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