



CHAPTER 95.

An Act for the Suppression of Venereal Diseases.

[Assented to 3rd April, 1947.]

HIS 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 "Venereal Diseases Suppression Act." Short title.

2. In this Act:—

"Medical Health Officer" means a Medical Health Officer appointed under the "Health Act": Interpretation.

"Minister" means the Minister of Health and Welfare:

"Place of detention" means hospital, sanatorium, gaol, lockup, reformatory, industrial school, or any place of detention designated by the Deputy Minister:

"Physician" means a duly qualified medical practitioner:

"Prescribed" means prescribed by this Act or by the regulations, or by the Deputy Minister as provided for under this Act:

"Regulations" means regulations made under the authority of this Act or the "Health Act":

"Venereal disease" means syphilis, gonorrhœa, chancroid, granuloma inguinale, and lymphogranuloma venereum:

"Adequate treatment" means treatment for venereal disease that is prescribed by the Deputy Minister as adequate:

"Deputy Minister" means the Deputy Minister of Health.

3. Every physician and every superintendent and other responsible head of a place of detention shall maintain a record of all Reporting and records.

persons suffering from venereal disease coming under his treatment or supervision, and shall report on a prescribed form by name every such person, stating the disease from which he is suffering, in the manner prescribed by regulations.

Infected person to submit to treatment.

4. (1.) Every person infected with venereal disease, upon becoming aware or suspecting that he is so infected, shall place himself forthwith under the care and treatment of a physician, and if unable to obtain such care or treatment, he shall report to a Medical Health Officer, who shall make the necessary arrangements for treatment.

(2.) Every such person shall conduct himself in such a manner as not to expose other persons to the infection, and shall take and continue adequate treatment.

Physician to report person refusing to continue treatment.

5. (1.) Where a person who has been under treatment by a physician for venereal disease refuses or neglects to take adequate treatment, the physician by whom he is being treated shall report to the Medical Health Officer the name and address of such person, together with such other information as is required by the regulations.

Failure to attend within ten days.

(2.) A person who fails to attend upon his physician within seven days after an appointment for treatment shall be presumed to have neglected to continue adequate treatment, and the attending physician shall report the failure in writing to a Medical Health Officer within ten days after the appointment.

Penalty.

(3.) A physician who fails to report as required by this section shall be guilty of an offence and liable, on summary conviction, to a penalty of not less than twenty-five dollars and not more than one hundred dollars.

Action of Medical Health Officer on reasonable belief.

6. (1.) Where a Medical Health Officer has reasonable grounds for believing that a person is or may be infected with venereal disease or has been exposed or may have been exposed to infection, the Medical Health Officer may give him notice in writing in the form prescribed in the regulations directing him to submit to an examination by a physician designated by the Medical Health Officer, and the designated physician shall send to the Medical Health Officer within the time specified in the notice a report or certificate signed by him certifying that the person is or is not infected with venereal disease.

Penalty.

(2.) Every person who without reasonable excuse, the proof of which shall be upon him, fails to comply with a direction made to him under subsection (1) shall be guilty of an offence and liable, on summary conviction, to imprisonment of not less than seven days and not more than twelve months.

Powers of Medical Health Officer on report.

(3.) If, by the report or certificate mentioned in subsection (1), it appears that the person so examined is infected with

venereal disease, the Medical Health Officer may deliver to such person directions in the form prescribed in the regulations as to the course of conduct to be pursued, and may require him to produce from time to time evidence satisfactory to the Medical Health Officer that he is undergoing adequate treatment and is in other respects carrying out the directions; and where such person fails to comply with the course of conduct prescribed for him or to produce the evidence required, the Medical Health Officer may proceed in the manner described in section 8.

(4.) A Medical Health Officer may adopt the procedure or do any of the acts referred to in subsection 3 with regard to any person who has been examined by a physician at any time within one year previously and has been certified by such physician to be infected with venereal disease at the time of examination.

Where person certified within one year

(5.) A Medical Health Officer may require a person who he believes is or may be infected with venereal disease or has been exposed or may have been exposed to infection to undergo more than one examination in order to determine the presence or absence of the infection or the effectiveness of treatment

More than one examination may be required

7. (1.) Where a person has been named as a source or contact of venereal disease or is believed by the Medical Health Officer to be a source or contact of such infection, the Medical Health Officer may proceed in the manner described in section 6.

Authority of Medical Health Officer

(2.) Where in the opinion of a Medical Health Officer the clinical findings and history of a person indicate that such person is or may be infected with venereal disease, the Medical Health Officer may, whether or not laboratory findings indicate the presence of venereal disease, proceed in the manner described in section 6.

8. (1.) Any Medical Health Officer may make a complaint or lay an information in writing and under oath before a Magistrate charging that a person:—

Information or complaint

(a.) Is infected with venereal disease and is unwilling or unable to conduct himself in such a manner as not to expose other persons to the infection; or

(b.) Is infected with a venereal disease and refuses or neglects to take or continue adequate treatment.

(2.) Upon receiving any such complaint or information, the Magistrate shall hear and consider the allegations of the Medical Health Officer, and if he is of the opinion that a case for so doing is made out, he shall issue a summons, directed to the person complained of, requiring him to appear before a Magistrate at a time and place named therein.

Issue of summons

(3.) Where it appears that a summons cannot be served or where a person to whom a summons is directed does not appear

Issue of warrant

at the time and place named therein, the Magistrate may issue a warrant directing that the person named in the summons be brought before him.

Magistrate's inquiry.

(4.) Where a person appears or is brought before a Magistrate under this section, the Magistrate shall inquire into the truth of the matters charged in the complaint or information, and for such purpose shall proceed in the manner prescribed by the "Summary Convictions Act" and shall have the powers of a Magistrate holding a hearing under that Act.

Order for detention.

(5.) Where a Magistrate finds that any person:—

- (a.) Is infected with a venereal disease and is unwilling or unable to conduct himself in such a manner as not to expose other persons to the infection; or
- (b.) Is infected with a venereal disease and refuses or neglects to take or continue adequate treatment, he shall order that such person be admitted to and detained in a place of detention for such period not exceeding one year, as the Magistrate may deem necessary.

Laboratory certificate prima facie evidence.

(6.) In any inquiry under this section a certificate or laboratory report as to the result of any test made in a laboratory of or a laboratory approved by the Division of Laboratories of the Department of Health and Welfare (Health Branch) shall be prima facie evidence of the facts stated therein.

Examination by physician in charge of institution.

9. Where any physician in medical charge of any place of detention has reason to believe that any person under his charge is or may be infected with venereal disease or has been or may have been exposed to infection with venereal disease, he shall cause such person to undergo such examination as may be necessary to ascertain whether or not he is infected with venereal disease.

Examination of person in custody or committed to a prison.

10. When a Medical Health Officer believes that any person under arrest or in custody, whether awaiting trial or serving the sentence of a Court, is or may be infected or has been exposed or may have been exposed to infection with venereal disease, he may cause such person to undergo such examination as may be necessary, in order to ascertain whether or not he is infected with venereal disease, and may direct that such person shall remain in custody until the results of such examination are known.

Treatment where disease found to exist.

11. Where any person under arrest or in custody, whether awaiting trial or serving the sentence of a Court, is found to be infected with venereal disease, the Medical Health Officer may by order in writing direct that such person undergo treatment

therefor, and that such action be taken as the Medical Health Officer may deem advisable for his isolation and the prevention of infection by him.

12. The Lieutenant-Governor in Council shall make provisions for the laboratory examinations necessary for the diagnosis or control of venereal disease under such conditions as may be prescribed by the Lieutenant-Governor in Council be prescribed. Laboratory diagnosis

13. The Lieutenant-Governor in Council shall make provisions for the examination and treatment of any person suffering from or suspected to be suffering from venereal disease, and shall require all hospitals receiving aid from the Provincial Treasury to make adequate provision for treatment of such persons as require hospitalization under such conditions as may be satisfactory to the Deputy Minister. Provision for treatment.

14. Every person employed or who has been employed in the administration of this Act shall preserve secrecy with regard to all matters that come to his knowledge in the course of such employment, and shall not communicate any such matter to any other person except as otherwise authorized by this Act, the "Marriage Act," or by the Minister, and in default he shall, in addition to penalties provided for in this Act, forfeit his office or be dismissed from his employment, and in any civil action no such person shall be compelled to give viva voce evidence with reference to matters that have come to his knowledge while employed in the administration of this Act. Secrecy to be preserved

15. (1.) No report or certificate or statement of any physician or of any agent of the Department of Health and Welfare given for the purposes of this Act, bona fide and without negligence, that any person, including any prisoner, is suffering from venereal disease or suspected of having or having been exposed to venereal disease shall render him liable to action, nor be admissible in evidence in any proceedings against such medical practitioner or agent, or be made the ground of any prosecution, action, or suit against him. Medical practitioner not liable to action or suit

(2.) All records, reports, and certificates made or kept under authority of this Act shall be absolutely privileged and exempt from production upon subpoena issued in any Court in a civil action.

16. Every person who:—

(a.) Wilfully neglects or disobeys any order or direction given by a Medical Health Officer or the Minister or Deputy Minister under this Act or the regulations: Offences

- (b.) Hinders, delays, or obstructs any Medical Health Officer, peace officer, or other person acting in the performance of his duties under this Act:
- (c.) Publishes or discloses contrary to section 17 any proceedings taken under this Act or the regulations:
- (d.) Fails to comply with any of the provisions of this Act or the regulations,—

shall be guilty of an offence where no other penalty is prescribed, and on conviction shall be liable to a penalty of not less than twenty-five dollars and not more than one hundred dollars, and in default of immediate payment shall be imprisoned for a period not exceeding three months.

Prosecutions.

17. The "Summary Convictions Act" shall apply to prosecutions under this Act or the regulations, but all proceedings for the recovery of penalties under this Act and proceedings authorized by section 8 shall be conducted in camera, and no person shall publish or disclose any such proceedings except under the authority of this Act or the regulations.

Laboratory reports.

18. No person shall issue or make available to any person other than a physician or such persons as are engaged in the administration of this Act any laboratory report, either in whole or in part, of an examination made to determine the presence or absence of venereal disease.

Regulations

19. (1.) The Lieutenant-Governor in Council may make regulations:—

- (a.) Prescribing the forms, notices, and certificates, and their use, and the manner of reporting to be given or issued or carried out under this Act:
- (b.) Prescribing the course of conduct to be pursued by any person infected with venereal disease in order to effect a cure or to prevent the infection of other persons:
- (c.) For distributing to physicians and places of detention information as to the diagnosis and treatment and care of persons suffering from venereal disease:
- (d.) Prescribing rules for determining, for the purpose of this Act, when a person who has suffered from a venereal disease is free from danger of communicating such disease to others:
- (e.) For preventing the spread of infection by persons suffering from venereal disease:
- (f.) Providing for public advertising and placarding of information relative to the prevention, treatment, and cure of venereal disease, and the places where proper remedies can be obtained:

(g.) Imposing penalties for the violation of any provision of this Act, or anything covered by this Act or any regulation:

(h.) Generally, for the better carrying-out of the provisions of this Act, for the prevention, treatment, and cure of venereal disease.

(2.) The Department of Health and Welfare (Health Branch) may, out of any moneys appropriated by the Legislature for the purposes of the Department, provide for free distribution to physicians and hospitals of any drug, medicine, appliance, or instruments which the Deputy Minister deems useful or necessary for the alleviation, treatment, or cure of venereal disease or the prevention of infection therefrom.

20. Case-finding, case-holding, follow-up, and epidemiology shall be the responsibility of municipal health departments and of health units. Local responsibility.

21. The "Venereal Diseases Suppression Act" and the "Venereal Diseases Suppression Act Amendment Act, 1938," are repealed. Repeal.

VICTORIA, B. C.

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