



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **ANIMAL HEALTH ACT**

## PLEASE NOTE

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For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

If you find any errors or omissions in this consolidation, please contact:

*Legislative Counsel Office*  
*Tel: (902) 368-4292*  
*Email: [legislation@gov.pe.ca](mailto:legislation@gov.pe.ca)*



## ANIMAL HEALTH ACT

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## ANIMAL HEALTH ACT

### CHAPTER A-11.1

#### PART I - INTERPRETATION AND ADMINISTRATION

##### 1. Definitions

In this Act

- (a) “**animal**” means
- (i) any livestock,
  - (ii) any other animal, including any wild animal, of a prescribed type or class, and
- includes, where the regulations so provide, the embryos, eggs and sperm of any animal referred to in subclause (i) and (ii);
- (a.1) repealed by 2015,c.2,s.49;
- (a.2) “**biosecurity measures**” means actions taken to control the spread of a disease or a disease-causing agent;
- (b) “**disease**” means any condition that adversely affects the health of an animal;
- (b.1) “**information**” includes personal information;
- (c) “**inspector**” means an inspector appointed under section 2 and includes the provincial veterinarian;
- (d) “**livestock**” means
- (i) horses,
  - (ii) cattle,
  - (iii) sheep,
  - (iv) swine,
  - (v) goats,
  - (vi) poultry,
  - (vii) fox,
  - (viii) mink,
  - (ix) chinchilla kept for agricultural purposes, and
  - (x) rabbits kept for agricultural purposes;
- (e) repealed by 2012,c.3,s.1;
- (f) “**Minister**” means the Minister of Agriculture and Fisheries;
- (f.1) “**named disease**” means a disease designated as such by the regulations, or by the Minister pursuant to section 3.1;
- (f.2) “**owner**” includes,

- (i) in relation to an animal, a person who has custody or care and control or is responsible for the care and control of the animal,
- (ii) in relation to premises, a person who operates or occupies the premises, and
- (iii) in relation to a vehicle, a person who operates the vehicle;
- (f.3) “**personal information**” means personal information within the meaning of the *Freedom of Information and Protection of Privacy Act* R.S.P.E.I. 1988, Cap. F-15.01;
- (g) “**poultry**” means domestic fowl, ratites and pigeons, and includes any bird that is kept for agricultural purposes;
- (g.1) “**premises**” means land and any buildings, structures, facilities or waters thereon and any part or parts of any of them;
- (g.2) “**provincial veterinarian**” means the provincial veterinarian appointed under section 2;
- (g.2.1) “**Registrar**” means the Registrar appointed under subsection 3.4(2);
- (g.3) “**restricted area**” means an area of the province that is declared to be a restricted area under section 3.3;
- (g.4) “**vehicle**” means any motor vehicle, aircraft, vessel or other conveyance used to transport an animal or any thing related to animals that is prescribed;
- (h) “**veterinarian**” means an individual who holds a valid license to practise clinical veterinary medicine under the *Veterinary Profession Act* R.S.P.E.I. 1988, Cap. V-3. 1988,c.11,s.1; 1993,c.29,s.4; 1997,c.20,s.3; 2001,c.4,s.19; 2004,c.36,s.3; 2004,c.1,s.1; 2009,c.73,s.2; 2012,c.3,s.1; 2015,s.28,s.3; 2015,c.36,s.5(2); 2015,c.2,s.49.

## Administration

### 2. Provincial veterinarian

- (1) The Minister shall appoint a person who is a veterinarian to be the provincial veterinarian.

#### Functions

- (2) The provincial veterinarian shall perform the functions of the provincial veterinarian under this Act and the regulations and such other functions as may be assigned by the Minister.

#### Inspector by virtue of office

- (2.1) The provincial veterinarian is an inspector by virtue of his or her office.

#### Inspectors and staff

- (3) The Minister may appoint such inspectors and other officers as are necessary for the administration of this Act or any Part of it.

#### Tickets

- (3.1) An inspector may issue tickets under the *Summary Proceedings Act* R.S.P.E.I. 1988, Cap. S-9 in respect of a contravention of this Act or the regulations.

#### Professional expertise

- (4) The Minister may engage upon such terms and conditions as he thinks fit the services of such professional or technical persons and experts to advise him on such matters as he thinks necessary for the efficient administration of this Act and the regulations. 1988,c.11,s.2; 1999,c.1,s.1; 2012,c.3,s.3.



## Collection, Use and Disclosure of Information

### 2.1 Collection, use and disclosure of information

- (1) The Minister may, directly or indirectly, collect information from any source for purposes related to the administration of this Act or the regulations or for such other purposes as may be prescribed and may use or disclose the information for those purposes or consistent purposes, including
- (a) protecting animal health or human health, or both;
  - (b) detecting the presence or prevalence of a named disease;
  - (c) assisting with ongoing health, safety and biosecurity measures to minimize the risk of a named disease spreading or persisting;
  - (d) controlling, suppressing or mitigating a named disease;
  - (e) enhancing emergency preparedness in the case of an outbreak of a named disease or a notifiable disease or reportable disease under the *Health of Animals Act (Canada)*;
  - (f) monitoring the health of animals;
  - (g) conducting animal health research, developing policy with respect to animal health or designing or implementing programs in respect of animal health;
  - (h) eliminating animal disease barriers for domestic and export market access;
  - (i) analyzing the geographical distribution of a disease;
  - (j) analyzing the epidemiology of disease outbreaks;
  - (k) conducting assessments and models to predict disease risk;
  - (l) notifying the public of a potential or present threat to public health;
  - (m) establishing and operating a provincial traceability system under section 3.4;
  - (n) identifying premises of a prescribed class;
  - (o) identifying and tracing the movement from premises to premises of an animal of a prescribed class or any thing related to animals that is prescribed; or
  - (p) any other prescribed purpose.

#### Subject to requirements or restrictions

- (2) The collection, use and disclosure of personal information under subsection (1) is subject to any requirements or restrictions that may be prescribed.

#### Deemed collection, use and disclosure by Minister

- (3) Any information collected by, used by, disclosed to or disclosed by an inspector, the provincial veterinarian, the Registrar or any other person involved in the administration of this Act or the regulations, under this Act or the regulations, is deemed to have been collected by, used by, disclosed to, or disclosed by the Minister. *2012,c.3,s.4.*

### 2.2 Agreement

- (1) The Minister may enter into an agreement with any person or entity with respect to the collection, use or disclosure of information referred to in subsection 2.1(1) for a purpose described in subsection 2.1(1).

**Disclosure of personal information under agreement**

- (2) Where the Minister enters into an agreement under subsection (1) with respect to the disclosure of information, the Minister may disclose personal information to a person or entity that is a party to the agreement if
- (a) the disclosure is made pursuant to and in accordance with the agreement; and
  - (b) the person or entity that receives the personal information agrees to use it only for the purpose for which the personal information was disclosed.

**Disclosure by party to agreement**

- (3) Where the Minister discloses personal information to a person or entity who is a party to an agreement in accordance with subsection (2), the person or entity shall not disclose the personal information to a third party except in accordance with the agreement. *2012,c.3,s.4.*

**Regulations**

**2.3 Regulations**

The Lieutenant Governor in Council may make regulations

- (a) prescribing animals for the purposes of clause 1(a);
- (b) providing for the inclusion of the embryos, eggs or sperm of an animal in the definition of “animal”;
- (c) designating a disease as a named disease;
- (d) respecting the functions of the provincial veterinarian, the Registrar, an inspector or any other officer appointed under this Act;
- (e) prescribing purposes for which the Minister may collect, use or disclose information under subsection 2.1(1);
- (f) prescribing requirements or restrictions on the collection, use or disclosure of personal information under subsection 2.1(2); and
- (g) defining any word or phrase used in this Act that is not defined. *2012,c.3,s.4.*

**PART II - ANIMAL HEALTH**

**Control of Named Diseases**

**3. Object**

The objects of this Part are

- (a) to promote and protect animal health;
- (b) to prevent the development of diseases in animals;
- (c) to minimize the adverse effects of diseases on animals; and
- (d) to prevent or control the spread of diseases among animals or from animals to humans. *1988,c.11,s.3; 2012,c.3,s.6.*

**3.1 Named diseases**

- (1) The Minister may by order designate any disease of an animal as a named disease if the Minister is satisfied that the disease requires extraordinary means for control.





**Term of order**

- (2) An order made by the Minister under subsection (1) ceases to have effect six months after the day it is made unless sooner revoked by the Minister.

**Notice**

- (3) Where the Minister designates a disease as a named disease pursuant to subsection (1), the Minister shall cause a notice of the designation specifying the named disease to be published as soon as is reasonably possible in the Gazette. *2004,c.1,s.2.*

**3.11 Duty to report****Where**

- (a) the owner of an animal knows or ought to know that the animal is or may be infected with a named disease; or
- (b) a veterinarian, other than the provincial veterinarian, knows or ought to know that an animal is or may be infected with a named disease,

the owner or veterinarian shall immediately report that the animal is or may be infected with a named disease to the Minister or the provincial veterinarian, in the manner prescribed. *2012,c.3,s.7.*

**3.2 Inspectors, entry and search powers**

- (1) An inspector may, for the purpose of ascertaining the existence of any named disease,
- (a) enter, without a warrant, and search any premises, other than a dwelling place, where animals are present or where the inspector believes on reasonable grounds that animals are present;
- (b) stop and search any vehicle that contains animals or that the inspector believes on reasonable grounds contains animals; or
- (c) inspect and take samples
- (i) from any animal that is infected with, or that the inspector believes on reasonable grounds is infected with, a named disease, and
- (ii) of any thing derived from an animal referred to in subclause (i) or any thing such animal may have come in contact with that is at or in the premises where the animal is present or on or in the conveyance where the animal is contained.

**Stopping a vehicle**

- (1.1) For the purposes of clause (1)(b), an inspector may require the operator of a vehicle to stop the vehicle and the operator of a vehicle shall, when required to do so by an inspector,
- (a) stop the vehicle and, subject to clause (b), remain stopped until permitted to proceed by the inspector; and
- (b) at the direction of the inspector, move the vehicle to the nearest point where an inspection may be conducted.

**Orders**

- (2) An inspector may, for the purposes of diagnosing, treating and controlling a named disease, by order in writing,
- (a) require the owner of an animal, at the owner's expense, to

- (i) treat the animal, in such manner and within such period of time as the inspector considers appropriate,
  - (ii) retain the animal at such location and for such period of time as the inspector considers appropriate,
  - (iii) destroy and dispose of the animal, or hay, straw, fodder or other items that may have come in contact with the animal, in such manner, at such place and within such period of time as the inspector considers appropriate,
  - (iv) move the animal to such location and in such manner as the inspector considers appropriate,
  - (v) clean and disinfect such premises and vehicles and in such manner as the inspector considers appropriate, or
  - (vi) produce for inspection all books, records or other documents relating to the animal in the possession of the owner; and
- (b) prohibit the owner of the animal from selling or otherwise disposing of the animal, if the animal is infected with a named disease or the inspector believes on reasonable grounds that the animal is infected with a named disease.

**Service**

- (3) Every written order made under subsection (2) shall be served on the owner of the animal either by personally serving the owner, by posting it in a prominent place at the premises of the owner, or by registered mail addressed to the owner at his or her last known address.

**Idem**

- (4) Any written order served on an owner of an animal under subsection (3) shall be deemed to have been served on the owner on
- (a) the day it is that is served personally on the owner;
  - (b) the day it is posted in a prominent place on the premises of the owner; or
  - (c) the day that is five days after the day the notice was sent by registered mail, unless the contrary is proven.

**Compliance**

- (5) Every owner who is served with an order made under subsection (2) shall comply with the order in accordance with its terms.

**Inspection to ensure compliance**

- (6) Where an order made under subsection (2) remains in force, an inspector may, for the purpose of determining compliance with the order, enter without a warrant any premises, other than a dwelling place, or any vehicle where the animal is located and inspect and take samples from the animal.

**Peace officer**

- (7) An inspector may request the assistance of, and may be assisted by, a peace officer in the performance of the inspector's duties and the exercise of the inspector's powers under this section. *2004, c.1, s.2; 2012, c.3, s.8; 2015, s.36, s.5(3).*

**3.3 Order declaring an area to be restricted**

- (1) Where the provincial veterinarian is satisfied that the presence of a named disease in animals in an area of the province requires an extraordinary means for control, the provincial



veterinarian may issue a written order that declares the area to be a restricted area for the purpose of this Act during the term of the order.

#### **Contents**

- (2) An order made under subsection (1) shall
- (a) set out the geographical limits of the restricted area;
  - (b) indicate the named disease that is present and that requires the declaration of a restricted area;
  - (c) indicate the class or types of animals that the order applies to; and
  - (d) explain the restrictions set out in subsection (4) that apply in respect of those animals during the term of the order.

#### **Publication**

- (3) Where an order is made under subsection (1), the provincial veterinarian shall cause a copy of the order to be published in the Gazette as soon as possible.

#### **Compliance**

- (4) Where an order declaring an area to be a restricted area is made under subsection (1) in respect of a class or type of animal, no person shall transport any animal of a class or type to which the order applies, or cause it to be transported, into or out of the restricted area unless the animal
- (a) is accompanied by a certificate of health signed by a licensed veterinarian in the province of origin of the animal certifying that the animal is free from the named disease referred to in the order; and
  - (b) the animal is free from the named disease referred to in the order. *2004,c.1,s.2.*

## **Provincial Traceability System**

### **3.4 Traceability System**

- (1) The Minister may establish and oversee the operation of a provincial traceability system for the purposes of identifying premises or animals of a prescribed class and tracing the movement of animals of a prescribed class or any things related to animals that are prescribed.

#### **Registrar**

- (2) The Minister may appoint a Registrar to administer the provincial traceability system, who shall perform the functions of the Registrar under this Act and the regulations and such other functions as may be assigned by the Minister.

#### **Duty to take action and report information**

- (3) The owner of or a person or entity that has information respecting premises, a vehicle or an animal of a prescribed class or any thing related to animals that is prescribed, may be required by the regulations to
- (a) take specified actions to support the establishment and effective operation of a provincial traceability system; and
  - (b) report to the Registrar specified information in the form and at the times specified. *2012,c.3,s.9.*

### 3.5 Powers of inspector

- (1) An inspector may, for the purpose of implementing and maintaining a provincial traceability system,
- (a) enter, without a warrant, and search any premises, other than a dwelling place, where the inspector believes on reasonable grounds that an animal of a prescribed class or any thing related to animals that is prescribed is present, for the purposes of identification;
  - (b) collect information from the owner of or a person or entity that has information respecting premises, a vehicle or an animal of a prescribed class or any thing related to animals that is prescribed that the owner, person or entity is required to provide to the Registrar under the regulations;
  - (c) open and enter a vehicle, if the inspector believes on reasonable grounds that an animal of a prescribed class or any thing related to animals that is prescribed is in or on the vehicle, for the purposes of identification;
  - (d) apply a symbol, tag or other identification mark or device to premises, a vehicle or an animal of a prescribed class, or any thing related to animals that is prescribed, for the purposes of subsequent identification;
  - (e) take photographs or make videos, notes or other recordings of any thing at or in premises or on or in a vehicle subject to inspection that the inspector considers to be of assistance in the inspection;
  - (f) require the production for examination of any books, records or other documents
    - (i) relating to the identification of or documenting the movement from one location to another of an animal of a prescribed class or any thing related to animals that is prescribed, or
    - (ii) relating to the identification of premises or a vehicle of a prescribed class;
  - (g) require the owner of premises or a vehicle subject to inspection and any person found at or in the premises or on or in the vehicle to provide assistance to the inspector in carrying out his or her duties or functions; or
  - (h) require the owner of premises, a vehicle or an animal of a prescribed class, or any thing related to animals that is prescribed, to answer questions relating to a provincial traceability system put to the owner by the inspector.

#### Order

- (2) An inspector may make an order in writing requiring an owner or a person or entity referred to in subsection (1) to provide to the inspector information or books, records or other documents in accordance with subsection (1), and subsections 3.2(3) to (5) apply in relation to that order.

#### Assistance of peace officer

- (3) An inspector may request the assistance of and may be assisted by a peace officer in the performance of the duties and exercise of the powers of the inspector under this section.  
*2012, c.3, s.9.*

### 4. Regulations

The Lieutenant Governor in Council may make regulations

- (a) generally for the purpose of eradicating, preventing or controlling the spread of disease among animals in the province;



- (b) providing that no person may have in his possession an animal infected with a named disease;
- (c) providing that no animal may be admitted into the province without a certificate, issued by such person or agency as may be designated by regulation, as to the freedom of such animal from a named disease;
- (d) providing the terms and conditions upon which any person may have in his possession at any time an animal that the Minister thinks likely to convey a named disease to any other animal or to a person;
- (e) providing for the treatment and method of treatment to be given to any animal or premises to eradicate, control or prevent the spread of a named disease and requiring that the treatment be given by the owner or by a person appointed for the purpose;
- (f) providing for the treatment, prior to sale or disposal, of an animal infected or suspected of being infected with a named disease;
- (g) prohibiting of the sale of any animal infected with a named disease;
- (h) respecting the manner in which the owner of an animal or a veterinarian shall report to the Minister or the provincial veterinarian that the animal is or may be infected with a named disease;
- (i) respecting restricted areas;
- (j) repealed by *2004, c.1, s.3*;
- (k) repealed by *2004, c.1, s.3*;
- (k.1) prescribing criteria for disease-free zones and designating disease-free zones for animals or particular classes of animals;
- (k.2) controlling or prohibiting the movement of specified animals or classes of livestock into a disease-free zone and the rearing of such animals or livestock within that zone;
- (l) providing for the segregation or destruction and disposal of an animal infected with a named disease;
- (m) repealed by *2004, c.1, s.3*;
- (n) providing for payment by the owner of an animal of the expense of any treatment required by the regulations;
- (o) establishing and governing a provincial traceability system;
- (p) prescribing the classes of premises, vehicles or animals, or the things related to animals that are subject to the provincial traceability system;
- (q) respecting the identification of premises or vehicles of prescribed classes;
- (r) respecting the identification of and tracing the movement of animals of a prescribed class and any things related to animals that are prescribed;
- (s) requiring the owner of premises, a vehicle or an animal of a prescribed class, or any thing related to animals that is prescribed, to
  - (i) obtain from the Registrar an identification number, mark, symbol, sign, tag or device for the premises, vehicle, animal, or thing related to animals,
  - (ii) apply an identification number, mark, symbol, sign, tag or device to the premises, vehicle, animal, or thing related to animals,
  - (iii) track the movement from one location to another of the animal or thing related to animals,
  - (iv) keep records, in the form required by the Registrar, of specified information for a specified period of time,

- (v) report to the Registrar, in the form required by the Registrar, specified information at specified times, or
- (vi) take any other action necessary to facilitate the establishment or operation of a provincial traceability system;
- (t) prescribing the records to be kept by an owner under subclause (s)(iv) and the period of time the records are to be kept;
- (u) prescribing the information to be reported to the Registrar by an owner under subclause (s)(v) and when the information is to be reported;
- (v) requiring prescribed persons or entities that collect prescribed information respecting
  - (i) premises, vehicles or animals of a prescribed class, or any things related to animals that are prescribed, or
  - (ii) the owners of any animals, places or things referred to in clause (i),to report that information to the Registrar, in the form required by the Registrar, at specified times;
- (w) prescribing the persons or entities that are required to report information to the Registrar under clause (v);
- (x) prescribing the information to be reported under clause (v) and when the information is to be reported;
- (y) requiring the Registrar to establish and record information in one or more identification rolls;
- (z) respecting the information that the Registrar shall collect and record in an identification roll;
- (aa) respecting the removal of information from an identification roll;
- (bb) respecting the assignment of an identification number, mark or symbol to premises, a vehicle or an animal of a prescribed class or any other thing related to animals that is prescribed; and
- (cc) prescribing anything that is required or permitted to be prescribed, referred to as being prescribed or in the regulations or that is required, permitted or referred to as being done in the regulations, in accordance with the regulations or by the regulations. *1988,c.11,s.4; 1997,c.4,s.1; 2004,c.1,s.3; 2012,c.3,s.10; 2015,c.36,s.5(4).*

**5. Offence and penalty**

Repealed by *2004,c.1,s.4.*

**6. Payment for veterinary services**

Repealed by *2004,c.1,s.5.*

**7. Regulations**

Repealed by *2004,c.1,s.5.*



- 8. Sections 8 to 16 repealed by 2015,c.2,s.49.** *1988,c.11,s.16; 2004,c.1,s.14; 2015,c.2,s.49.*

## PART V - GENERAL

**17. Liability**

No action lies against the Minister, an inspector, the provincial veterinarian, the Registrar, a veterinarian or any person acting under this Act as an agent of the Minister for anything done or not done, in good faith, under this Act or regulations. *1988,c.11,s.17; 2012,c.3,s.11.*

**18. Obstructing inspector**

No person shall

(a) obstruct or hinder or fail to assist as requested by; or

(b) give false information to or fail to provide information as and when requested by,

an inspector, the provincial veterinarian or the Registrar in the performance of his or her duties or the exercise of his or her powers under this Act or the regulations. *1988,c.11,s.18; 2004,c.1,s.15; 2012,c.3,s.12.*

**19. Offence**

- (1) Every person who contravenes a provision of this Act or the regulations is guilty of an offence and liable on summary conviction to a fine of not less than \$500 and not more than \$15,000.

**Continuing offence**

- (2) Where a contravention of a provision of this Act or the regulations continues for more than one day, the person committing the contravention is guilty of a separate offence for each day that the contravention continues. *2004,c.1,s.15; 2012,c.3,s.13.*

**20. Order prohibiting ownership of animal**

In addition to imposing the penalties prescribed by section 19, a judge, on convicting a defendant of contravening a provision under Part IV of the Act, may make an order prohibiting the defendant from owning or having the custody or control of an animal during any period that the court considers appropriate, including for the lifetime of the defendant. *2004,c.1,s.15; 2012,c.3,s.14.*