



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

PUBLIC HEALTH ACT

PLEASE NOTE

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This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

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).

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PUBLIC HEALTH ACT

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PUBLIC HEALTH ACT

CHAPTER P-30.1

INTERPRETATION

1. Definitions

In this Act,

- (a) “**Chief Public Health Officer**” means the Chief Public Health Officer appointed under section 4;
- (b) “**communicable disease**” means an illness that is caused by the transmission of an infectious agent or its toxic products, directly or indirectly, from an infected person, animal, plant, object or the environment and includes those diseases prescribed by regulation;
- (c) “**contact**” means a person who has or may have been in contact with another person who has or had a communicable disease while that other person was or may have been in an infectious state;
- (d) “**Deputy Chief Public Health Officer**” means a Deputy Chief Public Health Officer appointed under section 4;
- (e) “**environmental health officer**” means an environmental health officer appointed under section 6;
- (f) “**examination**” means the taking of a medical history, a physical examination of the human body, the taking of specimens of bodily fluids for laboratory tests, the use of diagnostic imaging or the performing of diagnostic procedures that may be required to determine the existence of a communicable disease or the agent of a communicable disease;
- (g) “**food**” includes food or drink, including milk, potable water and ice, destined for human consumption and includes an ingredient of food or drink destined for human consumption;
- (h) “**food premises**” means a premises where food is manufactured, processed, prepared, packaged, stored, handled, distributed, transported, served, offered for sale or sold, and includes a food vending machine and an abattoir but does not include a part of the premises that is a dwelling or premises exempted by the regulations;
- (i) “**health facility**” means a health facility as defined in clause 1(c) of the *Health Services Act* R.S.P.E.I. 1988, Cap. H-1.6;
- (j) “**health hazard**” means a health hazard as set out in subsection 22(1);
- (j.1) “**health practitioner**” means a medical practitioner, nurse practitioner, registered nurse or licensed practical nurse;
- (k) “**institution**” means

- (i) a correctional centre as defined in clause 1(c) of the *Correctional Services Act* R.S.P.E.I. 1988, C-26.1,
 - (ii) a nursing home as defined in clause 1(j) of *Community Care Facilities and Nursing Home Act* R.S.P.E.I. 1988, C-13, and
 - (iii) any other place prescribed by regulation;
- (k.1) “**licensed practical nurse**” means a person who is authorized under an enactment to practise as a licensed practical nurse;
- (l) “**medical practitioner**” means a person who is authorized under an enactment to practise as a medical practitioner;
- (m) “**milk**” means a normal lacteal secretion free of colostrum obtained from the mammary glands of cows, goats, sheep or other species prescribed in the regulations that is destined for human consumption;
- (n) “**milk processing plant**” means a plant licensed under section 14 in which milk or milk products are processed or handled, including a pasteurization plant or cheese factory, and every building, machine, apparatus, equipment and appurtenance employed in or necessary for storing, cooling, processing, packaging or handling milk or milk products that forms a part of or is connected with the plant;
- (o) “**milk product**” means milk, cream, butter, cheese, condensed milk, evaporated milk, milk powder, ice cream, sherbet, or any other product designated in the regulations as a milk product;
- (p) “**Minister**” means the Minister of Health and Wellness and includes persons designated by the Minister to act on the Minister’s behalf;
- (q) “**notifiable disease or condition**” means a disease or other health condition prescribed by regulation or declared in an order of the Minister to be a notifiable disease or condition;
- (r) “**nurse practitioner**” means a person who is authorized under an enactment to practise as a nurse practitioner;
- (s) “**occupier**” means a person who
- (i) owns or is in physical possession of premises, or
 - (ii) has responsibility for and control over the condition of the premises or the activities carried on there, or control over persons allowed to enter the premises;
- (s.1) “**outbreak**” means the occurrence of cases of disease in excess of what would normally be expected in a defined community;
- (t) “**potable water**” means water that is destined for human consumption and that meets the requirements established in the regulations;
- (u) “**premises**” includes
- (i) lands and structures, or either of them,
 - (ii) bodies of water,
 - (iii) trailers and portable structures designed or used for residence, business or shelter, and
 - (iv) ships and vessels, motorized vehicles and aircraft, and any other motorized or non-motorized conveyance;
- (v) “**public health emergency**” means an occurrence or imminent threat of a health hazard or disease that presents a significant risk to the public health;
- (w) “**public health nurse**” means a public health nurse appointed or designated under section 7;



- (x) “**public health official**” means the Chief Public Health Officer, a Deputy Chief Public Health Officer, an environmental health officer or a person appointed as a public health official under clause 49(2)(f);
- (y) “**radiation**” means ionizing or non-ionizing energy in the form of atomic particles or electromagnetic or acoustic waves, and includes ultraviolet light used in tanning equipment;
- (z) “**registered mail**” means registered mail as defined in the *Interpretation Act* R.S.P.E.I. 1988, Cap. I-8;
- (aa) “**registered nurse**” means a person who is authorized under an enactment to practise as a registered nurse;
- (bb) “**tanning equipment**” means lamps, beds or other equipment that use ultraviolet light to induce skin tanning or other cosmetic effects through the irradiation of any part of the living human body;
- (cc) “**tanning facility**” means a premises or business that provides customers with access to tanning equipment in exchange for compensation, but does not include any part of a premises that is used exclusively as a dwelling. *2012(2nd),c.20,s.1; 2016,c.51,s.1; 2020,c.43,s.1.*

PART I — ADMINISTRATION AND ENFORCEMENT

2. Administration of Act

The Minister is charged with the administration of this Act and may designate persons to act on the Minister’s behalf. *2012(2nd),c.20,s.2.*

3. General authority of Minister

- (1) The Minister may protect the health and well-being of the people of Prince Edward Island by any means, and may
 - (a) establish goals for the health of the population;
 - (b) pursue policies that promote and support the health of the population;
 - (c) facilitate public awareness of health issues and changing health needs;
 - (d) monitor and evaluate the efficiency of programs and services and their effectiveness in achieving goals established for the health of the population;
 - (e) coordinate measures for the protection of public health and the distribution, supervision and evaluation of health services;
 - (f) collect and assess data on the causes of disease, injury, morbidity and mortality in the province;
 - (g) take such measures as the Minister considers necessary for the prevention, interception and suppression of notifiable diseases and conditions, communicable diseases and other problems affecting the health of the public; and
 - (h) facilitate the implementation of programs for education, training, research and information in the fields of prevention, diagnosis and treatment of disease, rehabilitation of persons who are sick or have injuries or disabilities, and public health generally.

Agreements

- (2) For the purposes of administering and enforcing this Act and the regulations, the Minister may enter into agreements with the Government of Canada or its agencies, the government of another province or territory of Canada or its agencies or any other person or organization.

Idem

- (3) The Minister may enter into agreements with any person for the purpose of the organization and delivery of public health programs and services, the prevention of diseases and injuries, and the promotion and protection of the health of the people of Prince Edward Island or any group of them. *2012(2nd),c.20,s.3; 2018,c.30,s.5(2).*

Appointment of Public Health Officials

4. Chief Public Health Officer and Deputy

The Minister shall appoint a medical practitioner as Chief Public Health Officer and may appoint one or more medical practitioners as Deputy Chief Public Health Officers. *2012(2nd),c.20,s.4.*

5. Duties of Chief Public Health Officer

- (1) The Chief Public Health Officer may exercise the powers and shall perform the duties assigned to the Chief Public Health Officer under this Act and the regulations and such other duties as may be assigned by the Minister.

Duties of Deputy Chief Public Health Officer

- (2) A Deputy Chief Public Health Officer may exercise the powers and shall perform the duties of the Chief Public Health Officer
- (a) as directed by the Minister or the Chief Public Health Officer; or
 - (b) if the Chief Public Health Officer is absent or unable to act or the office of the Chief Public Health Officer is vacant.

Designation by Chief Public Health Officer

- (3) The Chief Public Health Officer may, in writing, designate persons to exercise the powers and perform the duties of the Chief Public Health Officer under this Act and the regulations. *2012(2nd),c.20,s.5.*

6. Environmental health officers

The Minister may appoint one or more persons who hold a Certificate in Public Health Inspection (Canada) as environmental health officers who shall perform the duties assigned to public health officials under this Act and the regulations and such other duties as may be assigned by the Minister. *2012(2nd),c.20,s.6.*

7. Public health nurses

The Minister may appoint one or more registered nurses as public health nurses who shall perform the duties assigned to a public health nurse under this Act and the regulations and such other duties as may be assigned by the Minister. *2012(2nd),c.20,s.7.*



8. Certificate of appointment

The Minister shall issue to every public health official a certificate of appointment and every public health official in the exercise of his or her authority or the execution of his or her duties under this Act or the regulations shall produce his or her certificate of appointment upon request. *2012(2nd),c.20,s.8.*

PART II — PUBLIC HEALTH PROTECTION**9. Sale of food unfit for human consumption**

- (1) No person shall sell or offer for sale any food that is unfit for human consumption by reason of disease, adulteration, impurity, or other cause.

Prohibition

- (2) Subject to subsection (3), no person shall prepare, sell or offer for sale food, including ready-to-eat food, in a food premises unless the food is obtained from a source that is
- (a) subject to inspection in accordance with the regulations; or
 - (b) exempted by the regulations from inspection requirements.

Exemption

- (3) Subsection (2) does not apply to whole, unprocessed fruits and vegetables. *2012(2nd),c.20,s.9; 2013,c.46,s.1; 2014,c.43,s.1.*

Food Premises**10. Application for license**

- (1) A person may apply to the Minister in accordance with the regulations for a license to operate a food premises.

Food premises

- (2) No person shall operate a food premises that is required by the regulations to be licensed unless the person holds a valid license to do so issued under subsection (3).

Minister issues license

- (3) The Minister may issue a license for a food premises to an applicant where the Minister is satisfied that
- (a) the applicant and the proposed food premises meet the requirements of sections 11 to 13 and the regulations; and
 - (b) the applicant has paid the prescribed fee. *2012(2nd),c.20,s.10; 2013,c.46,s.2.*

11. Operation in accordance with regulations

- (1) A person who holds a license to operate a food premises shall maintain and operate the food premises in accordance with the standards and requirements prescribed in the regulations.

License, terms and conditions

- (2) A license to operate a food premises is subject to
- (a) the terms and conditions prescribed by the regulations;

- (b) training requirements as set out in the regulations; and
- (c) those additional terms and conditions that the Minister considers appropriate and specifies in the license.

Information requests

- (3) A person who holds a license to operate a food premises shall provide a public health official with the information that the public health official requests in respect of the manufacturing, processing, preparation, packaging, storage, handling, display, transportation, serving or sale of any food on or in the food premises and the distribution of food from the food premises.

Records

- (4) A person who holds a license to operate a food premises shall keep the records prescribed by the regulations in respect of the manufacturing, processing, preparation, packaging, storage, handling, transportation, serving and sale of any food on or in the food premises and the distribution of food from the food premises, with the detail and for the length of time as prescribed.

Reports

- (5) A person who holds a license to operate a food premises shall make the reports and returns prescribed by the regulations. *2012(2nd),c.20,s.11.*

12. Manufacturer of food

A person who holds a license to operate a food premises shall ensure that food that is manufactured, processed, prepared, packaged, stored or handled on or in the premises is manufactured, processed, prepared, packaged, stored or handled under sanitary conditions. *2012(2nd),c.20,s.12.*

13. Compliance with regulations by staff

A person employed to work with food on or in a food premises shall comply with the standards and requirements prescribed by the regulations. *2012(2nd),c.20,s.13.*

Milk and Milk Products

14. Application for license

- (1) A person may apply to the Minister in accordance with the regulations for a license to operate a milk processing plant.

Application

- (2) This section applies to milk processing plants
 - (a) whose products are sold within the province; and
 - (b) which are not licensed, registered or inspected by a department or agency of the Government of Canada.

Minister issues license

- (3) The Minister may issue a license for a milk processing plant to an applicant where the Minister is satisfied that
 - (a) the applicant and the proposed milk processing plant meet the requirements set out in the regulations; and



- (b) the applicant has paid the prescribed fee.

Terms or conditions

- (4) The Minister may at any time impose any terms or conditions on a license issued under this section that the Minister considers necessary.

Specific authorization

- (5) A license to operate a milk processing plant shall specify the kinds of milk or milk products that the holder of the license is authorized to produce in the milk processing plant.

Prohibition - licenses

- (6) No person shall process milk, engage in the production of milk products or operate a milk processing plant unless that person holds a valid license to do so issued by the Minister under subsection (3).

Prohibition – unpasteurized milk

- (7) No person shall produce unpasteurized milk products in a milk processing plant licensed under this Act.

Prohibition - sale of unpasteurized milk

- (8) No person shall sell unpasteurized milk or unpasteurized milk products except
- (a) to the holder of a license issued under subsection (3) for a milk processing plant;
 - (b) to the operator of a milk processing plant licensed, registered or inspected by a department or agency of the Government of Canada; or
 - (c) to the Dairy Farmers of Prince Edward Island.

Prohibition – other products

- (9) No person shall process or manufacture any product other than milk and the milk products specified in the person's license in a milk processing plant licensed under this Act.

Additives

- (10) No person shall add any substance, matter or thing to milk or milk products except in accordance with the regulations.

Records, etc.

- (11) The operator of a milk processing plant shall create and maintain the records, reports, returns and other information required by the regulations in respect of the milk processing plant and shall submit them to the Minister in accordance with the regulations. *2012(2nd),c.20,s.14; 2013,c.46,s.3.*

15. Testing

The Chief Public Health Officer may at any time require that samples of milk or milk products be tested in accordance with the regulations at the expense of the owner of the milk or milk products to ensure compliance with the standards prescribed or adopted in the regulations. *2012(2nd),c.20,s.15.*

16. Prohibition

No person shall sell or keep for sale, distribute or transport, except under an order of the Chief Public Health Officer, any processed milk or milk products that do not meet the applicable standards prescribed or adopted in the regulations. *2012(2nd),c.20,s.16.*

Slaughterhouses

17. Application for license

- (1) A person may apply to the Minister in accordance with the regulations for a license to operate a slaughterhouse that meets the conditions of subsection (2).

Application of section

- (2) This section applies to slaughterhouses
- (a) whose products are sold within the province; and
 - (b) which are not licensed, registered or inspected by a department or agency of the Government of Canada.

Minister issues license

- (3) The Minister may issue a license for a slaughterhouse to an applicant where the Minister is satisfied that
- (a) the slaughterhouse meets the requirements set out in the regulations; and
 - (b) the applicant has paid the prescribed fee.

Terms or conditions

- (4) The Minister may at any time impose any terms or conditions on a license issued under this section that the Minister considers necessary.

Inspection

- (4.1) All animals slaughtered in a slaughterhouse licensed under this Act are subject to inspection, both before and after slaughter, by a person authorized by the Chief Public Health Officer.

Specific authorization

- (5) A license to operate a slaughterhouse shall specify the kinds of animals that the holder of the license is authorized to slaughter in the slaughterhouse.

Prohibition - licenses

- (6) No person shall operate a slaughterhouse unless that person holds a valid license to do so issued by the Minister under subsection (3). *2012(2nd),c.20,s.17; 2013,c.20,s.1.*

Tanning Facilities

18. Tanning services - prohibition

- (1) No person shall market, sell or permit access to tanning equipment in a tanning facility to a person who is under the age of 18 years.

Idem – proof of age required

- (2) No person shall market, sell or permit access to tanning equipment in a tanning facility to a person who appears to be under the age of 18 years unless that person first produces, as proof that he or she is 18 years of age or older, a prescribed form of identification that shows the person's age and that contains a photograph of the person. *2012(2nd),c.20,s.18.*



19. Exception

- (1) Subsections 18(1) and (2) do not affect the right of a medical practitioner or a nurse practitioner to prescribe or provide ultraviolet light treatments to any person for medical purposes.

Record of prescription

- (2) An owner of a tanning facility shall establish and maintain a record of each prescription respecting ultraviolet light treatments to be administered to a person under the age of 18 years, and shall include in the record, in addition to the information that appears on the prescription,
- (a) the dates on which the treatments were administered; and
 - (b) the duration of each treatment.

Record to be provided to Minister

- (3) An owner of a tanning facility shall provide the record referred to in subsection (2) to the Minister on request. *2012(2nd),c.20,s.19; 2013,c.46,s.4.*

20. Registry

- (1) The Minister shall establish and maintain a registry containing the information required by the regulations in respect of tanning facilities and the commercial use of tanning equipment.

Requirement to register

- (2) An owner of a tanning facility shall register the particulars required by the regulations in respect of the facility and its operation and shall pay the prescribed registration fee. *2012(2nd),c.20,s.20.*

21. Signage

An owner of a tanning facility shall ensure that signs are displayed

- (a) in the form and manner; and
- (b) showing the information relating to the sale of access to tanning equipment and the effect of the use of tanning equipment on health

as required by the regulations. *2012(2nd),c.20,s.21.*

Health Hazards

22. Health hazard

- (1) A health hazard is
- (a) a condition, a thing or an activity that
 - (i) endangers, or is likely to endanger, public health, or
 - (ii) interferes, or is likely to interfere, with the suppression of infectious agents; or
 - (b) a prescribed condition, thing or activity, including a prescribed condition, thing or activity that
 - (i) is associated with injury or illness, or
 - (ii) fails to meet a prescribed standard in relation to health, injury, or illness.

Reporting of health hazard

- (2) A person who believes on reasonable and probable grounds that a health hazard exists and who believes that the health hazard has not been reported to a public health official shall notify a public health official of the health hazard immediately. *2012(2nd),c.20,s.22.*

23. Investigation and warning

- (1) In accordance with section 59, where a public health official believes on reasonable and probable grounds that a health hazard may exist at any premises, the public health official
- (a) shall investigate or cause an investigation to be carried out to determine whether the health hazard exists and report the results to the Chief Public Health Officer; and
 - (b) may issue a direction in the form required by the Chief Public Health Officer in respect of any health hazard found to exist to
 - (i) the owner or occupier of the premises where the health hazard is located,
 - (ii) the person who owns or appears to be responsible for the health hazard, or
 - (iii) a person who is engaged in or administers an enterprise or activity in or on the premises.

Contents of direction

- (2) A direction issued by a public health official under subsection (1) shall contain
- (a) the reasons for the direction;
 - (b) the remedial action to be taken, which may include destruction or disposal of contaminated or adulterated food, and the time within which that action shall be taken; and
 - (c) a statement advising that where the direction is not followed, the Chief Public Health Officer may issue an order under section 24 in respect of the health hazard. *2012(2nd),c.20,s.23; 2014,c.43.s.2.*

Order

24. Order respecting health hazard

- (1) Where the Chief Public Health Officer has reasonable and probable grounds to believe that a health hazard exists at a premises, and that the criteria set out in subsection (2) are satisfied, the Chief Public Health Officer may issue an order to prevent, decrease the effect of or eliminate the health hazard, including but not limited to an order
- (a) to vacate the premises;
 - (b) to close the premises or a specific part of the premises or restrict access to the premises;
 - (c) to placard the premises to give notice of an order in respect of closure or restriction of access to the premises;
 - (d) to require the performance of work specified in the order in, on, or about the premises;
 - (e) to require the removal from or around the premises anything that the order states is a health hazard;
 - (f) to isolate or detain anything specified in the order in accordance with such terms and conditions as are specified in the order;
 - (g) to clean or disinfect anything specified in the order;



- (h) to destroy the matter or thing specified in the order;
- (i) to prohibit or regulate the manufacturing, processing, preparation, storage, handling, display, transportation, sale, offering for sale or distribution of any food or thing; or
- (j) to prohibit or regulate an activity or the use of any premises or thing.

Criteria

- (2) The criteria to be satisfied for the purposes of subsection (1) are
 - (a) the remedial action specified in the order is necessary to eliminate, reduce or control the danger or injury to public health; and
 - (b) less intrusive means of dealing with the matter are, in the opinion of the Chief Public Health Officer, not sufficiently effective.

Order requiring closing of premises

- (3) An order under this section that requires the closing of premises is an order
 - (a) to shut the premises so as to prevent the entrance or access to premises by any person; and
 - (b) to suspend the operation of any enterprise or activity on or in the premises, except by the persons or for the purposes specified in the order.

Person subject to order

- (4) An order under this section may be directed to
 - (a) the owner or occupier of the premises to which the order relates;
 - (b) the person who owns or appears to be responsible for the health hazard; or
 - (c) a person who is engaged in or administers an enterprise or activity in or on the premises.

Direction or order not effective

- (5) Subject to subsection (6), an order made under this section shall be in writing and shall contain
 - (a) the reasons for the order;
 - (b) the remedial action to be taken and time within which that action shall be taken; and
 - (c) a statement advising that where an order is not followed, the Chief Public Health Officer may take action under section 25 or apply to the court under section 31 to enforce the order and for costs.

Oral directions or orders

- (6) Where the delay necessary to put an order under this section in writing will or is likely to increase substantially the hazard to the health of any person, the Chief Public Health Officer may issue an order orally containing the information in clauses (5)(a) to (c).

Idem

- (7) Where an order is issued orally under this section, the order shall be put into writing and served on each person to whom the order was directed within seventy-two hours after the making of the oral order, but a failure to comply with this subsection does not invalidate the order.

Effect of Part III on direction or order

- (8) Nothing in Part III prevents the making of an order under this section in relation to a premises, substance, thing, plant or animal, or a solid, liquid, gas or any combination of them,

that is or may be infected with a notifiable disease or condition or a communicable disease or that is or may be contaminated with an agent of a notifiable disease or condition or a communicable disease, as the case may be.

Compliance with order

- (9) A person to whom an order is directed under this section shall comply with the order. *2012(2nd),c.20,s.24.*

25. Order

The Chief Public Health Officer may, by means of an order under section 24, in accordance with the regulations,

- (a) prohibit the sale of food, milk or milk product produced, processed, sold or kept for sale in, or distributed or transported to, any premises
 - (i) in which, on inspection, conditions are found to be unsatisfactory, unsanitary or a contravention of an applicable standard prescribed or adopted in the regulations, or
 - (ii) where inspection is refused;
- (b) prohibit the sale of food, milk or milk product produced, processed, transported, distributed, received, handled or stored in contravention of the regulations; and
- (c) order the measures, including seizure or destruction, to be taken, in accordance with the regulations, respecting any food, milk or milk product that
 - (i) is, or is suspected on reasonable and probable grounds of being, injurious to health, or
 - (ii) is suspected on reasonable and probable grounds of
 - (A) having been produced or processed in contravention of this Act or the regulations, or
 - (B) failing to meet the applicable standards prescribed or adopted in the regulations. *2012(2nd),c.20,s.25.*

26. Recall by Chief Public Health Officer

- (1) The Chief Public Health Officer may, by means of an order under section 24, in accordance with the regulations,
- (a) order the recall of any food, milk or milk product that has been distributed for sale but is suspected on reasonable and probable grounds
 - (i) of being injurious to health, or
 - (ii) of failing to meet the applicable standards prescribed or adopted in the regulations; and
 - (b) order the measures, including destruction, to be taken, in accordance with the regulations, respecting that food, milk or milk product.

Compliance with order

- (2) A person to whom an order is directed under this section shall comply with the order. *2012(2nd),c.20,s.26.*



27. Order directed to person described

- (1) It is sufficient in an order under this section to direct the order to a person or persons described in the order and an order under this section is not invalid by reason only of the fact that a person to whom the order is directed is not named in the order.

Communication to other persons

- (2) An order made under this section may require the person to whom the order is directed to communicate the contents of the order to other persons as specified in the order.

Notice of order

- (3) If it is not practicable to serve a copy of an order directed to a class of persons on each member of the class, the Chief Public Health Officer may instead provide public notice of the order by any means of communication that the Chief Public Health Officer considers will make it known to the majority of the class.

Contents of notice

- (4) A public notice referred to in subsection (2) shall include
- (a) information to enable members of the class to understand to whom the order is directed;
 - (b) the details of the order;
 - (c) information on where to direct inquiries about the order and where to obtain a copy of it. *2012(2nd),c.20,s.27.*

28. Seizure and destruction of health hazard

- (1) Where the Chief Public Health Officer believes on reasonable and probable grounds that a condition of any substance, thing, plant or animal is a health hazard, the Chief Public Health Officer may seize or cause the seizure of the substance, thing, plant or animal.

Detention for examination of thing seized

- (2) The Chief Public Health Officer may detain and may remove a substance, thing, plant or animal seized under subsection (1) pending such examination or inspection as is necessary in his or her opinion to determine the existence of the health hazard.

Notice thing seized not a health hazard

- (3) Where the examination or inspection of a substance, thing, plant or animal seized under subsection (1) indicates that a health hazard is not present, the Chief Public Health Officer shall notify the owner or person from whom it was seized and shall release it to the owner or person.

Disposition or destruction of thing not reclaimed

- (4) If the owner or person from whom a substance, thing, plant or animal was seized does not reclaim it within three working days after receiving notification under subsection (3), the Chief Public Health Officer may cause it to be disposed of or destroyed.

Destruction of health hazard

- (5) Where an examination or investigation of a substance, thing, plant or animal seized under subsection (1) indicates that a health hazard is present, the Chief Public Health Officer shall destroy it, dispose of it or take such other action as he or she considers necessary to eliminate or decrease the health hazard.

Recovery of costs

- (6) Where a substance, animal, plant or thing was seized and subsequently found to be a health hazard, the Chief Public Health Officer may recover from the owner or person from whom it was seized the cost of the seizure, destruction, disposal or other action that was taken to eliminate or decrease the health hazard and section 30 applies with the necessary modifications.

Food

- (7) Where food is seized under this section and the Chief Public Health Officer believes on reasonable and probable grounds that the condition of the food is a health hazard, subsections (2) to (4) do not apply and the Chief Public Health Officer may destroy or dispose of the food or cause it to be disposed of or destroyed without further examination or inspection. *2012(2nd),c.20,s.28.*

29. Actions by Chief Public Health Officer

Where the Chief Public Health Officer believes on reasonable and probable grounds that a health hazard exists at a premises and the person to whom an order is or would be directed under section 24

- (a) has refused to comply with or is not complying with the order;
- (b) is not likely to comply with the order promptly;
- (c) cannot readily be identified or located and as a result the order would not be carried out promptly; or
- (d) requests the assistance of the Chief Public Health Officer in preventing or decreasing the effects of or eliminating the health hazard,

the Chief Public Health Officer may enter the premises, with the persons, materials and equipment and using such force as the Chief Public Health Officer considers necessary, and may take such action as the Chief Public Health Officer considers necessary to carry out or give effect to a provision of the order to eliminate or decrease the health hazard. *2012(2nd),c.20,s.29.*

30. Recovery of expenses

The expenses incurred by the Chief Public Health Officer to remediate a health hazard may be recovered with costs from any person to whom an order is or would be directed under section 24 in respect of the health hazard by action in a court of competent jurisdiction as a debt owed to Her Majesty in right of Prince Edward Island. *2012(2nd),c.20,s.30.*

31. Application to court

- (1) The Chief Public Health Officer may apply to a judge of the Supreme Court for an order of the court under subsection (2) if a person to whom an order has been directed under this Part
- (a) refuses to comply with the order, or, in the Chief Public Health Officer's opinion, is likely to refuse to do so; or
 - (b) cannot be readily identified or located, and, as a result, the order cannot be carried out promptly.

Order

- (2) If the court is satisfied that the conditions for an application under subsection (1) are met, the court may make an order directing a person, including any or all peace officers in the



province, to assist the Chief Public Health Officer in carrying out the order issued under this Part, using any force that is reasonably necessary in the circumstances.

Notice not required

- (3) An order under this section may be made without providing prior notice to an owner of a substance, animal, plant or thing that is a health hazard, a person from whom the substance, animal, plant or thing was seized or the owner or occupier of the place or premises where the health hazard is located. *2012(2nd),c.20,s.31.*

Notifiable Diseases or Conditions and Communicable Diseases

32. Notifiable diseases or conditions and communicable diseases

- (1) Where the Minister is of the opinion that a public health emergency exists or may exist as a result of a disease or condition that is not listed in the regulations as a notifiable disease or condition, the Minister may make an order declaring the disease or condition to be a notifiable disease or condition, as the case may be.

Publication of order

- (2) The Minister shall publish an order made under subsection (1) in one or more newspapers having general circulation in the province.

Date effective

- (3) An order made under subsection (1) is effective upon publication and for a period of six months after the date on which the order is first published, or until the order is revoked, whichever first occurs. *2012(2nd),c.20,s.32.*

33. Reporting of notifiable diseases, etc.

A medical practitioner or nurse practitioner who, while providing professional services to a person, comes to believe on reasonable and probable grounds that the person

- (a) has or may have a notifiable disease or condition or may be infected with an agent of a communicable disease; or
(b) has suffered a reportable event prescribed by regulation,

shall report the facts on which the belief is based, in accordance with the regulations, to the Chief Public Health Officer. *2012(2nd),c.20,s.33; 2013,c.20,s.2.*

34. Person in charge of institution duty to report

Where a person in charge of an institution believes on reasonable and probable grounds that a person under his or her custody or control

- (a) has or may have a notifiable disease or condition or is or may be infected with an agent of a communicable disease; or
(b) has suffered a reportable event prescribed by regulation,

the person shall report the facts on which the belief is based, in accordance with the regulations, to the Chief Public Health Officer. *2012(2nd),c.20,s.34; 2013,c.20,s.3.*

35. Health practitioner in health facility, duty to report

- (1) A health practitioner who, while providing professional services to a person in a health facility, comes to believe on reasonable and probable grounds that the person has or may have a notifiable disease or condition or may be infected with an agent of a communicable disease, shall report the facts on which the belief is based to the administrator or person in charge of the health facility, within the time and in the manner required by the administrator or person in charge.

Administrator of health facility, duty to report

- (2) The administrator or person in charge of a health facility, or a person designated by the administrator or person in charge of a health facility, who comes to believe on reasonable and probable grounds that there is or may be an outbreak of a communicable disease in the health facility shall report the facts on which the belief is based to the Chief Public Health Officer, in accordance with the regulations.

Concurrent duty

- (3) For greater certainty, the duty imposed in subsection (1) is in addition to the duty imposed on a medical practitioner or nurse practitioner in section 33; *2016,c.51,s.2.*

35.1 Director of laboratory services, duty to report

The director or person in charge of provincial laboratory services shall report a laboratory finding that a person has or may have a notifiable disease or condition or may be infected with an agent of a communicable disease to

- (a) the Chief Public Health Officer, in accordance with the regulations; and
(b) where the person to whom the laboratory finding pertains is in a health facility, the administrator or person in charge of the health facility, within the time and in the manner required by the administrator or person in charge. *2012(2nd),c.20,s.35; 2013,c.20,s.4; 2016,c.51,s.2.*

36. Principal of school or operation of child care centre

The principal of a school or the operator of a child care facility who suspects that a pupil in the school or a child in the child care facility, as the case may be, has or may have a notifiable disease or condition specified by the regulations shall report the facts on which the suspicion is based, in accordance with the regulations, to the Chief Public Health Officer. *2012(2nd),c.20,s.36.*

36.1 Consent not required

The making of a report in accordance with section 33, 34, 35, 35.1 or 36 does not require the consent of the person in respect of whom the report is required to be made, or any other person. *2013,c.20,s.5; 2016,c.51,s.3.*

37. Requirement to provide information

- (1) A person who has or is suspected of having a communicable disease prescribed in the regulations shall on request provide information respecting the person's contacts related to the disease to a medical practitioner, nurse practitioner or registered nurse who is providing professional services to the person.



Duty to report

- (2) A medical practitioner, nurse practitioner or registered nurse to whom a person referred to in subsection (1) provides information in accordance with that subsection shall report the person's contacts related to the disease to the Chief Public Health Officer in accordance with the regulations. *2012(2nd),c.20,s.37; 2013,c.20,s.6.*

38. Duty of medical practitioner or nurse practitioner to report refusal or neglect of treatment

A medical practitioner or nurse practitioner shall report to the Chief Public Health Officer, in accordance with the regulations, the name and address of a person who is under the care and treatment of the medical practitioner or nurse practitioner in respect of a communicable disease specified in the regulations and who refuses or neglects to continue the treatment in a manner and to a degree satisfactory to the medical practitioner or nurse practitioner. *2012(2nd),c.20,s.38; 2013,c.20,s.7.*

39. Order respecting communicable disease

- (1) Subject to subsection (2), the Chief Public Health Officer by a written order may require a person to take or refrain from taking any action that is specified in the order in respect of a communicable disease.

Circumstances

- (2) The Chief Public Health Officer may issue an order under this section where he or she believes on reasonable and probable grounds that
- (a) a communicable disease exists or may exist in the province;
 - (b) the communicable disease presents a risk to the health of persons in the province; and
 - (c) the requirements specified in the order are necessary to prevent, decrease or eliminate the risk to health presented by the communicable disease.

Time for compliance

- (3) In an order under this section, the Chief Public Health Officer may specify the time or times when or the period or periods of time within which the person to whom the order is directed shall comply with the order.

Isolation of person infected

- (4) An order under this section may include, but is not limited to,
- (a) requiring any person that the order states has or may have a communicable disease or is or may be infected with an agent of a communicable disease to isolate himself or herself and remain in isolation from other persons;
 - (b) requiring the person to whom the order is directed to submit to an examination by a medical practitioner and requiring the medical practitioner to deliver to the Chief Public Health Officer a report as to whether or not the person has a communicable disease or is infected with an agent of a communicable disease;
 - (c) requiring the person to whom the order is directed in respect of a disease that is a communicable disease to place himself or herself forthwith under the care and treatment of a medical practitioner;
 - (d) requiring the person to whom the order is directed to conduct himself or herself in such a manner as not to expose another person to infection; and

- (e) requiring the person to whom the order is directed to provide information respecting the person's contacts related to a communicable disease to the Chief Public Health Officer.

Reasons for order

- (5) An order under this section is not effective unless the reasons for the order are set out in the order.

Oral order

- (6) Where the delay necessary to put an order under this section in writing will or is likely to increase substantially the risk to the health of any person presented by the communicable disease, the Chief Public Health Officer may make the order orally and subsection (5) does not apply.

Idem

- (7) Where an oral order is issued under this section, the contents of the order and the reasons for the order shall be put into writing and served on each person to whom the order was directed as soon as possible after making of the oral order, but a failure to comply with this subsection does not invalidate the order.

Order to unnamed person or class of persons

- (7.1) It is sufficient in an order under this section to direct the order to a person or class of persons described in the order and an order under this section is not invalid by reason only of the fact that a person to whom the order is directed is not named in the order.

Public notice of order

- (7.2) If it is not practicable to serve a copy of an order on each member of a class of persons described in an order, the Chief Public Health Officer may instead provide public notice of the order by any means of communication that the Chief Public Health Officer considers will make it known to the majority of the class of persons.

Contents of notice

- (7.3) A public notice referred to in subsection (7.2) shall include
 - (a) information to enable members of the class to understand to whom the order is directed;
 - (b) the details of the order; and
 - (c) information on where to direct inquiries about the order and obtain a copy of it.

Compliance with order

- (8) A person to whom an order is directed under this section shall comply with the order. *2012(2nd),c.20,s.39; 2013,c.20,s.8; 2020,c.43,s.2.*

40. Order in respect of person under sixteen years

Where an order by the Chief Public Health Officer in respect of a communicable disease is directed to a person under sixteen years of age and is served upon or public notice of it is provided to the parent of the person or any other person who has the lawful custody, care or control of the person under sixteen years of age, the parent or other person shall ensure that the order is complied with. *2012(2nd),c.20,s.40; 2020,c.43,s.3.*



41. Effect of order

The issuance of an order under section 39 in relation to a communicable disease shall not affect the validity or force of any other order that is made under this Act, whether before, during or after the making of that order or taking of an action pursuant to that order.
2012(2nd),c.20,s.41.

42. Order of court to detain, examine or treat a person

- (1) The Chief Public Health Officer may make an application to the court for an order under this section where a person has failed to comply with an order issued by the Chief Public Health Officer in respect of a communicable disease specified in the regulations that
- (a) the person isolate himself or herself and remain in isolation from other persons;
 - (b) the person submit to an examination by a medical practitioner;
 - (c) the person place himself or herself under the care and treatment of a medical practitioner;
 - (d) the person conduct himself or herself in such a manner as not to expose another person to infection; and
 - (e) the person provide information respecting the person's contacts related to the communicable disease to the Chief Public Health Officer.

Court order

- (2) Where the court is satisfied that a person has failed to comply with an order issued by the Chief Public Health Officer under section 39 or 40, the court may order, with respect to the person named in the order, any or all of the following:
- (a) that the person be taken into custody and admitted to and detained in a health facility or other facility or place named in the order;
 - (b) that the person be examined by a medical practitioner to ascertain whether or not a person is infected with an agent of a communicable disease specified in the regulations;
 - (c) that the person, if found on examination to be infected with an agent of a communicable disease specified in the regulations, be treated for the disease;
 - (d) that the person, if found on examination to be infected with an agent of a communicable disease specified in the regulations, provide information respecting the person's contacts related to the communicable disease to the Chief Public Health Officer.

Ex parte application

- (3) An application under subsection (1) may be made ex parte and where so made the court may make an interim order under subsection (2).

Application to court for order

- (4) Where an interim order for detention is issued under this section, the Chief Public Health Officer may apply to the court for an order regarding the person who is the subject of the interim order immediately after the person is detained and the court shall hold a hearing within seventy-two hours after such application is made.

Private hearing

- (5) An application heard under this section shall be heard in private, unless the person in respect of whom the application is made requests a public hearing by a notice filed with the court before the day of the hearing.

Order, authority to act under

- (6) An order issued under this section is authority for any person to locate and apprehend the person who is the subject of the order and to deliver that person to the health facility or other facility or place named in the order.

Peace officer

- (7) An order issued under this section may be directed to any peace officer and the peace officer shall do all things reasonably able to be done to locate, apprehend and deliver the person in accordance with the order.

Reasons for a detention

- (8) A person who apprehends a person who is the subject of an order issued under this section shall promptly
- (a) inform the person of the reasons for the detention and of the person's right to retain and instruct counsel without delay; and
 - (b) tell the person where the person is being taken.

Order

- (9) An order for detention issued under this section is authority to detain the person who is the subject of the order in the health facility or other facility or place named in the order and to care for the person and, where ordered, to examine the person and treat the person for the communicable disease specified in the regulations in accordance with generally accepted medical practice for a period of not more than three months from and including the day the order was issued. *2012(2nd),c.20,s.42; 2013,c.20,s.9; 2020,c.43,s.4(a),(b).*

43. Designation of medical practitioner

Where a person is detained in a health facility or other facility or place by an order issued under section 42, the Chief Public Health Officer or the administrator or person in charge of the facility or place shall designate a medical practitioner to have responsibility for the person while detained. *2012(2nd),c.20,s.43; 2020,c.43,s.5.*

44. Medical practitioner to report respecting detained person

The medical practitioner responsible for a person named in an order made under section 42 shall report in respect of the treatment and the condition of the person to the Chief Public Health Officer in the manner, at the times and with the information specified by the Chief Public Health Officer. *2012(2nd),c.20,s.44.*

45. Extension of period of detention

Where upon application of the Chief Public Health Officer the court is satisfied

- (a) that the person continues to be infected with an agent of a communicable disease specified in the regulations; and
- (b) that the discharge of the person from the health facility or other facility or place would present a significant risk to the health of the public,

the court may by order extend the period of detention for not more than three months, and upon further applications by the Chief Public Health Officer, the court may extend the period of detention and treatment for further periods, each of which shall not be for more than three months. *2012(2nd),c.20,s.45; 2020,c.43,s.4(c).*



46. Certificate authorizing release

The Chief Public Health Officer shall inform himself or herself as to the treatment and condition of the person detained in accordance with an order made under section 42 and shall issue a certificate authorizing the person's release from detention as soon as the Chief Public Health Officer is of the opinion that the person is no longer infected with an agent of the communicable disease specified in the regulations or that the person's release from detention will not present a significant risk to the health of the public. *2012(2nd),c.20,s.46.*

47. Order for detention by Chief Public Health Officer

- (1) Where a person has failed to comply with an order of the Chief Public Health Officer under section 39 and there are exigent circumstances that make it impracticable to make an application to the court for an order under section 42, the Chief Public Health Officer may issue an order to detain the person named in the order.

Date and signature

- (2) An order for detention issued under this section is not effective unless dated and signed by the Chief Public Health Officer.

Duration of order

- (3) An order for detention issued under this section is valid for seventy-two hours after it is signed.

Authorization provided by order

- (4) An order for detention issued under this section is authority for any person to locate and apprehend the person who is the subject of the order and to deliver that person to the health facility or other facility or place named in the order.

Peace officer

- (5) An order for detention issued under this section may be directed to any peace officer and the peace officer shall do all things reasonably able to be done to locate, apprehend and deliver the person in accordance with the order.

Information to be given to person apprehended

- (6) A person who apprehends a person who is the subject of an order for detention issued under this section shall promptly
 - (a) inform the person of the reasons for the detention and of the person's right to retain and instruct counsel without delay; and
 - (b) tell the person where the person is being taken.

Authorization provided by order

- (7) An order for detention issued under this section is authority to detain and to care for the person who is the subject of the order in the health facility or other facility or place named in the order for a period not exceeding seventy-two hours.

Application for order of court

- (8) The Chief Public Health Officer shall file an application for an order of the court under section 42 respecting a person who has been detained under this section immediately after the person has been detained and the court shall hold a hearing within seventy-two hours after the application is filed.

Idem

- (9) An application filed with the court for an order under section 42 is sufficient authority
- (a) for a peace officer or any other person to take the person who is the subject of the application to the court for a determination of the application; and
 - (b) for the administrator or person in charge of the health facility or other facility or place named in an order made under this section to detain and care for the person who is the subject of the application in the health facility or other facility or place pending a determination of the application. *2012(2nd),c.20,s.47; 2020,c.43,s.6.*

48. Where person withdraws from treatment

Where the Chief Public Health Officer has issued an order under section 39 in respect of a person who has or may have a communicable disease specified in the regulations and the person withdraws from the care and treatment specified in the order or fails to continue the specified action, sections 40 to 47 apply with the necessary modifications and the person shall be deemed to have failed to comply with an order of the Chief Public Health Officer. *2012(2nd),c.20,s.48.*

48.1 Preventive measures

A medical practitioner or other prescribed person who attends the birth of a child shall, in accordance with the regulations, provide to the child any preventive measures prescribed in the regulations related to a communicable disease specified in the regulations. *2013,c.20,s.10.*

PART III — PUBLIC HEALTH EMERGENCY

49. Public health emergency

- (1) The Lieutenant Governor in Council may make an order declaring a state of public health emergency with respect to all or any area of the province where, on the advice of the Chief Public Health Officer, the Lieutenant Governor in Council is satisfied that
- (a) a public health emergency exists or is imminent; and
 - (b) prompt coordination of action or special measures are required in order to protect the public health.

Special measures

- (2) Where the Lieutenant Governor in Council makes an order under subsection (1), the Chief Public Health Officer may take the following special measures:
- (a) issue directions, for the purpose of managing the threat, to an institution, health facility, corporation, health care organization, operator of a laboratory, operator of an ambulance service, health professional or health care provider, including directions about
 - (i) identifying and managing cases,
 - (ii) controlling infection,
 - (iii) managing hospitals and other health care facilities and ambulance services,
 - (iv) managing and distributing equipment and supplies, and
 - (v) administering immunizations as directed by the Chief Public Health Officer;



- (b) order the owner or occupier of any place or premises to deliver up possession of the place or premises to the Minister for use as a temporary assessment, treatment, isolation or quarantine facility in accordance with section 50;
- (c) order a public place or any premises to be closed;
- (c.1) order persons to refrain from entering or attending a public place or premises;
- (d) order persons to
 - (i) refrain from assembling in a public gathering in a specified area,
 - (ii) limit the number of persons who will be permitted to attend a public gathering, or
 - (iii) limit the purpose for a public gathering;
- (e) order persons to refrain from travelling to or from any area of the province or on any road, street or highway;
- (f) appoint a person as a public health official for a period of time specified in the appointment or until the end of the state of public health emergency, whichever occurs sooner;
- (g) any other measure the Chief Public Health Officer reasonably believes is necessary for the protection of the health of the population during the public health emergency.

Order of Chief Public Health Officer

- (3) Where the Lieutenant Governor in Council makes an order under subsection (1), the Chief Public Health Officer may order a person or class of persons who the Chief Public Health Officer reasonably believes is not protected against a communicable disease to be immunized, or to take any other preventive measures.

Public notice

- (3.1) The Chief Public Health Officer shall provide public notice of an order made under clauses (2)(c) to (e) or in respect of a class of persons under subsection (3) by any means of communication that the Chief Public Health Officer considers will make it known to the majority of the members of the public or class of persons, as the case may be.

No limitation

- (4) Nothing in this section limits the operation of any other provision in this Act or the regulations that imposes a duty or confers a power on any person.

Order terminates unless continued

- (5) An order made under subsection (1) terminates on the expiry of thirty days from the date on which it was made, unless it is sooner terminated or continued by the Lieutenant Governor in Council.

Publication

- (6) Where an order
 - (a) has been made under subsection (1); or
 - (b) has terminated thirty days after the date on which it was made or has been terminated by the Lieutenant Governor in Council; or
 - (c) is continued by the Lieutenant Governor in Council,

the Minister shall cause the details of either the order, termination or continuation, as the case may be, to be communicated or published by any means of communication that the Minister considers sufficient to make the details known to the majority of the population to which the order, termination or continuation relates.

Pandemic influenza plan

- (7) Where the Chief Public Health Officer believes on reasonable and probable grounds that pandemic influenza is imminent, the Chief Public Health Officer may direct that all or part of the provincial health pandemic influenza plan, if any, be implemented.

Compliance with order

- (8) A person to whom an order is directed under this section shall comply with the order. *2012(2nd),c.20,s.49; 2014,c.43,s.3; 2020,c.43,s.7.*

50. Possession of premises

- (1) The Chief Public Health Officer may, for the purposes of clause 49(2)(b), take possession of a place or premises and may retain possession for the period that the Chief Public Health Officer considers necessary.

Cleaning of building

- (2) Where the place or premises includes a building, the Chief Public Health Officer shall, before restoring the possession of the building to the owner, cleanse and disinfect it 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.

Compensation

- (3) The Minister shall pay to the owner a reasonable sum for the use of the place or premises.

Idem

- (4) The compensation to be paid for such use or possession, if not agreed upon, may be summarily determined by a judge of the court upon application of either party and after reasonable notice to the other party. *2012(2nd),c.20,s.50; 2020,c.43,s.8.*

51. Application to court

- (1) The Chief Public Health Officer may apply to a judge of the Supreme Court for an order of the court under subsection (2) if an owner or occupier of a place or premises to whom an order to deliver up possession has been directed under clause 49(2)(b)
- (a) refuses to deliver up possession of the place or premises to the Chief Public Health Officer in accordance with the order, or, in the Chief Public Health Officer's opinion, is likely to refuse to do so; or
 - (b) cannot be readily identified or located, and, as a result, the order cannot be carried out promptly.

Order

- (2) If the court is satisfied that the conditions for an application under subsection (1) are met, the court may make an order directing a person, including any or all peace officers in the province, to put the Chief Public Health Officer in possession of the place or premises, using any force that is reasonably necessary in the circumstances.

Notice not required

- (3) An order under this section may be made without providing prior notice to the owner or occupier of the place or premises.



Notification of order

- (4) Where pursuant to an order of the court under subsection (2) possession is taken without the consent of the owner, the Chief Public Health Officer shall within ten days notify the owner.

Means of giving notice

- (5) Where the owner is not known or is not resident in the province or if the owner's residence is unknown, the notice referred to in subsection (4) is sufficiently given if
- (a) the notice is published in the Royal Gazette;
 - (b) the notice is published for two insertions in the local newspaper, if any, published in the county where the place or premises are located; and
 - (c) a copy of the notice is sent by registered mail to the owner at the owner's last known place of residence, if any, in the province. *2012(2nd),c.20,s.51; 2020,c.43,s.9.*

52. Emergency Measures Act prevails

- (1) For greater certainty,
- (a) an order declaring a state of public health emergency in respect of all or any area of the province that has been made by the Lieutenant Governor in Council under subsection 49(1) does not take precedence over a declaration of a state of emergency made by the Minister responsible for the administration of the *Emergency Measures Act* R.S.P.E.I. 1988, Cap. E-6.1; and
 - (b) in the event that the public health emergency escalates, the Chief Public Health Officer may recommend to the Minister responsible for the administration of the *Emergency Measures Act* that the Minister declare a state of emergency under that Act.

Idem

- (2) Where a state of emergency is declared under the *Emergency Measures Act*, and where there is any conflict between a provision of this Act and a provision of the *Emergency Measures Act*, the provision of the *Emergency Measures Act* shall prevail. *2012(2nd),c.20,s.52; 2020,c.43,s.10.*

53. Limited license

- (1) Notwithstanding any other enactment, where an order has been made by the Lieutenant Governor in Council declaring a state of public health emergency under subsection 49(1), the licensing body or the designate of the licensing body of a health profession, as the case may be, may grant a special limited license to a person who, in the licensing body's opinion, is capable of practising a function of the health profession with any privileges or restrictions that may be determined concerning the duration or scope of the function, notwithstanding that the person may not fully meet the qualifications for licensure or that all of the required evidence of qualification is not provided.

Terms and conditions

- (2) The term and particular conditions of the limited license shall be clearly indicated on the license and recorded in the register of the relevant licensing body. *2012(2nd),c.20,s.53.*

PART IV — INFORMATION GATHERING AND SHARING

54. Definitions

In this Part,

- (a) “**government agency**” means
 - (i) any board, commission, association, agency, or similar body, whether incorporated or unincorporated, all the members of which, or all the members of the board of management or board of directors or governing board of which, are appointed by an Act of the Legislature or by the Lieutenant Governor in Council, and
 - (ii) any other body designated as a government agency in the regulations;
- (b) “**government department**” means a department, branch or office of the Government of Prince Edward Island;
- (c) “**information**” includes personal information, personal health information, proprietary information and confidential information;
- (d) “**person**” includes a government agency and a government department;
- (e) “**personal health information**” means identifying information about an individual in oral or recorded form that
 - (i) relates to the physical or mental health of the individual, including information that consists of the health history of the individual’s family,
 - (ii) relates to the providing of health care to the individual, including the identification of a person as a provider of health care to the individual,
 - (iii) is a plan of service developed for the individual,
 - (iv) relates to payments or eligibility for health care, or eligibility for coverage for health care, in respect of the individual,
 - (v) relates to the donation by the individual of any body part or bodily substance of the individual or is derived from the testing or examination of any such body part or bodily substance,
 - (vi) is the individual’s health number as defined in the *Provincial Health Number Act* R.S.P.E.I. 1988, Cap. P-27.01, or
 - (vii) identifies an individual’s substitute decision-maker. *2012(2nd),c.20,s.54; 2013,c.20,s.11.*

55. Paramountcy

Where a provision of this Part is inconsistent or in conflict with a provision of the *Freedom of Information and Protection of Privacy Act* R.S.P.E.I. 1988, Cap. F-15.01, the provision of this Part prevails. *2012(2nd),c.20,s.55.*

56. Requirement to provide information

- (1) The Chief Public Health Officer may require any person to provide information that the Chief Public Health Officer reasonably considers necessary to
 - (a) assess the threat that a disease presents to public health and plan for and address the threat; or
 - (b) evaluate and monitor the health and safety of the general public.



Authorization to collect information

- (2) The Chief Public Health Officer may, in writing, authorize a public health official or a health facility to collect the information required under subsection (1) on his or her behalf.

Compliance

- (3) A person required to provide information under this section shall do so. *2012(2nd),c.20,s.56; 2016,c.51,s.4.*

57. Disclosure of information

- (1) For the purpose of assessing the impact of, and planning for and dealing with, a threat to public health, the Minister and the Chief Public Health Officer may disclose information to each other and to any of the following:
- (a) a public health official;
 - (b) a government department or government agency;
 - (c) an educational body, health facility or municipality;
 - (d) a department or agency of the Government of Canada or of another province or territory of Canada;
 - (e) a person or entity designated by the Government of Canada or by the government of another province or territory of Canada as being responsible for public health services;
 - (f) a band as defined in the *Indian Act* (Canada);
 - (g) the government of a foreign country, or of a state, province or territory of a foreign country; or
 - (h) an organization representing one or more governments, or an international organization of states.

Disclosure in accordance with regulations

- (2) Subject to the regulations, for the purpose of administering or determining compliance with this Act, a public health official may disclose information to any person described in the regulations. *2012(2nd),c.20,s.57.*

58. Provincial information system

- (1) The Minister may establish and maintain, or cause to be established and maintained by a government agency, a provincial information system for the ongoing and systematic collection, analysis, interpretation, publication and distribution of information necessary to
- (a) gain an overall understanding of the health status of Prince Edward Islanders;
 - (b) anticipate, assess, monitor and plan for health needs and threats to public health;
 - (c) monitor and evaluate developments respecting public health and threats to public health;
 - (d) guide decisions and actions respecting public health;
 - (e) monitor and evaluate public health services;
 - (f) facilitate public health research and planning;
 - (g) produce public health advisories, reports and other notices; or
 - (h) permit timely access to and distribution of information.

Registries

- (2) The provincial information system shall include the registries of information established and maintained in accordance with the regulations, and may include other information and other collections and compilations of information as directed by the Minister.

Designated person

- (3) Subject to the regulations, a registry forming part of the provincial information system may be established, maintained, or both, by a person who is designated in the regulations for this purpose. *2012(2nd),c.20,s.58.*

PART V — ENFORCEMENT AND PENALTIES

Inspection, Investigation or Inquiry

59. Investigation

- (1) For the purpose of administering and enforcing this Act and the regulations, a public health official may
- (a) make any inspection, investigation or inquiry that the public health official considers necessary;
 - (b) at any reasonable time enter, without a warrant, any premises other than an occupied dwelling;
 - (b.1) require the operator of a vehicle to stop the vehicle and remain stopped, or move the vehicle to another location and remain stopped, until permitted to proceed by the public health official;
 - (c) conduct any tests, take any samples and make any examinations that the public health official considers necessary;
 - (d) require any person whom the public health official finds at a premises to provide the public health official with any information the person can that might be relevant to the inspection, investigation or inquiry;
 - (e) require the production of, inspect and take copies of any records that might be relevant to the inspection, investigation or inquiry;
 - (f) require the production of any substance, thing, plant or animal for the purpose of an inspection, investigation or inquiry;
 - (g) make or cause to be made any excavation for the purpose of an inspection, investigation or inquiry;
 - (h) require that any thing be dismantled, operated, used or set in motion under specified conditions for the purpose of an inspection, investigation or inquiry;
 - (i) subject to subsection (2), remove any records examined under this section for the purpose of making copies; and
 - (j) seize, detain or destroy or cause to be destroyed anything that the public health official believes constitutes or contributes to a health hazard.

Removal of records

- (2) If a public health official removes any records for copying under this section, the public health official shall



- (a) provide the owner or occupier of the premises from which the records were obtained with a receipt for the records removed;
- (b) make copies as soon as is reasonably possible; and
- (c) after making copies, return the records to the premises from which the records were obtained or some other place agreed to by the public health official and the owner or occupier of the premises.

Dwelling place

- (3) No public health official shall enter a dwelling without a warrant unless the occupant consents to the entry.

Application for a warrant

- (4) The Chief Public Health Officer may make an ex parte application for a warrant to enter and search a dwelling or other premises.

Issuance of a warrant

- (5) Where the Chief Public Health Officer makes an application under subsection (4), a justice or a judge may issue a warrant authorizing any public health official named in the warrant to enter and search any premises named in the warrant, if the justice or judge is satisfied, on information under oath, that there are reasonable and probable grounds to believe that
 - (a) an offence under this Act or the regulations is being or has been committed and there is evidence of the offence at the premises proposed to be searched; or
 - (b) a health hazard is present at the premises proposed to be searched that is or might become a significant risk to public health.

Entry without warrant

- (6) Notwithstanding subsection (3), the Chief Public Health Officer may enter a dwelling without a warrant and exercise any of the powers under clauses (1)(c) to (g) if the Chief Public Health Officer believes on reasonable and probable grounds that
 - (a) either
 - (i) an offence under this Act or the regulations is being or has been committed and there is evidence of the offence at the premises proposed to be searched, or
 - (ii) a health hazard is present at the dwelling place that is or might become a significant risk to public health; and
 - (b) the delay caused by obtaining a warrant would
 - (i) result in the loss or destruction of evidence, or
 - (ii) increase the risk to public health presented by the health hazard.

2012(2nd),c.20,s.59; 2020,c.43,s.11.

60. Assistance from peace officer

A public health official may request assistance from a peace officer in

- (a) conducting an inspection, investigation, inquiry or search under this Act or the regulations; or
 - (b) enforcing an order made under this Act or the regulations,
- and the peace officer shall assist the public health official. *2012(2nd),c.20,s.60; 2020,c.43,s.12.*

61. Obstruction

- (1) No person shall hinder or obstruct a public health official or a person assisting a public health official
- (a) in the conduct of an inspection, investigation, inquiry or search under this Act or the regulations;
 - (b) in the enforcement of an order made under this Act or the regulations.

Refusal of consent to enter private dwelling

- (2) A refusal of consent to enter a dwelling is not and shall not be deemed to be hindering or obstructing within the meaning of subsection (1), except where an entry warrant has been obtained.

Tampering

- (3) No person shall tamper with
- (a) any equipment or materials used by a public health official or a person assisting him or her in the course of an inspection, investigation, inquiry or search under this Act or the regulations;
 - (b) any results obtained from an inspection, investigation, inquiry or search under this Act or the regulations;
 - (c) any notices, directions or orders posted on a premises.

False information

- (4) No person shall knowingly provide false or misleading information, either orally or in writing, to a public health official. *2012(2nd),c.20,s.61.*

62. Other persons may accompany public health official

A public health official may be accompanied by other persons for any purpose mentioned in subsection 59(1), and those persons may carry out inspections, examinations, tests and inquiries and take any samples or do other things as directed by the public health official. *2012(2nd),c.20,s.62.*

63. Duty to assist

An owner or occupier of a place or premises and any employees or agents of the owner or occupier shall give all reasonable assistance to the public health official to enable the public health official to carry out his or her duties and functions under this Act and the regulations and shall furnish the public health official with the information that he or she reasonably requires for purposes referred to in subsection 59(1). *2012(2nd),c.20,s.63.*

64. Copy of order as evidence

A copy of an order purporting to be made by the Chief Public Health Officer is, without proof of the office or signature of the Chief Public Health Officer, receivable in evidence as proof, in the absence of evidence to the contrary, of the making of the order and of its contents for all purposes in any action, proceeding or prosecution. *2012(2nd),c.20,s.64.*

65. Proceedings to prohibit continuation or repetition of contravention

Where any provision of this Act or the regulations is contravened, notwithstanding any other remedy or penalty imposed, the Minister may apply to a judge of the Supreme Court for an



order prohibiting the continuation or repetition of the contravention or the carrying on of any activity in the order that, in the opinion of the judge, will or will likely result in the continuation or repetition of the contravention by the person committing the contravention, and the judge may make the order and it may be enforced in the same manner as any other order or judgment of the Supreme Court. *2012(2nd),c.20,s.65.*

66. Offences

- (1) Every person who contravenes a provision of this Act or the regulations or a failure to comply with an order of the Chief Public Health Officer is guilty of an offence and liable on summary conviction
 - (a) in the case of an individual,
 - (i) for a first offence, to a fine of \$1,000,
 - (ii) for a second offence, to a fine of \$2,000, and
 - (iii) for a third and each subsequent offence, to a fine of \$10,000 or to imprisonment for a term not exceeding six months, or both; and
 - (b) in the case of a corporation,
 - (i) for a first offence, to a fine of \$5,000,
 - (ii) for a second offence, to a fine of \$10,000, and
 - (iii) for a third and each subsequent offence, to a fine of \$25,000.

Continuing offence

- (2) A contravention of this Act or the regulations or a failure to comply with an order of the Chief Public Health Officer that is of a continuing nature constitutes a separate offence in respect of each day or part of a day that it continues.

Issuing of tickets

- (3) A public health official may issue a summary offence ticket or an information pursuant to the *Summary Proceedings Act* R.S.P.E.I. 1988, Cap. S-9, in respect of a contravention of this Act or the regulations or a failure to comply with an order of the Chief Public Health Officer. *2012(2nd),c.20,s.66.*

66.1 Officers and directors of corporation

- (1) Every officer, director or representative of a corporation who directs, authorizes, assents to, acquiesces in, or participates in the commission of an offence by that corporation is also guilty of the offence and liable on summary conviction
 - (a) for a first offence, to a fine of \$5,000;
 - (b) for a second offence, to a fine of \$10,000; and
 - (c) for a third and each subsequent offence, to a fine of \$25,000 or to imprisonment for a term not exceeding six months, or both.

Application regardless of prosecution or conviction of corporation

- (2) Subsection (1) applies whether or not the corporation has been prosecuted or convicted of the offence. *2020,c.43,s.14.*

PART VI — GENERAL

67. Immunity

No person shall discipline, suspend, demote, dismiss, discharge, harass, interfere with or otherwise disadvantage another person or threaten to do any of those things to another person where the person, in good faith,

- (a) complies with a request or requirement to report or provide information under this Act or the regulations; or
- (b) voluntarily reports or provides information about a threat to public health or safety.
2012(2nd),c.20,s.67.

68. *Idem*

No action or other proceeding shall be brought against a person who, in good faith,

- (a) complies with a request or requirement to report or provide information under this Act or the regulations; or
- (b) voluntarily reports or provides information about a threat to public health or safety.
2012(2nd),c.20,s.68.

69. Immunity of Minister, officials

- (1) No action or proceeding shall be brought against the Minister, the Chief Public Health Officer, the Deputy Chief Health Officer or another public health official or any other person acting under the authority of this Act or the regulations for anything done or not done, or for any neglect,

- (a) in the performance or intended performance of a duty imposed under this Act or the regulations; or
- (b) in the exercise or intended exercise of a power conferred under this Act or the regulations,

unless the person was acting in bad faith.

Provision of assistance

- (2) A person who provides assistance under this Act or the regulations has the same protection as a person referred to in subsection (1), unless the person was acting in bad faith.

Judicial review not excluded

- (3) Subsection (1) does not apply to prevent an application for judicial review. *2012(2nd),c.20,s.69.*

70. Other enactments

- (1) A public health official may inspect, investigate or inquire into matters under another enactment pursuant to a provision that authorizes or requires a public health official to carry out those functions under that enactment.

Application unless contrary intention appears

- (2) Sections 59 to 65 apply, with any necessary modifications, to an inspection, investigation or inquiry referred to in subsection (1), unless a contrary intention appears in the other enactment.



Limitation of liability

- (3) Section 69 applies in respect of a public health official acting under subsection (1).

Fee

- (4) The Minister may charge a fee in respect of an inspection, investigation or inquiry carried out by a public health official under another enactment. *2012(2nd),c.20,s.70.*

71. Service of notice, etc.

- (1) Except as otherwise provided in this Act, an order, notice or other document that is to be given to or served on a person shall be sufficiently given or served
- (a) if it is served in the manner in which personal service may be made under the Rules of Court;
 - (b) if it is sent by registered mail to the last or usual address of that person;
 - (c) if it is sent by registered mail to the last address of that person known to the Chief Public Health Officer; or
 - (d) if it is served in any other manner prescribed by regulation.

Service deemed effected

- (2) Service by registered mail shall be deemed to be effected five days after the date of the mailing. *2012(2nd),c.20,s.71; 2020,c.43,s.15.*

72. Regulations

The Lieutenant Governor in Council may make regulations

- (a) classifying persons, organizations, food premises, premises, licenses, places, plants, animals, things or any of them for the purposes of the regulations;
- (b) exempting any person, organization, food, food premises, premises, place, plant, animal, thing, solid, liquid, gas or combination of any of them, or any class of any of them, from any provision of this Act or the regulations and prescribing conditions that apply in respect of any such exemption;
- (c) adopting, by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, standard or guide and requiring compliance with the code, standard or guide adopted;
- (d) prescribing additional duties of the Chief Public Health Officer and other public health officials;
- (e) respecting the construction, equipment, facilities, including sanitary facilities, operation, maintenance and alteration of food premises and prescribing standards and requirements in respect of any of them;
- (ee.1) prohibiting the operation of a swimming pool without a permit;
- (ee.2) respecting swimming pool permits, including the application process and requirements for a permit and the issuance, terms and conditions, contents, display and revocation of a permit;
- (ee.3) prescribing the application form and fee for a swimming pool permit;
- (f) respecting the manufacturing, processing, preparation, inspection, storage, handling, display, transportation, sale or offering for sale of any food on or in food premises and the distribution of food from food premises and prescribing standards and requirements in respect of those activities;

- (g) respecting the inspection, method of construction, equipping, maintaining, cleaning and disinfecting of all buildings involved in the preparation, storage, or sale of food including slaughterhouses under this Act, public markets, food premises and licensed premises, retail outlets that contain food premises, warehouses, bakeries, poultry plants and frozen food plants;
- (h) establishing or adopting standards respecting
 - (i) construction, equipment, operation, sanitation and general cleanliness of milk processing plants, retail outlets and other places in which milk and milk products are processed, produced, distributed, received, handled, stored, kept for sale or sold,
 - (ii) the safety of milk and milk products at all stages of processing, production, distribution and sale in the province,
 - (iii) sanitation, management and maintenance of all dairies, milk processing plants, distribution centres and retail outlets,
 - (iv) health, hygiene requirements and work practices of persons involved in the processing or production of milk and milk products at milk processing plants,
 - (v) the methods to be used in processing milk or producing any milk product at a milk processing plant, and
 - (vi) the addition to milk or milk products of a specified substance, matter or thing;
- (i) providing for the sampling, testing and analyzing of milk or milk products, including specifying the tests to be used and procedures to be followed in testing;
- (j) designating products processed or derived in whole or in part from milk as milk products;
- (k) specifying the milk products that may be processed in a milk processing plant;
- (l) prescribing species of animals whose normal lacteal secretions are milk as defined in clause 1(m) of this Act;
- (m) providing for measures, including detention, seizure and destruction, to be taken in respect of milk or milk products for the purposes of an order issued under sections 24 or 26;
- (n) respecting the recall of milk or milk products that are the subject of an order under section 26, including measures for the disposal or destruction of the milk or milk products;
- (o) the standards and conditions under which livestock products may be processed and held for sale in any part of the province;
- (p) the manner in which slaughterhouse operators shall maintain and monitor the identity of cattle and cattle carcasses throughout processing;
- (q) the imposition on slaughterhouse licenses of any terms or conditions deemed necessary by the Chief Public Health Officer;
- (r) standards of hygiene of vehicles and containers used for the transportation of food;
- (s) prescribing chemical and microbiological standards for food and requiring compliance with those standards;
- (t) prescribing standards and requirements, including but not limited to standards respecting hygiene, in respect of persons who operate food premises and in respect of persons who are employed in or on food premises;
- (u) prescribing the qualifications and training of persons who operate or are employed in or on a food premises;



- (v) prescribing records, reports and returns to be made by a licensee or a person who operates a food premises or milk processing plant and respecting the maintenance, retention and destruction of those records, reports and returns;
- (w) respecting the records to be kept in respect of the source of supply, date of packaging or production and the distribution of any food;
- (x) prescribing standards and requirements in respect of potable water;
- (y) respecting the registration of tanning facilities and the information to be provided by an owner of a tanning facility for the purposes of section 20;
- (z) prescribing the forms of identification acceptable as proof of age of a person for the purposes of subsection 18(2);
- (aa) respecting licenses, including the application process for a license, the issuance, transfer, suspension, revocation and reinstatement of licenses, the requirements that shall be met by an applicant in respect of a proposed enterprise or activity that is subject to the license, the information that shall be specified in the license, the terms and conditions that may be imposed on the license and the duration of a license, and providing for an appeal from a decision to suspend or revoke a license;
- (bb) respecting fees to be paid
 - (i) on application for a license and on the transfer, renewal or reinstatement of a license, and
 - (ii) for any good or service provided under this Act or the regulations;
- (cc) respecting registration fees for the purposes of clauses (p) and (oo);
- (dd) respecting the construction, maintenance, equipment, sanitary management, alteration, repair and use of swimming pools, hot tubs, whirlpools and water slides and ancillary equipment and facilities;
- (ee) respecting the inspection, supervision, cleansing, purifying, plumbing, drainage, closure, ventilating and disinfecting of swimming pools, hot tubs, whirlpools and water slides;
- (ff) prescribing places for the purposes of the definition “institution”;
- (gg) prescribing a disease as a communicable disease or a disease or condition as a notifiable disease or condition and prescribing a reportable event;
- (gg.1) classifying notifiable diseases or conditions or communicable diseases;
- (gg.2) respecting the information to be reported and the time within which and the manner in which reports shall be made under sections 33 to 38;
- (gg.3) requiring a person to report where the person has reasonable and probable grounds to believe that another person has or may have a notifiable disease or condition, may be infected with an agent of a communicable disease or has suffered a reportable event;
- (gg.4) respecting the information to be reported and the person to whom, time within which and manner in which a report referred to in clause (gg.3) shall be made;
- (hh) respecting the reporting of cases of human contact with animals that have or may have diseases that adversely affect the health of any person;
- (ii) respecting the destruction, testing or quarantine of animals that have or may have diseases that adversely affect the health of persons;
- (jj) respecting the control of communicable diseases, including preventive measures for the purposes of section 48.1;
- (jj.1) prescribing other persons who are authorized to administer preventive measures for the purposes of section 48.1;
- (jj.2) providing for exemptions from the requirements of section 48.1;

- (kk) respecting the immunization of residents of the Province;
- (ll) respecting the reporting of immunizations by medical practitioners, nurse practitioners and nurses and other specified persons or classes of persons;
- (mm) respecting the supply of vaccines, serums, drugs and biological preparations;
- (nn) respecting inspections, investigations and inquiries for the purposes of this Act;
- (oo) respecting the regulation of devices that emit radiation, including prohibiting or limiting the use of a radiation-emitting device by persons or classes of persons as specified and requiring the registration of radiation-emitting devices;
- (pp) the control of health hazards from devices whose operation involves ray-emission or principles of radiation;
- (qq) respecting health hazards and the conditions, things or activities that constitute health hazards;
- (rr) the establishment and enforcement of standards for the disinterment of human remains;
- (ss) requirements for the protection of the health of persons attending outdoor events including but not limited to the provision of potable water and adequate toilet and first aid facilities;
- (tt) the inspection, design, maintenance, cleaning and disinfecting of all buildings in which a service to the public is offered including, without limiting the generality of the foregoing, daycare centres, recreational and work-related camps, private nursing homes and community care facilities;
- (tt.1) respecting rental accommodations, including requirements respecting
 - (i) minimum space per occupant and the minimum dimensions of rooms,
 - (ii) rental accommodations located in basements or cellars,
 - (iii) ventilation, light, heat, electricity and potable water,
 - (iv) equipment and maintenance, and
 - (v) responsibilities of tenants;
- (uu) the provision of personal services that involve the piercing or penetration of a person's skin including but not limited to tattooing, micropigmentation, electrolysis, implants and piercing of the ears or other part of the body, and any other procedure designated as a personal service;
- (vv) designating the person who may establish and or maintain a registry forming part of the provincial information system for the purposes of section 58;
- (ww) prescribing methods of establishing and maintaining registries of information for the purposes of section 58;
- (xx) designating bodies as government agencies for the purposes of Part IV;
- (yy) prescribing persons to whom a public health official may disclose information for the purposes of subsection 57(2);
- (zz) defining words used but not defined in this Act;
- (zz.1) prescribing any matter referred to in this Act as prescribed by the regulations;
- (zz.2) respecting any other matter or thing that in the opinion of the Lieutenant Governor in Council is necessary to give full effect to the intent and purpose of this Act.
2012(2nd),c.20,s.72; 2013,c.46,s.5; 2013,c.20,s.12; 2014,c.43,s.4; 2016,c.51,s.5.



TRANSITIONAL PROVISIONS

73. Definition

- (1) In this section and section 74, “**former Act**” means the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30.

Chief Health Officer

- (2) The person who was appointed as and held the position of the Chief Health Officer under the former Act immediately before the commencement of this section are deemed to have been appointed as the Chief Public Health Officer under section 4 of this Act.

Deputy Chief Health Officer

- (3) The persons who were appointed as and held the positions of Deputy Chief Health Officers under the former Act immediately before the commencement of this section are deemed to have been appointed as Deputy Chief Public Health Officers under section 4 of this Act.

Health officers

- (4) The persons who were appointed as and held the positions of health officers under the former Act immediately before the commencement of this section are deemed to have been appointed as environmental health officers under section 6 of this Act. *2012(2nd),c.20,s.73.*

74. Licenses

Any license that was issued under the former Act that was valid and subsisting immediately before the commencement of this section is deemed to be a license issued under this Act and is valid until it expires, unless it is suspended or revoked under this Act or the regulations. *2012(2nd),c.20,s.74.*

75. References to Chief Health Officer

Where in any Act, other than this Act, or in any regulation, rule, order, by-law, agreement or document, reference is made to the Chief Health Officer, it shall be read, unless the context otherwise requires, as a reference to the Chief Public Health Officer. *2012(2nd),c.20,s.75.*

REPEAL AND COMMENCEMENT

76. Repeal

The *Public Health Act* R.S.P.E.I. 1988, Cap. P-30 is repealed.