

DATE: May 31, 2011

REPORT TITLE: **UPDATE ON BILL 141 "AN ACT TO AMEND THE HEALTH PROTECTION AND PROMOTION ACT"**

FROM: Janette Smith, Commissioner of Health Services  
 David L. Mowat, MBChB, MPH, FRCPC, Medical Officer of Health

## RECOMMENDATION

**That the report of the Commissioner of Health Services and Medical Officer of Health dated May 31, 2011, titled 'Update on Bill 141 "An Act to Amend the Health Protection and Promotion Act"' be forwarded to the area municipalities for their information.**

## REPORT HIGHLIGHTS

- In follow-up to the province's review of its response to Pandemic H1N1 influenza, amendments to the *Health Protection and Promotion Act* were recently passed by the provincial legislature. These amendments provide:
  - New authority for the Chief Medical Officer of Health (Chief MOH) to direct boards of health to adopt policies or measures in the event of a public health emergency.
  - New authority for the Minister of Health and Long-Term Care to use publicly owned spaces, on the advice of the Chief MOH, for public health purposes, such as holding immunization clinics.
  - That a board of health may not appoint a Medical Officer of Health or Associate Medical Officer of Health for a period of more than six months without the approval of the Chief MOH and the Minister of Health and Long-Term Care.

## DISCUSSION

### 1. Background

#### a) **Amendments to the *Health Protection and Promotion Act***

Following review of the provincial response to the H1N1 Pandemic by various stakeholders, the province introduced amendments to the *Health Protection and Promotion Act* to enhance certain powers of the Chief Medical Officer of Health and Minister of Health and Long-Term Care. Bill 141, *An Act to amend the Health Protection and Promotion Act* received Royal Assent on May 4<sup>th</sup>, 2011. As a result the *Health Protection and Promotion Act* now provides:

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- The Chief MOH with authority to issue a directive to a Board of Health and/or Medical Officer of Health requiring the adoption or implementation of measures deemed necessary where there is an immediate risk of provincial, national or international public health emergency;
- Authority for the Minister of Health and Long-Term Care, on the advice of the Chief MOH, to make an order for the possession of publicly owned premises or part of premises to be used for public health purposes, where there exists an immediate risk of an outbreak of communicable disease or there is an immediate risk to the health of persons in Ontario;
- That Medical Officers of Health or Associate Medical Officers of Health who perform duties or exercise powers under the *Health Protection and Promotion Act* for a period of six months or more must have their appointments to these positions approved by the Minister of Health and Long-Term Care and the Chief MOH.

**2. Implications for Municipalities**

In the event of a public health emergency, the Chief Medical Officer of Health has the authority to issue directives to any board of health (Regional Council), or Medical Officer of Health, requiring the adoption or implementation of certain policies or measures to support a coordinated response. In addition, recent amendments to the *Health Protection and Promotion Act* provide the Minister with the power to make an order for the possession of publicly owned premises for public health purposes on the advice of the Chief Medical Officer of Health. It is, however, unlikely that such action would be undertaken without prior consultation with the local Board of Health and the Medical Officer of Health.

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**CONCLUSION**

It is recommended that a copy of the report entitled "Update on Bill 141 an *Act* to amend the *Health Protection and Promotion Act*" be circulated to the area municipalities for information.



Janette Smith  
Commissioner of Health Services



David L. Mowat, MBChB, MPH, FRCPC  
Medical Officer of Health

**Approved for Submission:**



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D. Szwarc, Chief Administrative Officer

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c. Legislative Services