

1970

## c 479 Venereal Diseases Prevention Act

Ontario

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CHAPTER 479

The Venereal Diseases Prevention Act

1. In this Act,

- (a) "medical officer of health" means a medical officer of health appointed under *The Public Health Act*;
- (b) "Minister" means the Minister of Health;
- (c) "place of detention" means a hospital, sanatorium, correctional institution, lock-up, Ontario training school, or any place designated as a place of detention by the Lieutenant Governor in Council but does not include an isolation hospital for the care of communicable diseases, other than venereal disease, as defined by *The Public Health Act*;
- (d) "physician" means a legally qualified medical practitioner;
- (e) "prescribed" means prescribed by the regulations;
- (f) "regulations" means the regulations made under this Act or *The Public Health Act*;
- (g) "venereal disease" means syphilis, gonorrhoea or chancre. R.S.O. 1960, c. 415, s. 1, *amended*.

Interpretation  
R.S.O. 1970,  
c. 377

2.—(1) Every person infected with venereal disease upon becoming aware or suspecting that he is so infected shall place himself forthwith under the care and treatment of a physician, and if unable to obtain such care or treatment he shall apply to the medical officer of health for the place in which he is ordinarily or temporarily resident.

Infected person to submit to treatment

(2) Every such person shall conduct himself in such a manner as not to expose other persons to the danger of infection, and shall take and continue treatment in a manner and to an extent considered to be adequate by the attending physician and the Minister. R.S.O. 1960, c. 415, s. 2.

Idem

3.—(1) It is the duty of,

- (a) every physician;
- (b) every superintendent or head of a hospital, sanatorium or laboratory; and
- (c) every person in medical charge of any correctional institution, lock-up, training school, school or college, or other similar institution,

Duty to report

to report to the Minister every case of venereal disease coming under his diagnosis, treatment, care or charge for the first time.

within  
24 hours

(2) The report in the prescribed form shall be completed and forwarded to the Minister within twenty-four hours after the first diagnosis, treatment or knowledge by or of such physician, head or other person. R.S.O. 1960, c. 415, s. 3, *amended*.

Action of  
m.o.h. on  
reasonable  
belief

4.—(1) Where a medical officer of health has reasonable grounds for believing that a person within the municipality is or may be infected with venereal disease or has been exposed to infection, the medical officer of health may give notice in writing in the prescribed form to such person directing him to submit to an examination by a physician designated by or satisfactory to the medical officer of health, and to procure and produce to the medical officer of health within the time specified in the notice, a report or certificate of the physician that such person is or is not infected with venereal disease.

Offence

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

Powers of  
m.o.h. on  
report

(3) If by the report or certificate mentioned in subsection 1 it appears that the person so notified is infected with venereal disease, the medical officer of health may,

- (a) deliver to such person directions in the prescribed form as to the course of conduct to be pursued and may require such person to produce from time to time evidence satisfactory to the medical officer of health that he is undergoing adequate medical treatment and is in other respects carrying out such directions, and where such person fails to comply with the course of conduct prescribed for him or to produce the evidence required, the medical officer of health may exercise all the powers vested in him by clause *b* or may proceed under section 6; or
- (b) with the approval of the Minister, order in writing that such person be removed and detained in a place of detention for the prescribed treatment until such time as the medical officer of health is satisfied that an adequate degree of treatment has been attained.

Duties of  
peace officer  
on order  
of m.o.h.

(4) Where a medical officer of health makes an order under clause *b* of subsection 3, he shall deliver the order to a peace officer who shall thereupon take the person named in the order into his custody and remove him to the place of detention named in the order, and the person for the time being in charge of the place of detention, upon receiving the order, shall receive such person and

shall detain him until he is authorized by the medical officer of health to release him.

(5) A medical officer of health may adopt the procedure or do any of the acts referred to in subsection 3 with regard to any person who has been examined by a physician at any time within one year previously and has been certified by such physician to be infected with syphilis.

Where person certified within one year

(6) A medical officer of health may require a person whom he believes may be infected with venereal disease to undergo more than one examination in order to determine the presence or absence of such infection. R.S.O. 1960, c. 415, s. 4.

More than one examination may be required

5.—(1) Where,

- (a) any person has been named under oath as a source or contact of gonorrhoea infection or is believed by the medical officer of health to be a source or contact of such infection; and
- (b) in the opinion of the medical officer of health the clinical findings and history of such person indicate that such person is or may be infected with gonorrhoea,

Authority of medical officer of health

the medical officer of health may, whether or not laboratory findings indicate the presence of gonorrhoea infection, proceed in the manner prescribed in clauses a and b of subsection 3 of section 4.

(2) For the purposes of subsection 1, a medical officer of health may administer an oath and take a statement under oath. R.S.O. 1960, c. 415, s. 5.

Medical officer of health may take statement under oath

6.—(1) Any medical officer of health may make a complaint or lay an information in writing and under oath before a justice of the peace charging that the circumstances set out in clause a or b of subsection 5 exist with regard to any person named in such complaint or information.

Information or complaint

(2) Upon receiving any such complaint or information, the justice of the peace shall hear and consider the allegations of the complainant, and if he considers it desirable or necessary the evidence of any witness or witnesses, and if he is of the opinion that a case for so doing is made out he shall issue a summons directed to the person complained of requiring him to appear before a provincial judge at a time and place named therein.

Issue of summons

(3) Where a person to whom a summons is directed does not appear at the time and place named therein or where it appears that a summons cannot be served, a provincial judge may issue a warrant directing that the person named in the summons be brought before him.

Issue of warrant

Provincial  
judge's  
inquiry

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

R.S.O. 1970,  
c. 450

Order for  
detention

(5) Where a provincial judge finds that any person,

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

(b) is infected with a venereal disease and refuses or neglects to take or continue treatment as required by this Act and the regulations,

he shall order that such person be admitted to and detained in a place of detention for such period not exceeding one year as the provincial judge may consider necessary.

Laboratory  
certificate  
*prima facie*  
evidence

(6) In any inquiry under this section, a certificate as to the result of any test made, signed or purporting to be signed by the director of a laboratory approved by the Minister is *prima facie* evidence of the facts stated therein and of the authority of the person giving such certificate without any proof of appointment or signature.

Extension  
of detention

(7) Any person detained under this section may, with the approval in writing of the Minister, be brought before a provincial judge at any time during the last thirty days of the period for which he is so detained, and if the judge finds that he is still infected with venereal disease and in need of further treatment, he may order that such person be further detained for such period not exceeding one year as the judge may consider necessary.

Discharge by  
Minister

(8) Where the Minister is of the opinion that any person detained under this section is no longer infected with venereal disease or has received an adequate degree of treatment, he may direct the discharge of such person. R.S.O. 1960, c. 415, s. 6, *amended*.

Examination  
by physician  
in charge  
of institu-  
tion

7.—(1) Where any physician in medical charge of any correctional institution, lock-up or training school, has reason to believe that any person under his charge may be infected with venereal disease or has been exposed to infection with venereal disease, he may, and if he is directed by the medical officer of health, he shall cause such person to undergo such examination as may be necessary to ascertain whether or not he is infected with venereal disease or to ascertain the extent of venereal disease infection and if the examination discloses that he is so infected the physician shall report the facts to the medical officer of health who may thereupon exercise the powers vested in him by section 9.

(2) Where an examination has not been made under this section, every physician in medical charge of any correctional institution, lock-up, or training school, shall report to the medical officer of health the name and place of confinement of any person under his charge whom he suspects or believes to be infected with venereal disease and the report shall be made within twenty-four hours after he suspects or believes such person to be so infected.

Duty of  
physician  
in charge of  
institution

(3) A copy or statement of every report made under this section shall be forwarded to the Minister and to the medical officer of health of the municipality in which such person resided before being admitted to such institution by the physician making the report. R.S.O. 1960, c. 415, s. 7, *amended*.

Duplicate  
report

8. When a medical officer of health believes that any person under arrest or in custody, whether awaiting trial for any offence under or contravention of any statute of Canada or of the Legislature or any regulation, by-law or order made thereunder or serving the sentence of a court upon conviction of any such offence or contravention, has been or may be infected or has been exposed to infection with venereal disease, he may cause such person to undergo such examination as may be necessary in order to ascertain whether or not such person is infected with venereal disease or to ascertain the extent of infection with venereal disease, and may direct that such person shall remain in custody until the results of the examination are known. R.S.O. 1960, c. 415, s. 8.

Examination  
of person in  
custody or  
committed  
to prison

9. Where any person under arrest or in custody, whether awaiting trial for any offence under or contravention of any statute of Canada or of the Legislature or any regulation, by-law or order made thereunder or serving the sentence of a court upon conviction of any such offence or contravention, is found to be infected with venereal disease, the medical officer of health may by order in writing direct that such person undergo treatment therefor and that such action be taken as the medical officer of health or the Minister may consider advisable for his isolation and the prevention of infection by him, and that he be detained in custody until cured or until he has received a degree of treatment considered adequate by the attending physician and the Minister notwithstanding that he may be otherwise entitled to be released, and any order made under this section is sufficient warrant to the person to whom the order is addressed to carry out the terms thereof. R.S.O. 1960, c. 415, s. 9.

Treatment  
where  
disease  
found to  
exist

10.—(1) Where a person who has been under treatment for venereal disease refuses or neglects to continue treatment in a manner and to a degree satisfactory to the attending physician and the Minister, the physician shall report to the Minister the

Physician  
to report  
person  
refusing to  
continue  
treatment

name and address of such person together with such other information as may be required by the regulations.

Failure  
to attend  
within  
seven days

(2) A person who fails to attend upon his physician within seven days of an appointment for treatment shall be presumed to have neglected to continue treatment and the attending physician shall report such failure in writing to the Minister and the medical officer of health within fourteen days of the appointment.

Offence

(3) A physician who fails to report as required by this section is guilty of an offence and is liable to a fine of not less than \$25 and not more than \$100. R.S.O. 1960, c. 415, s. 10.

Supply of  
drugs, etc.,  
by unquali-  
fied persons  
prohibited

**11.**—(1) No person other than a physician shall attend upon or prescribe for or supply or offer to supply any drug, medicine, appliance or treatment to or for a person suffering from venereal disease for the purpose of the alleviation or cure of such disease.

Offence

(2) Every person who contravenes subsection 1 is guilty of an offence and is liable to a fine of not less than \$100 and not more than \$500 and in default of immediate payment shall be imprisoned for a term of not more than twelve months.

Exception  
as to  
chemists

(3) Subsection 1 does not apply to a registered pharmaceutical chemist who dispenses to a patient of a physician upon a written prescription signed by such physician or who sells to any person any patent, proprietary or other medicine, drug or appliance approved by the regulations for the cure or alleviation of venereal disease, but no prescription shall be filled more than once except upon the written direction of the prescribing physician. R.S.O. 1960, c. 415, s. 11, *amended*.

Offences

**12.**—(1) Every person who,

- (a) wilfully neglects or disobeys any order or direction given by a medical officer of health or the Minister or Deputy Minister under this Act or the regulations;
- (b) hinders, delays or obstructs any medical officer of health, peace officer or other person acting in the performance of his duties under this Act;
- (c) publishes any proceedings taken under this Act or the regulations contrary to subsection 2;
- (d) wilfully represents himself as bearing some other name than his own or makes any false statements as to his ordinary place of residence during the course of his treatment for any venereal disease with the purpose of concealing his identity;
- (e) during the course of his treatment for any venereal disease changes his place of residence without giving due notice of such proposed change with his new address to the attending physician; or

(f) fails to comply with any of the provisions of this Act or the regulations,

is guilty of an offence and, where no other penalty is prescribed, is liable to a fine of not less than \$25 and not more than \$100 and in default of immediate payment shall be imprisoned for a term of not more than three months.

(2) *The Summary Convictions Act* applies to prosecutions under this Act or the regulations but all proceedings for the recovery of penalties under this Act and proceedings authorized by section 6 shall be conducted *in camera* and no person shall publish or disclose any such proceedings except under the authority of this Act or the regulations. Prosecutions R.S.O. 1970, c. 450

(3) Notwithstanding the provisions of *The Summary Convictions Act*, service of any summons issued for a contravention of this Act may be effected by personal service. R.S.O. 1960, c. 415, s. 12. Summons by personal service

**13.**—(1) Every person who publicly or privately, verbally or in writing, directly or indirectly, states or intimates that any other person has been notified or examined or otherwise dealt with under this Act, whether such statement or intimation is or is not true, is guilty of an offence, and in addition to any other penalty or liability, is liable to a fine of \$200 and in default of immediate payment shall be imprisoned for a term of not more than six months. Statements as to existence of disease

(2) Subsection 1 does not apply, Exceptions

- (a) to a communication or disclosure made in good faith,
  - (i) to the Minister or Deputy Minister of Health,
  - (ii) to a medical officer of health for his information in carrying out the provisions of this Act,
  - (iii) to a physician,
  - (iv) in the course of consultation for treatment for venereal disease,
  - (v) to the superintendent or head of any place of detention;
- (b) to any evidence given in any judicial proceedings of facts relevant to the issue; or
- (c) to any communication authorized or required to be made by this Act or the regulations.

(3) Notwithstanding subsection 1, a physician may give information concerning the patient to other members of the patient's family for the protection of health. R.S.O. 1960, c. 415, s. 13. Information to family

**14.** Every person engaged in the administration of this Act shall preserve secrecy with regard to all matters that may come to Obligation to observe secrecy

his knowledge in the course of such employment and shall not communicate any such matter to any other person except in the performance of his duties under this Act or when instructed to do so by a medical officer of health or the Minister and in default he shall in addition to any other penalty forfeit his office or be dismissed from his employment. R.S.O. 1960, c. 415, s. 14.

Laboratory reports

**15.** No person shall issue or make available to any person other than a physician or such persons as are engaged in the administration of this Act any laboratory report either in whole or in part of an examination made to determine the presence or absence of venereal disease. R.S.O. 1960, c. 415, s. 15.

Hospitals to make provision for treatment, etc.  
R.S.O. 1970, c. 377

**16.** Every hospital receiving aid from the Province of Ontario, except isolation hospitals for the care of communicable diseases as defined by *The Public Health Act* shall make adequate provision for the reception, examination and treatment, upon such terms as may be prescribed, of such persons or classes of persons infected with venereal disease as may by this Act or the regulations be required or permitted to be treated at such hospital and in case of default the Treasurer of Ontario may withhold from any hospital the whole or any part of any grant or subsidy that would otherwise be payable. R.S.O. 1960, c. 415, s. 16.

Provision for treatment

**17.** The medical officer of health of each municipality shall make provision for the adequate treatment of all persons infected with venereal disease within such municipality when such persons apply or are referred to him or when requested to do so by the Minister. R.S.O. 1960, c. 415, s. 17.

Payment of expenses by municipalities

**18.**—(1) The treasurer of the municipality shall forthwith upon demand, pay the amount of any account for services performed, materials or supplies furnished, or any expenditure incurred under the direction of the medical officer of health in carrying out the provisions of this Act and the regulations.

Secrecy as to name

(2) The name of any person infected or suspected to be infected with any venereal disease shall not appear on any account in connection with treatment therefor, but the case shall be designated by a number and it is the duty of every local board of health to see that secrecy is preserved.

Offence

(3) Every person who contravenes the provisions of subsection 2 is guilty of an offence and is liable to the penalties provided by sections 13 and 14. R.S.O. 1960, c. 415, s. 18.

Transfer to other municipality

**19.** Where any direction or order of a medical officer of health or provincial judge involves the transfer of a person infected with venereal disease from one municipality to another municipality,

- (a) the medical officer of health of the second municipality shall, upon such transfer being effected and until the return of such person to the first municipality, exercise all the powers and perform all the duties conferred or imposed by this Act or the regulations upon a medical officer of health with respect to such person;
- (b) the liability of the first municipality under section 18 shall extend to any account for services performed, materials or supplies furnished, or any expenditure incurred in respect of such person under the direction of the medical officer of health for the second municipality in carrying out the provisions of this Act and the regulations; and
- (c) a duplicate original of every written report made by the person in medical charge of a place of detention in which such person is placed in the second municipality to the medical officer of health thereof shall be sent forthwith to the medical officer of health of the first municipality. R.S.O. 1960, c. 415, s. 19, *amended*.

**20.** Where a person is admitted to a place of detention under this Act, whether such admission is voluntary or under the order of a provincial judge or medical officer of health,

Places of  
detention,  
mainten-  
ance,  
conduct

- (a) subject to the regulations, the provisions of law relating to the liability for and payment of maintenance of patients, inmates or pupils in such place of detention apply; and
- (b) such person is subject to all rules, regulations, and provisions of law governing the conduct of patients, inmates or pupils of such place of detention. R.S.O. 1960, c. 415, s. 20, *amended*.

**21.** Where any person infected or believed to be infected with venereal disease is a child under the age of sixteen years, all notices, directions or orders required or authorized by this Act or by the regulations to be given in respect of the child shall be given to the father or mother or to the person having the custody of the child for the time being and it is the duty of the father, mother or other person to see that the child complies in every respect with every such notice, order or direction and in default thereof the father, mother or other person, as the case may be, is liable to the penalties provided by this Act or the regulations for non-compliance with any such notice, direction or order unless on any prosecution in that behalf it is proven to the satisfaction of the court that the father, mother or other person did everything in his power to cause the child to comply therewith. R.S.O. 1960, c. 415, s. 21.

Where  
person  
infected  
is under  
16 years  
of age

## Grants

**22.** The Minister may make grants out of such moneys as may be appropriated by the Legislature for the purpose,

- (a) for the establishment, equipment, operation and maintenance of clinics for the treatment of venereal disease and for the hospitalization, maintenance, treatment and special treatment of persons infected or suspected of being infected with venereal disease in addition to or in lieu of any other moneys that may be payable for such purposes; and
- (b) so as to reimburse municipalities for expenses incurred by such municipalities in supplying treatment to persons infected or suspected of being infected with venereal disease,

in such amounts, at such times and upon such conditions as may be prescribed by the regulations. R.S.O. 1960, c. 415, s. 22.

## Regulations

**23.—**(1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the method and extent of the examination of any person for the purpose of ascertaining whether or not such person is infected with venereal disease or the extent of the infection;
- (b) prescribing the course of conduct to be pursued by any person infected with venereal disease in order to effect a cure and to prevent the infection of other persons;
- (c) prescribing the hospitals that shall furnish treatment to persons or any classes of persons infected with venereal disease;
- (d) prescribing rules for the treatment of persons infected with venereal disease in hospitals, places of detention and other places;
- (e) for preventing the spread of infection from persons suffering from venereal disease;
- (f) for distributing to physicians and hospitals information as to the treatment, diet and care of persons infected with venereal disease and requiring physicians and hospitals to distribute the information to such persons;
- (g) providing for the approval by the Minister of methods and remedies for the treatment, alleviation and cure of venereal disease;
- (h) providing for the display of notices and placards dealing with venereal disease, its cause, manifestation, treatment and cure;
- (i) prescribing the forms of notices, certificates and reports required or authorized to be given or issued under this Act;

- (j) requiring every physician to furnish reports with respect to the condition and treatment of persons infected with venereal disease who are or who have been under his diagnosis, treatment, care or charge;
- (k) prescribing the procedure to be followed and the evidence required in case of an appeal to the Minister from any action or decision of a medical officer of health under this Act;
- (l) approving patent, proprietary or other medicines, drugs or appliances for the cure or alleviation of venereal disease;
- (m) providing for the establishment, equipment, operation and maintenance of clinics for the treatment of venereal disease and for the treatment of persons infected or suspected of being infected with venereal disease;
- (n) requiring the approval of the Minister to the appointment of legally qualified medical practitioners, nurses and other technical staff employed in clinics for the treatment of venereal disease;
- (o) prescribing the amounts of, the times at which and the conditions upon which grants may be made for the establishment, equipment, operation and maintenance of clinics for the treatment of venereal disease and for the hospitalization, maintenance, treatment and special treatment of persons infected or suspected of being infected with venereal disease and for reimbursing municipalities for expenses incurred by such municipalities in supplying treatment to persons infected or suspected of being infected with venereal disease;
- (p) prescribing fees that shall be paid under this Act;
- (q) prescribing the mode of sending or giving any notice, report or direction required or permitted to be sent or given by this Act or the regulations;
- (r) generally for the better carrying out of the provisions of this Act and for the prevention, treatment and cure of venereal disease.

(2) The Minister may, out of any moneys appropriated by the Legislature for the purposes of this Act, provide for the payment of the expenses incurred in carrying out this Act and the regulations including the manufacture and free distribution to local boards of health, physicians and hospitals of any drug, medicine, appliance or instrument that the Minister may consider useful or necessary for the alleviation, treatment or cure of venereal disease or the prevention of infection therewith. R.S.O. 1960, c. 415, s. 23.

Expenses  
of free dis-  
tribution

Appeal to  
Minister

**24.**—(1) Every person who considers himself aggrieved by any action or decision of a medical officer of health under this Act may appeal therefrom to the Minister by giving notice in writing to the Minister and to the medical officer of health.

Evidence  
on appeal

(2) The Minister may require the appellant to furnish such information and evidence and to submit to such examination as may be prescribed or as the Minister may consider necessary to determine the matter in dispute.

Decision  
final

(3) The decision of the Minister is final. R.S.O. 1960, c. 415, s. 24.

Actions

**25.** No action or other proceeding shall be brought against any physician in respect of any examination or certificate given or required to be given by him under this Act, without the consent in writing of the Minister. R.S.O. 1960, c. 415, s. 25.

Right of  
entry

**26.** The medical officer of health or a physician designated by him in writing for the purpose may enter in and upon any house, outhouse or premises in the day time for the purpose of making inquiry and examination with respect to the state of the health of any person therein and may cause any person found therein who is infected with any venereal disease to be removed to a place of detention or may give such directions as may prevent other persons in the same house, outhouse or premises from being infected. R.S.O. 1960, c. 415, s. 26.

Powers of  
Deputy  
Minister

**27.** The Deputy Minister of Health and any officer of the Department designated by the Minister are medical officers of health for Ontario within the meaning of this Act. R.S.O. 1960, c. 415, s. 27.

Delegation  
of powers

**28.** The Minister may delegate to the Deputy Minister of Health or any other officer of the Department of Health any of the powers vested in him under this Act or the regulations. R.S.O. 1960, c. 415, s. 28.

Administra-  
tion of  
Act not to  
interfere  
with course  
of justice

**29.** The administration of this Act and the regulations shall not interfere with the course of justice in the case of any person under arrest or in custody previous to trial for any offence under or contravention of any statute of Canada or of the Legislature or any regulation, by-law or order made thereunder, but where it is necessary for the purpose of any examination authorized or required by this Act, such person may be held in custody until the results of the examination are known. R.S.O. 1960, c. 415, s. 29.