

1937

## c 300 Vaccination Act

Ontario

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## CHAPTER 300.

## The Vaccination Act.

1. The trustees, governors, directors or other officers or persons having at any time the control and management of any hospital or dispensary receiving aid from the public funds of Ontario shall keep at all times in such hospital or dispensary an adequate supply of vaccine matter for,—

Duty of trustees, etc. of hospitals, etc., to keep vaccine matter.

- (a) the vaccination, by a legally qualified medical practitioner attached to such hospital or dispensary, at the expense of the same, of all poor persons, and at their own expense of all other persons, who attend at such hospital or dispensary for that purpose, during one day in every week, the fee to be charged for such vaccination not in any case to exceed fifty cents, and to be used and applied for the benefit of the hospital or dispensary; For vaccination at hospital.
- (b) furnishing, on application, to every legally qualified medical practitioner, such reasonable quantities of vaccine matter as he from time to time requires; For furnishing practitioners.
- (c) furnishing, on application, to the Superintendent-General of Indian Affairs, or his assistant, or to any visiting Superintendent of Indian Affairs, such reasonable quantities of vaccine matter as he may from time to time require for the use and benefit of any settlement of Indians. R.S.O. 1927, c. 263, s. 1. For the use of the Indians.

2. No warrant shall issue for the payment of any money granted by this Legislature to any hospital or dispensary, unless a certificate has been filed in the office of the Clerk of the Executive Council, signed by a medical officer of such hospital or dispensary, to the effect that there is actually on hand therein a supply of vaccine matter which is believed to be sufficient for the purposes mentioned in section 1 from the date of such certificate, or setting forth reasons in explanation of any deficiency in such supply to the satisfaction of the Lieutenant-Governor in Council, nor unless, nor until a certificate so signed has been filed to the effect that at no time since the date of the then last certificate, has the demand upon such hospital or dispensary for vaccine matter for such purposes exceeded the supply in hand in such hospital or dispensary, or setting forth reasons in explanations of any deficiency in

Non-payment of grant where non-compliance.

such supply, to the satisfaction of the Lieutenant-Governor in Council. R.S.O. 1927, c. 263, s. 2.

Annual statement respecting vaccination to be laid before Assembly.

3. The trustees, governors, directors or other officers or persons having for the time being the control and management of any hospital or dispensary to which aid has been granted during any session of the Assembly shall cause to be transmitted to the Provincial Secretary, in time for copies thereof to be laid before the Assembly during the first fifteen days of the then next session, a statement certified by the proper officers of such hospital or dispensary showing the number of persons who have applied for and received free vaccination, the number of persons who have applied for and received vaccination at their own expense, and the number, amount and application of fees charged and received for vaccination. R.S.O. 1927, c. 263, s. 3.

Employment by municipalities of medical practitioners to vaccinate residents.

4.—(1) The corporation of every city, town, township and village shall contract with one or more legally qualified medical practitioners, for the period of one year, and so from year to year as such contract expires, for the vaccination, at the expense of the corporation, of all poor persons, and at their own expense of all other persons resident in such municipality who come to such medical practitioners for that purpose.

Remuneration to depend on success.

(2) It shall be a condition of every such contract, that the amount of the remuneration to be received under the same shall depend on the number of persons who, not having been previously successfully vaccinated, are successfully vaccinated by such medical practitioners. R.S.O. 1927, c. 263, s. 4.

Powers of local board of health in default of municipality.

5.—(1) If the corporation neglects to make such contract and such neglect continues for one month after the attention of the council has been called in writing by the local board of health to such neglect, and to the powers which, in case of such neglect, it may exercise under the authority of this Act, the local board may contract with the medical officer of health of the municipality, or other legally qualified medical practitioner, to perform all the duties which may be performed by or are incumbent upon a medical practitioner under this Act if appointed or contracted with by the corporation under section 4, and the corporation shall be liable to the medical practitioner for the fees for vaccination or for duties performed to the extent provided for by this Act as if the contract had been made by or with the corporation.

Local board to appoint place and give notice.

(2) The local board of health may also, unless the council has already done so, appoint the places and give the notice

where and when such vaccination shall be performed, as is required by section 6, to be done by the council. R.S.O. 1927, c. 263, s. 5.

6. The council of every city and town shall appoint a convenient place in each ward, and the council of every township and village shall appoint a convenient place therein for the performance, at least once in each month, of such vaccination, and shall take effectual means for giving, from time to time, to all persons resident within each such ward or within the township or village due notice of the days, hours and place at which the medical practitioner or one of the medical practitioners contracted with for such purpose will attend to vaccinate all persons not successfully vaccinated who may then appear there, and also of the days, hours and place at which such medical practitioner will attend to inspect the progress of such vaccination in the persons so vaccinated. R.S.O. 1927, c. 263, s. 6.

Municipalities to appoint convenient places for performance of vaccination.

7.—(1) The father and mother of every child born in such city, town, township, or village shall, at some appointed time within three months after the birth of such child, or in the event of the death, illness, absence or inability of the father and mother, then the person who has the care, nurture or custody of the child, shall at some appointed time within four months after the birth of the child, take or cause to be taken the child to the medical practitioner in attendance at the appointed place, according to the provisions of the preceding sections, for the purpose of being vaccinated, unless the child has been previously vaccinated by a legally qualified medical practitioner and the vaccination has been duly certified, and the medical practitioner so appointed shall thereupon, or as soon after as it can conveniently and properly be done, vaccinate the child.

Parents, etc., bound to take children to be vaccinated,

(2) Upon the eighth day following the day on which any child has been so vaccinated, the father or mother, or other person having the care, nurture or custody of the child, shall again take or cause to be taken the child to the medical practitioner by whom the operation was performed, or the other medical practitioner in attendance, in order that he may ascertain by inspection the result of the operation.

and exhibit them to the medical practitioner on eighth day.

(3) Immediately after the successful vaccination of a child born in any city, town, township or village the medical practitioner who performed the operation shall deliver to the father or mother, or other person having the care, nurture or custody of the child, a certificate under his hand (Form 1) that the child has been successfully vaccinated, and shall

Certificate of successful vaccination to be given.



transmit a duplicate of the certificate to the clerk of the municipality in which the operation was performed.

What to be  
evidence of.

(4) Such certificate shall, without further proof, be admissible as evidence of the successful vaccination of the child in any information or complaint brought against the father or mother, or the person who had the care, nurture or custody of the child, for non-compliance with the provisions of this Act.

Where  
child  
found  
unfit for  
vaccina-  
tion.

Certificate.

(5) If the medical practitioner is of opinion that a child brought to him is not in a fit and proper state to be successfully vaccinated he shall deliver to the father or mother of the child, or the person having the care, nurture or custody of the child, on demand and without fee, a certificate under his hand (Form 2) that the child is in an unfit state for successful vaccination.

How long to  
be in force.

(6) Such certificate or a similar certificate of a legally qualified medical practitioner shall remain in force for two months from its delivery, and the father or mother, or the person having the care, nurture or custody of the child, unless within each succeeding period of two months a renewal of such certificate has been obtained from a legally qualified medical practitioner, shall, within two months after the delivery of the certificate, and if the child is not vaccinated by the termination of such period, then during each succeeding period of two months until the child has been successfully vaccinated, take or cause to be taken to the medical practitioner, so appointed, such child to be vaccinated by him.

Presenta-  
tion of the  
child to be  
repeated  
until suc-  
cessful vac-  
cination.

Vaccina-  
tion and  
certificate  
thereof.

(7) If the medical practitioner deems the child to be then in a fit and proper state for successful vaccination, he shall forthwith vaccinate such child, and shall immediately after the successful vaccination of the child deliver to the father or mother, or the person having the care, nurture or custody of the child, a certificate under his hand (Form 1) that the child has been successfully vaccinated.

Certificate  
of unfitness  
for vaccina-  
tion on re-  
examina-  
tion.

(8) If the medical practitioner is of opinion that the child is still in an unfit state for successful vaccination he shall again deliver to the father or mother, or to the person having the care, nurture or custody of the child, a certificate under his hand (Form 2) that the child is still in an unfit state for successful vaccination, and the medical practitioner, so long as the child remains in an unfit state for vaccination and unvaccinated, shall, at the expiration of every succeeding period of two months, deliver, if required, to the father or mother, or to the person having the care, nurture or custody of the child, a fresh certificate under his hand (Form 2).

(9) The production of such certificate or a similar certificate from a legally qualified medical practitioner shall be a sufficient defence against any complaint brought against the father or mother, or person having the care, nurture or custody of such child, for non-compliance with the provisions of this Act. Effect of certificate.

(10) If a medical practitioner employed under the provisions of this Act, or any other duly qualified medical practitioner, is of opinion that any child vaccinated by him is insusceptible of the vaccine disease, he shall deliver to the father or mother, or to the person having the care, nurture or custody of the child, a certificate under his hand (Form 3) and the production of the certificate shall be a sufficient defence against any complaint which may be brought against the father or mother, or person having the care, nurture or custody of the child, for non-compliance with the provisions of this Act. If the child is found insusceptible of vaccine disease.

(11) This section shall also apply to all children over the age of three months who become resident in a municipality, and such children shall, for the purposes of this section, be considered as children born in the municipality at the date on which they became resident within it. R.S.O. 1927, c. 263, s. 7. Children brought into municipality.

8. In all contracts made under the provisions of this Act the sums contracted to be paid shall not be more than twenty-five cents for each person successfully vaccinated, including all or any of the certificates required by this Act. R.S.O. 1927, c. 263, s. 8. Fees under this Act.

9. If the father or mother, or person having the care, nurture or custody of a child, does not cause the child to be vaccinated within the periods prescribed by this Act, or does not, on the eighth day after the vaccination has been performed, take or cause to be taken the child for inspection, according to the provisions of this Act, the father or mother, or other person so offending shall incur a penalty not exceeding \$5. R.S.O. 1927, c. 263, s. 9. Penalty for non-compliance with the requirements of this Act.

10.—(1) After the expiration of two months from the conviction of any person for an offence against this Act, in respect of any child, no plea of such conviction shall be a sufficient defence against any complaint which may then be brought against the same or any other person for non-compliance with the provisions of this Act in respect of the same child. How far and when plea of conviction shall avail.

Production  
of certifi-  
cates in  
defence.

(2) The production of a certificate (Form 1 or 3) under the hand of a legally qualified medical practitioner, shall be a sufficient defence against such complaint, but the production of a certificate (Form 2) shall not be a sufficient defence unless the vaccination is thereby postponed to a day subsequent to that on which the complaint is brought. R.S.O. 1927, c. 263, s. 10.

Enforcing  
vaccina-  
tion.

**11.**—(1) In every municipality where smallpox exists, or in which the Department of Health or local board of health has notified the council that in its opinion there is danger of its breaking out owing to the facility of communication with infected localities, the council of the municipality shall order the vaccination or re-vaccination of all persons resident in the municipality who have not been vaccinated within seven years, and that such vaccination or re-vaccination shall be carried out in so far as the same may be applicable in the same manner as the vaccination of children, except that a person of fourteen years of age or over, but under the age of twenty-one years, who is not in the custody or under the control of his father or mother or of any other person, and every person of twenty-one years or over, shall present himself for vaccination by the medical practitioner, or by some other legally qualified medical practitioner, and the medical practitioner shall adopt the same measures to secure the vaccination or re-vaccination of every such person as he is required to take with regard to children.

Proclama-  
tion by head  
of municipi-  
pality.

(2) A proclamation issued by the head of the municipality, and published in posters and in at least one newspaper published within the municipality, or, if there is no such newspaper, in at least one newspaper published in the county or district in which such municipality is situate, warning the public that this section is in force shall be sufficient evidence to justify the conviction of any person who has failed to comply with the law within a period of seven days from the publication of the proclamation.

Penalty for  
neglect by  
member of  
municipi-  
pality.

(3) Every member of a municipal council which neglects or refuses to make the order required by subsection 1 or to make proper provision for carrying the same into effect, shall incur a penalty not exceeding \$25, unless he proves that he did everything in his power to secure the making of the order or the making of proper provision for carrying any such order into effect, and causes his protest against such refusal or neglect to be recorded in the proceedings of the council.

By head of  
municipi-  
pality.

(4) If the head of a municipality neglects or refuses to issue and publish the proclamation required by subsection 2 he shall incur a penalty not exceeding \$25.



(5) Every person who willfully neglects or refuses to obey the order of the council shall incur a penalty not exceeding \$25. R.S.O. 1927, c. 263, s. 11. Penalty for neglect to obey order of council.

**12.—**(1) Where it is deemed necessary by the medical officer of health of any municipality, owing to the presence or threatened presence of smallpox, he may, with the approval of the local board of health, require certificates of successful vaccination or of insusceptibility on re-vaccination within seven years, of all pupils or students of a public, separate, continuation or high school or collegiate institute, and of a college or university, or of any other public or private institution of learning within the municipality, to be presented to the proper authorities of the institution, and no pupil or student refusing to produce such certificate on demand shall be admitted to further attendance in the institution until the certificate is furnished. Vaccination of pupils and students.

(2) Any principal, teacher, superintendent or officer of any such institution who commits or is party or privy to any contravention of subsection 1 shall incur a penalty not exceeding \$20. R.S.O. 1927, c. 263, s. 12. Penalty.

**13.** Any person who by inoculation with or by wilful exposure to variolous matter or by any matter, article or thing impregnated with variolous matter, or wilfully by any other means produces or attempts to produce the disease of smallpox in any person, shall upon conviction thereof be liable to imprisonment for any term not exceeding one year. R.S.O. 1927, c. 263, s. 13. Penalty for inoculating with variolous matter.

**14.** If a legally qualified medical practitioner is convicted of an offence against section 13 his name shall be erased from the register of the College of Physicians and Surgeons of Ontario, but the medical council at any time after the expiration of the term of imprisonment of any such person may restore his name to the register. R.S.O. 1927, c. 263, s. 14. Erasure from register of College.

**15.** Every prosecution under this Act shall take place before a magistrate or two justices of the peace and *The Summary Convictions Act* shall apply thereto. R.S.O. 1927, c. 263, s. 15. Prosecutions.  
Rev. Stat., c. 136.



## FORM 1.

(Sections 7 and 10.)

## CERTIFICATE OF VACCINATION.

I, the undersigned, a legally qualified medical practitioner, hereby certify that \_\_\_\_\_, the child of \_\_\_\_\_, aged \_\_\_\_\_ of \_\_\_\_\_ Ward, in the City of \_\_\_\_\_ (or as the case may be), has been successfully vaccinated by me.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ A.B.

R.S.O. 1927, c. 263, Form 1.

## FORM 2.

(Sections 7 and 10.)

## CERTIFICATE OF UNFITNESS FOR VACCINATION.

I, the undersigned, a legally qualified medical practitioner, hereby certify that I am of opinion that \_\_\_\_\_ the child of \_\_\_\_\_ of \_\_\_\_\_ Ward, in the City of \_\_\_\_\_ (or as the case may be), aged \_\_\_\_\_, is not now in a fit and proper state to be successfully vaccinated, and I do hereby postpone the vaccination until the \_\_\_\_\_ day of \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ A.B.

R.S.O. 1927, c. 263, Form 2.

## FORM 3.

(Sections 7 and 10.)

## CERTIFICATE OF INSUSCEPTIBILITY TO VACCINE DISEASE.

I, the undersigned, a legally qualified medical practitioner, hereby certify that I am of opinion that \_\_\_\_\_ the child of \_\_\_\_\_ of \_\_\_\_\_ Ward, in the City of \_\_\_\_\_ (or as the case may be), is insusceptible of the vaccine disease.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ A.B.

R.S.O. 1927, c. 263, Form 3.