1937

c 301 Venereal Diseases Prevention Act

Ontario
CHAPTER 301.

The Venereal Diseases Prevention Act.

1. In this Act,—

(a) "Department" shall mean Department of Health;

(b) "Local board" shall mean local board of health;

(c) "Prescribed" shall mean prescribed by this Act or by the regulations;

(d) "Regulations" shall mean regulations made under the authority of this Act or The Public Health Act; Rev. Stat., c. 299.

(e) "Venereal disease" shall mean and include syphilis, gonorrhoea and chancroid. R.S.O. 1927, c. 264, s. 1.

2.—(1) Whenever any person is under arrest or in custody charged with an offence against the Criminal Code or against any statute of Ontario or any by-law, regulation or order made under the authority thereof, or has been committed to a gaol, reformatory or other place of detention upon conviction of such offence, and the medical officer of health for the municipality or district believes that such person is, or may be, infected with, or has been exposed to infection from venereal disease, the medical officer of health may cause such person to undergo such physical examination as may be necessary, or as may be prescribed by the regulations in order to ascertain whether or not such person is infected with venereal disease.

(2) If upon such examination it is found that the person examined is so infected the medical officer of health shall give such directions for the treatment of the patient and, if necessary, for his detention and isolation and the prevention of infection from him as may be deemed proper and as may be authorized by the regulations, and he is hereby empowered to do and authorize any act necessary to effect the carrying out of such treatment, detention, isolation and prevention, and it shall be the duty of every such patient to carry out such directions as to treatment and of every constable, gaoler, warden, superintendent and officer having the care and custody of any infected person in any place of detention or in any hospital to see that the directions of the medical officer of health are duly carried out.
Sec. 2 (3). It shall be the duty of every physician in medical charge of any gaol or place of detention or of the inmates thereof to report to the medical officer of health the name and place of detention whether before or after conviction of any person, whether included in the class mentioned in subsections 1 and 2 or not, whom he suspects or believes to be suffering from venereal disease, such report to be made within twenty-four hours after the time of arrival of such person in the gaol or place of detention. R.S.O. 1927, c. 264, s. 2.

3.—(1) Subject to the regulations, where the medical officer of health is credibly informed that a person resident in the municipality or district for which the medical officer of health is appointed is infected with venereal disease and has infected or is liable to infect other persons, the medical officer of health may give notice in writing to such person requiring him to consult a legally qualified medical practitioner and to procure and produce to the medical officer of health within a time to be specified in the notice a report or certificate of such medical practitioner that the person so notified is or is not suffering from venereal disease.

(2) If such certificate is not produced within the time stated in the notice, the medical officer of health may, by writing signed by him authorize any legally qualified medical practitioner to examine such person and report or certify as to whether he is or is not suffering from venereal disease.

(3) If by the report or certificate mentioned in either subsection 2 or 3 it appears that the person so notified is suffering from venereal disease the medical officer of health may exercise the powers and duties as vested in him by subsection 2 of section 2 to such extent as he may deem necessary in the public interest or to the full extent therein provided.

(4) If the person so notified produces a report or certificate from a legally qualified medical practitioner in the prescribed form stating that such person is suffering from venereal disease or if the report or certificate under subsection 2 is to the same effect the medical officer of health may, in place of proceeding under subsection 3, deliver to such person and to the legally qualified medical practitioner signing the said report or certificate directions in the prescribed form as to the course of conduct to be pursued by such person and may require him to produce from time to time such evidence as may be deemed advisable that such person is undergoing proper medical treatment and is in other respects carrying out such directions, but in case such person fails to comply with the course of conduct prescribed for him and to produce
the evidence hereinbefore referred to the medical officer of health may, as to such person, exercise any or all of the powers vested in him by subsection 2 of section 2. R.S.O. 1927, c. 264, s. 3 (1-4).

(5) No action or other proceeding shall be brought against any legally qualified medical practitioner in respect of any examination, report or certificate made or given by him under the provisions of this Act, unless and until the consent, in writing, of the Department to such action or other proceeding has been given, signed by the Minister of Health. R.S.O. 1927, c. 264, s. 3 (5); 1934, c. 62, s. 2.

(6) The medical officer of health, or a legally qualified medical practitioner appointed by him in writing for that 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 health of any person therein, and may cause any person found therein who is infected with any venereal disease to be removed to a hospital or some other proper place, or may give such directions as may prevent others being infected in the said house, outhouse or premises.

(7) The powers and duties by this section conferred or imposed upon the medical officer of health, may be exercised and performed by the Department in any case in which the Department deems such action expedient.

(8) Where the person 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 such person shall be given to the father or mother, or in case of the death, absence, illness or inability of the father and mother then to the person having for the time being custody of the child, and it shall be the duty of such father or mother or other person to see that such child complies in every respect with every such notice and with any order or direction made in respect of such child by the medical officer of health, and in default the father or mother or other person as the case may be shall be liable to the penalties provided by this Act or by the regulations for non-compliance with such notice, direction or order unless on any prosecution in that behalf such person proves that he did everything in his power to cause such child to comply with the same. R.S.O. 1927, c. 264, s. 3 (6-8).

4.—(1) Every hospital receiving aid from Ontario under The Public Hospitals Act shall make effective provision for the examination and treatment, upon such terms as may be prescribed, of such persons or classes of persons suffering...
from venereal disease as may be declared fit 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 such grant which would otherwise be payable.

(2) The Lieutenant-Governor in Council shall have power to designate any hospital or other public institution or portion of any such hospital or institution under its jurisdiction or any house or building as a hospital or place of detention or isolation for the reception and treatment of any person suffering from venereal disease. R.S.O. 1927, c. 264, s. 4.

5.—(1) No person other than a legally qualified medical practitioner shall offer to supply any drug, medicine, appliance or treatment to or for a person suffering from venereal disease for the purpose of alleviation or cure of such disease.

(2) Every person guilty of a contravention of subsection 1 shall incur a penalty of not less than $100 and not more than $500.

(3) Subsection 1 shall not apply to a registered pharmaceutical chemist who dispenses to a patient of a legally qualified medical practitioner the prescription of such practitioner or who sells to any person any patent or proprietary or other medicine, drug or appliance approved of by the regulations for the cure or alleviation of venereal disease. R.S.O. 1927, c. 264, s. 5.

6.—(1) Every person who,—

(a) publishes or causes or allows to be published in a newspaper or magazine or other periodical publication any notice, advertisement, statement, testimonial, letter or other matter;

(b) issues or publishes or causes to be issued or published any book, almanac, pamphlet, fly-sheet, document or other matter;

(c) posts up or exhibits in any place so as to be visible to persons being in or passing along any street, highway, railway or public place, any notice, statement, advertisement, testimonial, letter or other matter;

(d) distributes, circulates or delivers or sends by post to any person any pamphlet, circular, notice, statement, advertisement, testimonial, letter or other matter;
intended to recommend or suggest the purchase of or to promote the sale of any article as a drug, medicine, appliance or instrument or as part of any treatment for the alleviation or cure of any venereal disease or of any disease or affection of the genito-urinary organs or intended to convey an offer to give or prescribe any form of treatment for any of the aforesaid diseases, shall incur a penalty of not less than $100 nor more than $500, and in default of immediate payment thereof shall be imprisoned for a period not exceeding twelve months.

(2) Subsection 1 shall not apply to any such article which has been approved by regulations nor to books, documents and papers or other matter published in good faith for the advancement of medical or surgical science.

(3) Before any proceedings are taken under this section against any newspaper proprietor, printer or publisher for the printing or publishing or allowing to be published any notice, advertisement, statement, testimonial, letter or other matter in a newspaper the Department shall notify the proprietor, printer or publisher that the publication complained of is an infringement of this Act, and he shall not be liable to prosecution except in respect of an offence of the same or a similar nature after such notification.

(4) Any of the matters or things prohibited by this section may be restrained by injunction or order in an action in a county or district court having local jurisdiction or in the Supreme Court, but such proceedings shall not prevent, delay or in any way be a bar to any prosecution or other proceedings authorized by this Act. R.S.O. 1927, c. 264, s. 6.

7. Every person who, knowing or having reason to believe that he is or may be infected with venereal disease, does or suffers any act which leads or is likely to lead to the infection of any other person with such disease shall incur a penalty of not less than $100, nor more than $500, and in default of immediate payment thereof shall be imprisoned for a period not exceeding twelve months. R.S.O. 1927, c. 264, s. 7.

8. Every person who,—

(a) contravenes any provision of this Act or of the regulations for which no other penalty is provided by this Act;

(b) wilfully neglects or disobeys any order or direction lawfully given by a medical officer of health or by the Department or a local board under this Act or the regulations;
(c) hinders, delays or obstructs any officer in the performance of his duties under this Act; or

(d) without lawful authority publishes or discloses any proceedings taken under this Act or the regulations;

Penalty. shall, where no other penalty or proceedings are prescribed or authorized incur a penalty of not less than $25 nor more than $100, and in default of immediate payment shall be imprisoned for a period not exceeding three months. R.S.O. 1927, c. 264, s. 8.

9.-(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 the provisions of this Act, whether such statement or intimation is or is not true, in addition to any other penalty or liability, shall incur a penalty of $200, and in default of immediate payment shall be imprisoned for a period of not more than three months.

Penalty.

Exceptions. (2) Subsection 1 shall not apply to disclosures made in good faith to a medical officer of health for his information in carrying out the provisions of this Act, nor to any communication or disclosures made to a legally qualified medical practitioner or in the course of consultation for treatment for venereal disease, nor to any communication authorized or required to be made by this Act or the regulations. R.S.O. 1927, c. 264, s. 9.

10. The Summary Convictions Act shall apply to prosecutions under this Act or the regulations but all proceedings for the recovery of penalties under this Act, except those authorized by section 6 shall be conducted in camera and no report of such proceedings shall be published in any newspaper. R.S.O. 1927, c. 264, s. 10.

11. Every person employed in the administration of this Act shall preserve secrecy with regard to all matters which may come to 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, and in default he shall in addition to any other penalty, forfeit his office or be dismissed from his employment. R.S.O. 1927, c. 264, s. 11.

12. (1) The Department, subject to the approval of the Lieutenant-Governor in Council, may make regulations—
(a) prescribing the forms of notices and certificates to be given or issued under this Act;

(b) declaring what shall be deemed to be lawful and proper methods and remedies for the treatment, alleviation and cure of venereal disease, and requiring all advertisements, statements, testimonials, letters or other matters of, or regarding such methods and remedies to state the date and number of the official approval of the same and such other information as may be deemed desirable;

(c) 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;

(d) for distributing to medical practitioners and hospitals such information as to the treatment, diet, and care of persons suffering from venereal disease and requiring medical practitioners and hospitals to distribute the same to such persons;

(e) prescribing rules for the treatment of such persons in hospitals, places of detention and other institutions;

(f) for preventing the spread of infection from persons suffering from venereal disease;

(g) requiring medical practitioners, hospital superintendents and heads of places of detention and public institutions to make reports upon the cases of venereal disease coming under their treatment or care but, except where it is otherwise provided in this Act, without disclosing the name or address of any person suffering from venereal disease, and prescribing the form of such reports;

(h) providing for the putting up of notices and placards dealing with venereal disease, its cause, manifestation, treatment and cure in all public urinals and conveniences and similar places;

(i) providing for public advertising and placarding of such information relative to the treatment and cure of venereal disease and the places where proper remedies can be obtained as may seem desirable;

(j) imposing penalties for the violation of any provision of this Act or anything covered by this Act or any regulation;
(k) prescribing the procedure to be adopted and the evidence to be required in case of an appeal to the Department from any action or decision of a medical officer of health under this Act;

(l) providing for the procedure relative to detention for the purpose of examination or cure or the prevention of infection, so as not to interfere with the course of justice in case of persons under arrest or in custody previous to trial for any offence committed against the provisions of this Act or anything therein authorized or under any other statute or the Criminal Code;

(m) prescribing the method and extent of the examination of any person with a view to ascertaining whether or not such person is infected with venereal disease;

(n) generally for the better carrying out of the provisions of this Act and for the prevention, treatment and cure of venereal disease.

(2) The Department, with the approval of the Lieutenant-Governor in Council, may, out of any moneys appropriated by the Legislature for the purposes of the Department, provide for the payment of the expenses incurred in carrying out any regulation made under subsection 1 for the prevention, treatment or cure of venereal diseases including the manufacture and free distribution to local boards and to medical practitioners and hospitals of any drug, medicine, appliance or instruments which the Department may deem useful or necessary for the alleviation, treatment or cure of venereal disease or the prevention of infection therefrom. R.S.O. 1927, c. 264, s. 12.

13.—(1) The treasurer of the municipality shall forthwith, upon demand, pay the amount of any account for services performed therein under the direction of the local board and for materials and supplies furnished, or for any expenditure incurred by the local board or by the medical officer of health in carrying out the provisions of this Act, or the regulations, after the local board has, by resolution, approved of the account and a copy of the resolution certified by the chairman and secretary has been filed in the office of the treasurer.

(2) The corporation of the municipality shall be entitled to recover the amount expended in providing such medical attendance, medicine, nurses and other assistance and necessaries for any person having any venereal disease from such person, but not the expenditure incurred in providing a separate house or in otherwise isolating him except where
such isolation is provided in an hospital or other place designated as such under this Act.

(3) The name of any person suffering or suspected to be suffering from any venereal disease shall not appear on any account for services rendered in connection with the treatment therefor by any local board or medical officer of health or other officer or person, but the case may be designated by a number or otherwise and it shall be the duty of every board to see that secrecy is preserved so far as possible. R.S.O. 1927, c. 264, s. 13 (1-3).

(4) Every person contravening the provisions of subsection Penalty. 3 shall be guilty of an offence and shall incur the penalties provided by sections 8 and 11. R.S.O. 1927, c. 264, s. 13 (4); 1937, c. 72, s. 60.

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

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

(3) The decision of the Department shall be final. R.S.O. 1927, c. 264, s. 14.