

Legislation details

Bill 6, the Public Health Amendment Act, 2023

Overview

- Bill 6 proposes legislative measures that would create clear lines of authority related to public health decisions and affirms that the people elected by Albertans should have discretionary authority to make the final decisions based on scientific and medical evidence during a public health situation, aligning how decisions were – and should be – made.
- The proposed amendments to Section 29 of the *Public Health Act* would bring the legislation in line with the Ingram court decision that determined public health order decisions did not follow the legislation during the COVID-19 pandemic.
- Through the addition of a paramountcy clause, the legislation would also give cabinet authority to reverse or vary any decisions under the *Public Health Act*, outside of a declared state of public health emergency.

Amendments

- Bill 6 would amend Section 29 of the *Public Health Act*, which would clarify the roles and accountability of cabinet and medical officers of health, including the chief medical officer of health, in future declared states of public health emergency.
 - While medical officers of health, including the chief medical officer of health, retain final decision-making authority for orders impacting a specific person or persons or a specific public place, during a declared state of public health emergency, cabinet would have discretionary authority to make the final decisions on public health orders respecting all persons or groups of persons, including groups of individuals, businesses and non-profits, and educational settings.
 - This change would address the Ingram case ruling by clarifying who is responsible for making final decisions during a declared state of public health emergency.
 - The chief medical officer of health would provide advice for cabinet and cabinet committees consideration.
- Bill 6 would also amend the *Public Health Act* to allow cabinet to reverse or vary any public health decision made by any decision-maker under the act, outside of a declared state of public health emergency.

Background

- The *Public Health Act* outlines the duties of the chief medical officer of health, the deputy chief medical officer of health, medical officers of health, and public health inspectors. It also addresses the treatment of communicable diseases and management of environmental hazards, management of epidemics and response to public health emergencies.
- The *Public Health Act* also provides the tools to mitigate impacts when a public health issue, outbreak or other emergency occurs. This could include things like responding to foodborne illness outbreaks and issuing boil water orders, closure orders and work orders.