

53 V., c. 39, repealed.

6. The act 53 Victoria, chapter 39, is hereby repealed.

Coming into force.

7. This act shall come into force on the day of its sanction.

C A P. X X V I I.

An Act to amend the law respecting Public Health.

[Assented to 30th December, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

R. S. Q., title 7, cap. 3, sec. 1, replaced.

1. Section first of chapter third of title seventh of the Revised Statutes of the Province of Quebec, respecting the Provincial Board of Health, is replaced by the following :

" SECTION I.

" BOARD OF HEALTH OF THE PROVINCE OF QUEBEC.

" § 1.—*Interpretative.*

Interpretation of 'Board of Health.'

" 3054. In this act, as well as in all the by-laws which may be made under the authority thereof, the expression 'Board of Health' means the Board of Health of the Province of Quebec.

" § 2.—*Composition of the Board.*

Formation of Board of Health.

" 3055. Seven persons may be appointed by the Lieutenant-Governor in Council to form a Board of Health in the Province, under the name of the 'Board of Health of the Province of Quebec' whose duty shall be to occupy itself with everything which concerns public health in this Province.

Its composition.

Four at least of these persons must be physicians whose names are entered upon the register, according to the law respecting medicine and surgery, and having at least five years' practice.

Term of office of members.

Four of the members of the board may be appointed for a term of two years, and three others for a term of three years.

Subsequent appointments are made for a term of three years.

Power of Board when there are vacancies.

Any member retiring from office may be re-appointed. If any vacancy occurs, the members of the Board of Health continue to act as such until the vacancy is filled.

" 3056. The Lieutenant-Governor appoints the chairman and the secretary of the Board of Health.

Appointment of chairman and secretary. Salary of chairman.

The chairman receives an annual indemnity of four hundred dollars for his services as president.

The members of the Board, including the chairman, shall receive five dollars per day for each of their meetings, in addition to their travelling and other necessary expenses.

Allowance to members.

The secretary receives a salary not exceeding fifteen hundred dollars per annum.

Salary of secretary.

The Board shall have the power to appoint a health inspector, an analyst and a sanitary engineer, without a fixed salary, but with such remuneration as may be proportionate to the amount of work required of them, and which shall be paid out of the grant voted by the Legislature to the Board.

Appointments of certain officials by Board.

Such officials shall not be members of the Board.

Not to be members of the Board.

The expenses of the Board shall be paid out of the moneys from time to time appropriated by the Legislature for that purpose.

Expenses of Board out of what moneys paid.

" § 3.—Meetings of the Board and transaction of business.

" 3057. The Board meets quarterly or oftener in the city of Quebec or in the city of Montreal, as shall by the Board be deemed necessary.

Meetings of Board when and where held.

Four members of the Board shall form a quorum for the transaction of business.

Quorum of Board.

The Board has power to make rules and regulations to govern the action of the Board, and to provide by such regulations for the appointment of committees, to which it may delegate its authority and powers for the accomplishment of the duties imposed upon it.

Power of Board to make rules, &c.

" § 4.—Duties and powers of the Board.

" 3058. It is the duty of the Board of Health :

Duties of Board : As to vital statistics.

1. To make a special study of the vital statistics of the Province, and to endeavour to apply, in an intelligent and useful manner, all the facts collected respecting mortality and the causes and spread of different diseases ;

2. To make, directly by itself or indirectly through municipal councils or their boards of health, sanitary investigations and inquiries into the causes of disease and especially of epidemics, into the causes of death, and the effect which the employment, conditions, habits and other circumstances of the people may have upon their health ;

As to sanitary investigations, &c., into causes of disease, death, &c.

3. To establish such rules, as it may think fit, for the preservation or the improvement of the public health, for the prevention as far as possible or the mitigation of

To establish regulations for prevention of disease and amend same.

epidemic, endemic or contagious diseases, of men and animals with power to revoke, renew or alter any such regulation, or substitute any new regulation as to it appears expedient ;

Publication of such regulations.
As to local boards of health.

Such regulations shall be published in the Quebec Official Gazette and come into force fifteen days afterwards ;

4. To superintend the formation of local boards of health, to keep a register of such local boards and of the names of the members thereof, and to inquire into the measures which are being taken by municipal councils for the limitation of any existing dangerous, contagious or infectious disease or the removal of bad sanitary conditions, in virtue of the powers conferred upon such municipal councils by any public health act, or by the Municipal Code or by special charters, or by the town corporations general clauses act, or finally by a regulation of the Board of Health, and, in the interest of public health, to compel municipal councils, if they neglect so to do, to exercise and enforce such of their powers which, in the opinion of the Board of Health, the urgency of the case demands ;

To advise officers of Government, &c., as to public health.

5. To advise, when required or when it deems it expedient, the officers of the Government and municipal councils and their boards of health, respecting the public health and upon the measures to be taken to protect it, and also the position, drainage, water-supply, the heating and ventilation of public institutions and public buildings, the means of disposing of excreta, the position and drainage of cemeteries, as also upon the disposal of excreta and sanitary conditions generally of public or private institutions, schools and factories.

Distribution of circulars upon hygiene &c.

“ **3059.** The Board of Health, from time to time, and especially when any epidemic, endemic or contagious disease is prevalent in any portion of the Province, shall cause to be distributed to the public by means of the press, and to local boards of health, health officers, municipal councils, public schools and the clergy, by means of circulars, or in any other way deemed advisable in the interests of the public health, writings upon hygiene and practical information on the spread of contagious and infectious diseases and also on the means of preventing and checking the same.

“ § 5. — *Inquiries into the causes of contagious diseases.*

Board may send officer, &c, to make inquiries as to contagious diseases, &c.

“ **3060.** When deemed necessary, the Board may send its secretary, its health inspector, or one or more of its members, to any place in the Province to inquire into the causes of any particular epidemic, endemic or contagious disease, or into the causes of mortality.

Such inquiry may be made by sworn depositions or in any other manner in which the investigating committee, the secretary or the health inspector deem necessary ; and in the case of an inquiry under oath, the secretary, the health inspector, or any member of the Board present may administer such oath. How to be made. Who may administer oath.

The persons holding such inquiry have the right to compel such witnesses as they require to appear before them by summoning them in the manner required by the Code of Civil Procedure. Power to compel attendance of witnesses.

“ § 6.—*Secretary of the Board and his duties.*

“ **3061.** The secretary shall keep his office in the city of Montreal and perform the duties imposed upon him by this act or prescribed by the Board. Secretary's office and duties.

He must keep a register of the proceedings of the Board, and, as far as possible, place himself in communication with other boards of health, whether provincial, local or federal, health officers, municipal councils and other public bodies, with a view of collecting and spreading abroad useful ideas upon public health. Register of proceedings.

He shall also keep a register in which he enters all reports from all municipalities respecting the causes of contagious diseases. Register of reports.

He prepares the annual report upon vital statistics of the Province, and upon the work of the Board, and performs all the other duties and functions respecting vital or other statistics which may be assigned to him by the Board. Annual report.

“ § 7.—*Provisions respecting the Board in times of epidemic.*

“ **3062.** The Lieutenant-Governor may, when he issues a proclamation under the provisions of section second of this chapter, by such proclamation declare that the Board of Health, shall be the central board of health under the said section second. Board may be declared central board under section second of this chapter.

In becoming the central board of health, the Board, nevertheless, retains the powers hereby conferred upon it. Powers of Board thereunder.

“ § 8.—*Duties and powers of municipalities.*

“ **3063.** The mayor, secretary-treasurer or clerk of the municipal corporation of any place, after being notified by the Board of Health, shall, within the delay fixed by the Board of Health, call a special meeting of the council or other municipal corporation, at which meeting not less than three persons, resident within the limits of that locality, shall be nominated to be the ‘ local board of health,’ for such place. Special meeting of a municipal council, &c., to be called after notice requiring appointment of local board of health.

Notice how given.

The notice, hereinabove mentioned, is given by registered letter addressed to the mayor, or secretary-treasurer, or clerk of the municipality.

Names, &c., of local board to be transmitted to Board of Health.

The mayor or secretary-treasurer or clerk of each municipality shall, within the eight days following the establishment of a local board of health, and sooner if required by the Board of Health, transmit to the said Board of Health the names of the members composing such board at the same time as he notifies the latter of their appointment.

Existing boards of health in municipalities to be local board under this act.

In any municipality in which there is a local board of health, whether it be known under the name of health committee, board of health, local board of health, appointed in virtue of its charter or of the Municipal Code, or of the town corporations' general clauses' act, such board of health shall be the local board of health for the purposes of this act.

Duties and powers of such local boards.

Such boards of health are the advisers of the municipal council in sanitary matters, and further they act in the place and stead of the latter and under their authority, whenever required by them to carry out the present act or have it executed.

Reports by municipal councils.

" **3064.** During the month of January, in each year, municipal councils shall transmit to the Board of Health a report upon the sanitary operations of the preceding year.

Duty of municipal councils to carry out regulations of Board of Health.

" **3065.** It is the duty of municipal councils to carry out this act and cause it to be executed under the direction of the Board of Health, as well as all the regulations made under the authority thereof.

Certain powers vested in municipalities respecting sanitary matters.

" **3066.** Every municipality, whether it be a town, village, parish or township municipality, is vested with the powers regarding sanitary matters conferred upon municipal councils by articles 386, 387, 391, 406, 415, 416, 507, 508, 545, 546, 592, 593, 596, 608, 637, 643, 644, 646, 649, 650, 651 and 652 of the Municipal Code.

Conflict of regulations.

" **3066a.** When the sanitary by-laws of a municipal council are contrary to those of the Board of Health, the latter alone shall remain in force.

Duties of municipal councils respecting interments and disinterments.

" **3066b.** Municipal councils shall see to the observance of the sanitary provisions contained in the law governing interments and disinterments, as contained in articles 5458 and following of these Revised Statutes.

Power of councils respecting wells, &c.

" **3066c.** Municipal councils have power to cause wells, which they consider contaminated, to be emptied, cleaned and disinfected or filled up if necessary.

"**3066d.** Every municipal council has the right to pro-Privy pits.
hibit privy-pits within the limits of its jurisdiction.

"**3066e.** When a house is ascertained to be unhealthy, Unhealthy
the municipal council may cause the persons inhabiting houses.
it to leave it and forbid their return until the house has
been rendered healthy.

"**3066f.** It is the duty of every municipal council to Municipal
inquire into all complaints made to it respecting sanitary council to in-
matters, and to remove from within the limits of the mu- quire into
nicipality everything hurtful to health, all public nui- complaints
sances, every source of uncleanness and every cause of sanitary mat-
disease which may exist therein, and adopt all necessary ters, &c., re-
regulations to that effect remove nui-
sances, &c.

"**3066g.** Everything declared by the Board of Health What are to
of the Province or by a municipal council, or its board of be considered
health, to be a nuisance or to be injurious to public health as nuisances.
shall be considered to be such.

An appeal may, however, be taken to the Board of Appeal to
Health of the Province as to the definition given by a Board of
municipal council or by its board of health. Health.

"**3066h.** Every municipal council may order that vac-Compulsory
cination shall be compulsory within the limits of the vaccination.
locality.

"**3066i.** When a municipality is threatened with an Appointment
epidemic, the Board of Health may insist upon the of medical
appointment of a medical health officer for such muni- health officer
cipality. in municipal-
ities.

If such medical health officer is not appointed within If not appoint-
the delay determined by the Board of Health, the latter ed by muni-
may make the appointment itself and delegate to such cipal council.
health officer the powers which it may deem expedient,
and such officer shall remain in office until replaced by a
medical health officer appointed by the municipal council.

The medical health officer is paid by the municipality, Payment of
whether he be appointed by the municipality or by the medical
Board of Health. health officer.

" § 9.—*Duties of householders, physicians and municipalities in
the event of contagious diseases.*

"**3066j.** Whenever any householder ascertains that Duties of
any person within his household has small-pox, diphtheria, householders
cholera, typhoid fever, scarlatina, glanders, or any other in certain
disease dangerous to public health, he shall imme- cases of epi-
diately give notice thereof to the municipal council of the demic disease.
locality in which he resides, whose duty it shall be

to report to the Board of Health, the existence of such diseases in its district.

Duties of physicians in certain cases of epidemic disease.

" **3066k.** Whenever any physician ascertains that any person whom he is called upon to visit is infected with small-pox, cholera, diphtheria, typhoid fever, scarlatina, glanders, or other disease dangerous to public health, such physician shall immediately give notice thereof to the municipal council of the locality in which such diseased person may be.

Duties of municipal councils when small-pox, &c., exist in municipality.

" **3066l.** When small-pox, diphtheria, cholera, typhoid fever, scarlatina, glanders or other contagious disease exists in any municipality, the municipal council of such municipality shall immediately use all possible means to prevent the disease from spreading, and shall give prompt public notice of infected places or houses by such means as it deems most effective for the common safety.

Establishment of houses for treatment of persons suffering from contagious diseases.

" **3066m.** Every municipal council may establish and maintain temporary or permanent houses for the reception and treatment of persons suffering from contagious diseases.

Removal of persons attacked by small-pox, &c., from railway cars, &c., by Board of Health, municipal councils, and their officers, &c.

" **3066n.** The Board of Health and every municipal council may, by their officers or delegates, enter railway cars, vessels, stage-coaches, or other public vehicles, whenever they have reason to suspect that they contain one or more persons attacked with small-pox, cholera, diphtheria, scarlet fever or other contagious disease, remove such person or persons, and disinfect such vehicle or vessel, detaining the same if necessary.

Isolation of persons suffering from contagious disease, &c.

" **3066o.** Whenever a person, who is suffering or has recently suffered from a contagious disease, enters a municipality, the mayor, or two municipal councillors of such municipality, may cause such person to be isolated, and provide him with nurses or other attendance, the whole at the expense of such person or of those who may be charged with his maintenance, and in the case of manifest poverty, at the expense of the municipality.

Removal of persons from certain houses, in event of contagious disease breaking out therein.

" **3066p.** Whenever a contagious disease breaks out in a hotel, educational establishment or boarding house, or in a tenement occupied by several families, the municipal council of the locality may order the removal of the sick persons to a house set apart for the purpose.

Disinfection or destruction of effects exposed to infection.

" **3066q.** The municipal council may, upon the report of the health officer, order the disinfection or destruction of effects exposed to infection from a contagious disease,

giving compensation, however, to the owner or owners of such effects at the expense of the municipality.

" 3066r. With the exception of vessels subject to the federal laws respecting quarantine, every vessel coming within one mile of the shore in any municipality is under the jurisdiction of such municipality as regards everything connected with public health. Application to certain vessels.

When the river is less than two miles wide, the vessel is within the jurisdiction of the nearest municipality. Jurisdiction of municipality.

" § 10.—*Penalties and prosecutions.*

" 3066s. Whosoever hinders in the performance of their duties the persons acting under the authority of this act, or employed in carrying out the same, or refuses or neglects to comply with the provisions of this act, is liable to a fine not exceeding twenty dollars for each offence. Penalty for obstructing persons acting under this section, &c., for breach of regulations.

2. Every municipal corporation which does not comply with an order given by the Board of Health, in virtue of paragraph 4 of article 3058, is liable to a fine not exceeding twenty five dollars for every day on which the order of the Board of Health is infringed. Penalty against municipal councils for not complying with orders of Board of Health.

3. The Board of Health is also empowered to impose a penalty for infringement of its regulations, which penalty or fine is determined by the said Board, but the amount thereof shall not exceed twenty dollars for each offence. Power of Board of Health to impose penalties.

Such regulations must be submitted for the approval of the Lieutenant-Governor in Council. Regulations to be submitted to Lieutenant-Governor.

4. Prosecutions may be instituted either by the Board of Health, or by the municipal corporation, or by any ratepayer before two justices of the peace or before the Circuit Court of the district where the offence was committed. Who may prosecute.

When the prosecution is instituted by the Board of Health, the amount of the fine belongs to it. Application of fines.

When the prosecution is instituted by a municipal corporation, the amount of the fine belongs to it.

In every other case, the amount of the fine belongs to the Board of Health of the Province."

2. The repeal, by this act, of section first of chapter third of title seventh of the Revised Statutes of the Province of Quebec, shall not affect the existence of the Quebec Provincial Board of Health, as at present constituted, which shall continue to exist under the name given to it by this act; neither shall it affect the appointments, rules, regulations, matters and things hitherto done under the said section, which shall continue to exist and remain in force unless otherwise decided under the provisions of this act. Effect of repeal.