

BACKGROUND

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Ministry of Health

BRITISH COLUMBIA'S NEW PUBLIC HEALTH ACT

The new Public Health Act is the result of extensive consultations from the Conversation on Health to meetings and forums with health professionals, health authorities and local governments. The act updates existing legislation that enables medical health officers and environmental health officers to investigate health hazard complaints, supports preparations and responses for public health emergencies, and ensures that government and health officials have the authority they may need to mobilize resources and take actions to protect the health of the public.

This new act will provide the ministry and public health officials with important tools available in other Canadian jurisdictions to identify and address community health challenges.

Examples of differences between old and new legislation:

Old Health Act	New Public Health Act
A medical health officer responds to a disease outbreak in a group of travellers, and decides that quarantine is necessary. Each traveller must be issued their own separate quarantine order.	The medical health officer can issue a quarantine order to the entire group of travellers, and can adjust the order to add or release people from the order.
An apartment building has been contaminated with mercury. Responsibility for co-ordination of the public health response is not clearly defined.	The medical health officer is given clear responsibility for directing the public health response, and would assure the necessary resources are available to deal with the situation.
A community has a serious problem with people who have mental health and substance use problems, and is having a difficult time getting organized to develop support systems for these people within the community.	The minister can require that a community planning process be undertaken to address the needs of this population within the community, such as bringing together key stakeholders to work together to improve the situation.

Prior to the new act, British Columbia's public health services were provided under several separate pieces of legislation. The new Public Health Act replaces the Health Act, the Venereal Diseases Act and the Public Toilet Act, removing many outdated provisions while strengthening the ministry's ability to monitor and prevent chronic disease.

The Public Health Act will support health promotion and health protection by:

- Creating a modern legislative framework that clearly establishes the powers, duties and function of the minister and public health officials for public health monitoring and surveillance, communicable disease control, environmental health hazard response, chronic disease and injury prevention, and public health emergency response;

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- Providing a legislative framework to regulate operations, activities or conditions that could pose a health hazard or a threat to long-term population health;
- Strengthening relationships and clarifying the responsibilities for local governments regarding public health;
- Enabling the minister to require specific plans to address public health issues;
- Updating other aspects of the current Health Act, such as inspection powers, powers to issue orders, quarantine and isolation provisions, and ensuring administrative fairness;
- Supporting the roles of the provincial health officer and medical health officers to protect and improve population health;
- Enhancing public health information collection and analysis abilities;
- Broadening regulation making abilities to regulate health hazards and health impediments; and
- Providing a new administrative penalty scheme and guidance to the courts on sentencing.

The development of the Public Health Act completes the modernization of key public health statutes in British Columbia: the Food Safety Act (2002), the Drinking Water Protection Act (2003), the Community Care and Assisted Living Act (2004) and the Tobacco Control Act (amended in 2007).

More information on the new Public Health Act is available at www.health.gov.bc.ca/phact/.

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