



HOUSE USE ONLY

CHAIR:

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Province of Prince Edward Island
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(Bill No. 45)

An Act to Amend the Animal Health Act

Hon. Bloyce Thompson
Minister of Agriculture

GOVERNMENT BILL

Andrea MacRae
Acting King's Printer
Charlottetown, Prince Edward Island



AN ACT TO AMEND THE ANIMAL HEALTH ACT

BILL NO. 45

2024

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. Section 1 of the *Animal Health Act R.S.P.E.I. 1988, Cap. A-11.1*, is repealed and the following substituted:

1. **Definitions**

(1) In this Act,

- (a) “**animal**” means livestock and any other prescribed type or class of animal and may include the embryos, eggs or sperm of an animal, where prescribed;
- (b) “**animal by-product**” means a part of an animal or something derived from an animal that is obtained for purposes incidental to those for which the animal is raised, and may include
 - (i) antlers, bones, bristles, feathers, flesh, hair, hides, skins, hooves, horns or offal,
 - (ii) blood, saliva, urine or manure,
 - (iii) something containing or derived from something set out in subclause (i) or (ii), and
 - (iv) something prescribed as an animal by-product;
- (c) “**animal product**” means a part of an animal or a product derived from an animal that is obtained or produced for use or consumption by humans or other animals, the primary purpose for which the animal is raised, whether for food, fibre, fuel, or pharmacological or medical purposes, and may include
 - (i) butter, cheese, cream, milk, eggs, honey or meat,
 - (ii) ova, embryos, semen or other reproductive material,
 - (iii) hides, skins or pelts, and
 - (iv) something prescribed as an animal product;
- (d) “**biosecurity measures**” means measures taken to control the spread of a disease or a disease-causing agent;
- (e) “**Chief Veterinary Officer**” means the Chief Veterinary Officer appointed under section 2;
- (f) “**disease**” means, in relation to an animal, a condition or group of characteristic symptoms or behaviours that

- (i) is generally recognized by the scientific community as resulting from a disease-causing agent, and
- (ii) meets one or more of the following or other prescribed criteria:
 - (A) it may cause products derived from a diseased animal to be unsafe or unfit for use or consumption,
 - (B) it is a threat to the health or well-being of other living things,
 - (C) it is a threat to the economic interests of the animal industry,
 - (D) it is a threat to the public interest;
- (g) **“disease-causing agent”** means an organism, poison, toxin or other agent that causes or may cause a disease;
- (h) **“fomite”** means an inanimate object that is capable of carrying or transmitting a disease or a disease-causing agent and may include
 - (i) material used for animal bedding,
 - (ii) clothing, footwear or equipment, and
 - (iii) an object prescribed as a fomite;
- (i) **“information”** includes personal information, except where otherwise specified;
- (j) **“input”** means a substance or combination of substances that may be used in raising an animal, including food, water, drugs, supplements, additives, treatments, growth promotants or something prescribed as an input;
- (k) **“inspector”** means an inspector appointed under section 2 and includes the Chief Veterinary Officer;
- (l) **“livestock”** means livestock as defined in the regulations;
- (m) **“Minister”** means the Minister of Agriculture;
- (n) **“notifiable disease”** means a disease prescribed as a notifiable disease, which may require monitoring
 - (i) to determine the presence, identity, nature or spread of the disease,
 - (ii) to determine the potential effects of the disease on animal or human health,
 - (iii) to avoid barriers to trade, or
 - (iv) for any other reason in the public interest;
- (o) **“owner”** includes
 - (i) in relation to an animal or a thing related to an animal, a person who has custody or care and control, or is responsible for the care and control of, the animal or thing related to an animal,
 - (ii) in relation to a premises, a person who operates or occupies the premises, and
 - (iii) in relation to a vehicle, a person who operates the vehicle;
- (p) **“personal information”** means personal information as defined in the *Freedom of Information and Protection of Privacy Act* R.S.P.E.I. 1988, Cap. F-15.01;
- (q) **“premises”** means land and any buildings, structures, facilities or waters on it and any part or parts of them;
- (r) **“Registrar”** means the Registrar appointed under subsection 3.4(2);
- (s) **“reportable disease”** means a disease prescribed as a reportable disease, which may require preventative, control or eradication measures
 - (i) to safeguard animal or human health,
 - (ii) to avoid barriers to trade, or
 - (iii) for any other reason in the public interest;

- (t) **“restricted area”** means an area of the province that is declared to be a restricted area under section 3.3;
- (u) **“vehicle”** means any motor vehicle, aircraft, vessel or other conveyance used to transport an animal or a thing related to an animal;
- (v) **“veterinarian”** means a person who is authorized by law to practise veterinary medicine in the province;
- (w) **“waste material”** means an animal by-product or animal product that has been discarded, and includes
 - (i) composted material or any other thing containing or derived from an animal by-product or animal product that has been discarded, and
 - (ii) something prescribed as waste material.

Things related to an animal

- (2) In this Act, an animal by-product, an animal product, a fomite, an input and waste material are considered to be things related to an animal.

2. (1) Subsections 2(1) and (2) of the Act are amended by the deletion of the words “provincial veterinarian” wherever they occur and the substitution of the words “Chief Veterinary Officer”.

(2) Subsection 2(2.1) of the Act is amended

- (a) **by the deletion of the words “provincial veterinarian” and the substitution of the words “Chief Veterinary Officer”; and**
- (b) **by the deletion of the words “his or her” and the substitution of the word “the”.**

(3) Subsection 2(4) of the Act is repealed and the following substituted:

Experts

- (4) The Minister may engage professionals or experts, on the terms and conditions the Minister determines, to advise the Minister on matters under this Act or the regulations.

3. Subsection 2.1(1) of the Act is amended

- (a) **in clauses (b), (c) and (d), by the deletion of the words “named disease” and the substitution of the words “notifiable or reportable disease”; and**
- (b) **in clause (e), by the deletion of the words “named disease or a notifiable disease or reportable disease under” and the substitution of the words “notifiable or reportable disease under this Act or”.**

4. The Act is amended by the addition of the following after section 2.2:

2.21 Paramountcy

Where a provision of this Act is inconsistent or in conflict with a provision of the *Freedom of Information and Protection of Privacy Act*, the provision of this Act prevails despite the *Freedom of Information and Protection of Privacy Act*.

5. Section 2.3 of the Act is amended

- (a) **in clause (c), by the deletion of the words “named disease” and the substitution of the words “notifiable or reportable disease”; and**
- (b) **in clause (d), by the deletion of the words “provincial veterinarian” and the substitution of the words “Chief Veterinary Officer”.**

6. The Act is amended by the deletion of the word “Named” in the heading “Control of Named Diseases” immediately before section 3.

7. Section 3.1 of the Act is repealed.

8. Section 3.11 of the Act is repealed and the following substituted:

3.11 Duty to report notifiable or reportable disease

The owner of the animal, a veterinarian or the operator of a laboratory who knows or ought to know that an animal is or may be infected with a notifiable or reportable disease, shall report to the Chief Veterinary Officer that the animal is or may be infected with a notifiable or reportable disease, in accordance with the regulations.

9. The Act is amended by the addition of the following after section 3.11:

3.12 Disclosure of information about notifiable or reportable diseases

The Chief Veterinary Officer may disclose any information reported or otherwise collected under this Act about a notifiable or reportable disease, or an occurrence or possible occurrence of a notifiable or reportable disease, for the purpose of disease control, management or prevention, or the protection of animal or human health, to

- (a) another department or an agency of the Government;
- (b) the Government of Canada or its agencies;
- (c) the government of another province or territory or its agencies;
- (d) any other person if the Chief Veterinary Officer considers it to be in the public interest.

10.(1) Subsection 3.2(1) of the Act is amended by the deletion of the words “named disease” wherever they occur and the substitution of the words “notifiable or reportable disease”.

(2) Subsection 3.2(2) of the Act is repealed and the following substituted:

Order, animal infected with notifiable or reportable disease

- (2) Where an inspector has reasonable grounds to believe that an animal is infected with a notifiable or reportable disease, the inspector may, by order, in writing,
 - (a) require the owner of the animal, at the owner’s expense, to
 - (i) treat the animal in a manner or within a time specified,
 - (ii) destroy and dispose of the animal, things related to the animal or other things that may have come into contact with the animal, in a manner, at a place or within a time specified,

- (iii) retain the animal at a location for a time specified,
 - (iv) move the animal to a location in a manner specified,
 - (v) clean and disinfect premises at which, or vehicles in which, the animal has been present, in a manner specified, or
 - (vi) produce for inspection books, records or other documents relating to the animal;
- (b) prohibit the owner of the animal from selling or otherwise disposing of the animal.

11. Section 3.3 of the Act is amended

- (a) **by the deletion of the words “provincial veterinarian” wherever they occur and the substitution of the words “Chief Veterinary Officer”; and**
- (b) **by the deletion of the words “named disease” wherever they occur and the substitution of the words “notifiable or reportable disease”.**

12. The Act is amended by the addition of the following after section 3.3:

3.31 Quarantine order

- (1) Where the Chief Veterinary Officer has reasonable grounds to believe that a disease or disease-causing agent is present at a premises, the Chief Veterinary Officer may, by order,
- (a) quarantine the premises, in whole or in part; and
 - (b) quarantine an animal, a thing related to an animal, a vehicle or any other thing at the premises.

Contents of order

- (2) An order made under subsection (1) may
- (a) contain the following information:
 - (i) the disease or disease-causing agent, if known,
 - (ii) the name of the owner of the premises,
 - (iii) the name of the owner of any animal, thing related to an animal, vehicle or other thing subject to quarantine, if different from the owner of the premises,
 - (iv) the address, legal description or geographical limits and boundaries of the premises,
 - (v) a description of any animal, thing related to an animal, vehicle or other thing subject to quarantine and where it is located at the premises,
 - (vi) the terms and conditions the Chief Veterinary Officer considers necessary to minimize the risk of the disease or disease-causing agent spreading;
 - (b) require the presentation of an animal, a thing related to an animal, a vehicle or other thing subject to quarantine for examination or testing;
 - (c) require the application of a symbol, tag or other identification mark or device to an animal, thing related to an animal, vehicle or other thing subject to quarantine or the recording of a symbol, tag or other identification mark or device previously applied;
 - (d) require the application or installation of an identifying marker, signage or temporary barrier at the premises;

- (e) impose restrictions on the movement of animals, things related to animals, vehicles or other things into or out of the premises;
- (f) specify any precautionary or biosecurity measures to be taken on entering or exiting the premises;
- (g) require the cleaning and disinfection of the premises or vehicles at the premises in a specified manner;
- (h) specify the manner in which animals at the premises are to be fed and cared for;
- (i) require the treatment or veterinary care of an animal at the premises;
- (j) require the production of books, records or other documents relating to an animal at the premises;
- (k) require the reporting of mortality or morbidity among animals at the premises;
- (l) require that records be kept and information reported to the Chief Veterinary Officer in respect of complying with the order;
- (m) specify the time within which an action required under the order is to be completed; and
- (n) specify the duration of the quarantine.

Service of order

- (3) An order made under this section shall be served on the owner of the premises and of any animal, thing related to an animal, vehicle or other thing at the premises subject to quarantine.

Service effected

- (4) An order made under this section shall be considered to have been served on the owner
 - (a) when it is served personally on the owner;
 - (b) when it is posted in a prominent place on the premises of the owner; or
 - (c) five days after the day the notice was sent by registered mail to the owner's last known address unless the contrary is proven.

Compliance

- (5) Every owner who is served with an order made under this section shall comply with the order in accordance with its terms.

Inspection to ensure compliance

- (6) The Chief Veterinary Officer may enter, without a warrant, any premises, other than a dwelling place, or any vehicle on the premises to conduct an inspection in respect of compliance with the order.

Peace officer

- (7) The Chief Veterinary Officer may request the assistance of, and may be assisted by, a peace officer in the performance of the duties or exercise of the powers of the Chief Veterinary Officer under this section.

Publication of order

- (8) The Chief Veterinary Officer may publish an order, or a summary of an order, made under this section for the purposes of communicating the contents of the order or providing notice that the order has been made.

13. Section 4 of the Act is amended

- (a) **in clauses (b) to (g), by the deletion of the words “named disease” and the substitution of the words “notifiable or reportable disease”; and**
- (b) **by the repeal of clause (h) and the substitution of the following:**
- (h) respecting the manner and time in which the owner of an animal, a veterinarian or the operator of a laboratory shall report to the Chief Veterinary Officer that an animal is or may be infected with a notifiable or reportable disease;

14. Section 17 of the Act is amended

- (a) **by the deletion of the words “the provincial veterinarian” and the substitution of the words “the Chief Veterinary Officer”; and**
- (b) **by the deletion of the words “or regulations” and the substitution of the words “or the regulations”.**

15. Section 18 of the Act is amended

- (a) **by the deletion of the words “provincial veterinarian” and the substitution of the words “Chief Veterinary Officer”; and**
- (b) **by the deletion of the words “in the performance of his or her duties or the exercise of his or her powers” and the substitution of the words “in performing duties or exercising powers”.**

16. Section 20 of the Act is repealed.

17. Animal Welfare Act

- (1) **This section amends the *Animal Welfare Act R.S.P.E.I. 1988, Cap. A-11.2.***
- (2) **Clause 17(3)(c) of the *Animal Welfare Act* is amended by the deletion of the words “provincial veterinarian” and the substitution of the words “Chief Veterinary Officer”.**

18. This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.

EXPLANATORY NOTES

SECTION 1 repeals and replaces section 1 of the Act to:

- add definitions of the terms “animal by-product”, “animal product”, “Chief Veterinary Officer”, “disease-causing agent”, “fomite”, “input”, “notifiable disease”, “reportable disease” and “waste material”;
- remove definitions of the terms “poultry” and “provincial veterinarian”;
- amend definitions of the terms “disease” and “livestock”;
- set out things that are considered to be related to an animal.

SECTION 2 amends section 2 of the Act to replace references to the provincial veterinarian with Chief Veterinary Officer and update the section with gender-neutral language.

SECTION 3 amends section 2.1 of the Act to replace references to a named disease with notifiable or reportable disease.

SECTION 4 adds a new section 2.21 to the Act to provide that a provision of the Act prevails in any conflict with the *Freedom of Information and Protection of Privacy Act*.

SECTION 5 amends section 2.3 of the Act to replace a reference to a named disease with notifiable or reportable disease and to replace a reference to the provincial veterinarian with Chief Veterinary Officer.

SECTION 6 amends a heading to remove a reference to named diseases.

SECTION 7 repeals section 3.1 of the Act, which provided for the Minister to make an order designating a disease as a named disease (now a notifiable or reportable disease) in urgent circumstances. The Chief Veterinary Officer can address any disease or disease-causing agent immediately, if necessary, through the new quarantine provisions and the regulations prescribing notifiable and reportable diseases can be amended promptly.

SECTION 8 repeals and replaces section 3.11 of the Act to require the owner of an animal, a veterinarian or the operator of a laboratory to report an infection or suspected infection of an animal with a notifiable or reportable disease.

SECTION 9 adds a new section 3.12 to the Act to provide for the Chief Veterinary Officer to disclose information regarding a notifiable or reportable disease for specified purposes to specified persons.

SECTION 10 amends section 3.2 of the Act to replace references to a named disease with notifiable or reportable disease and to improve the wording.

SECTION 11 amends section 3.3 of the Act to replace references to the provincial veterinarian with Chief Veterinary Officer and to replace references to a named disease with notifiable or reportable disease.

SECTION 12 adds a new section 3.31 to the Act providing for the Chief Veterinary Officer to issue a quarantine order where the officer has reasonable grounds to believe that a disease or disease-causing

agent is present at premises. The new section sets out the potential nature and contents of the order, and provides for service, enforcement and publication of the order.

SECTION 13 amends section 4 of the Act to replace references to a named disease with notifiable or reportable disease and improve the wording of a clause.

SECTION 14 amends section 17 of the Act to replace a reference to the provincial veterinarian with Chief Veterinary Officer and corrects a typo.

SECTION 15 amends section 18 of the Act to replace a reference to the provincial veterinarian with Chief Veterinary Officer and update the section with gender-neutral language.

SECTION 16 repeals section 20, as it provides for a judge to make an order in relation to a part of the Act that has been repealed.

SECTION 17 makes a consequential amendment to the *Animal Welfare Act* to replace a reference to the provincial veterinarian with Chief Veterinary Officer.

SECTION 18 provides for the commencement of this Act on proclamation to allow for a corresponding regulations amendment to be enacted at the same time.

(Bill No. 45)

An Act to Amend the Animal Health Act

<i>STAGE:</i>	<i>DATE:</i>
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<i>2nd Reading:</i>	
<i>To Committee:</i>	
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<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

SIGNATURES:

Honourable Antoinette Perry, Lieutenant Governor

Honourable Darlene Compton, Speaker

Joseph Jeffrey, Clerk

Hon. Bloyce Thompson
Minister of Agriculture

GOVERNMENT BILL

2024
1st SESSION, 67th GENERAL ASSEMBLY