Table - Covid-19 "Safe Zones" in Canada: Federal and Provincial Regulation

Jurisdiction	Act/Regulation	Subject Facilities	Prohibited Behaviour	"Safe Zone" Perimeter	Penalties
Federal	*Criminal Code*, s. 423.2(1) [1]	N/A – Only applies to healthcare professionals, patients, persons assisting healthcare professionals	Causing fear in persons in order to impede the provision of, or access to, healthcare	N/A	Term of imprisonment: 10 years or less
Federal	*Criminal Code*, s. 423.2(2) [1]	Healthcare facilities	Impeding or interfering with another person's lawful access to healthcare facilities	N/A	Term of imprisonment: 10 years or less
Alberta	*Critical Infrastructure Defence Act* & *Critical Infrastructure Defence Regulation*	Healthcare facilities	Unlawfully entering, wilfully damaging or destroying healthcare facilities; wilfully obstructing, interrupting, or interfering with the use or operation of healthcare facilities	N/A	**First offence:** $1K-$10K **Subsequent offences:** $1K-$25 or up to six months' imprisonment [2]
British Columbia	*Access to Services (Covid-19) Act*	Covid testing sites, Covid vaccination sites, hospitals, schools, and other facilities prescribed by regulation.	Impeding access to facilities; physical interference with or disruption of services; intimidating an individual or threatening their physical or mental safety.	**Schools and hospitals**: 20m from property line **Other facilities**: 20 m from the facility, or 20 m from each exit or entrance to the facility	Immediate arrest of and/or injunctions against protestors [3]
New Brunswick	N/A	N/A	N/A	N/A	N/A
Newfoundland and Labrador [4]	Bill to be tabled	Healthcare facilities and schools	Intimidation and interference with access	50 m from healthcare facility or school	Possible imprisonment or fine up to $10,000
Nova Scotia	*Protecting Access to Health Services Act*	Healthcare facilities	Protesting, or physically impeding, intimidating, or otherwise besetting a patient or healthcare professional	50 m from property line of healthcare facility	**First offence:** Max fine $5K **Subsequent offences:** Fine of $1K-$25K or up to a year's imprisonment. [5]

Jurisdiction	Act/Regulation	Subject Facilities	Prohibited Behaviour	"Safe Zone" Perimeter	Penalties
Ontario	Bill 2 [6]	Hospitals and other healthcare facilities, schools, and child care centres	Protesting or advocating against vaccines; acting to dissuade a person from accessing or a healthcare facility from providing vaccination, including by "observing" the facility, intimidating patients or health care workers, or by interfering with access	150 m from property line of health care facility	**First offence:** Max fine $5K **Second offence:** Fine of $1K-$10K **Subsequent offence:** Fine of $1K-$10k and/or up to six months' imprisonment
Prince Edward Island	N/A	N/A	N/A	N/A	N/A
Quebec	Bill 105	Health facilities, Covid-19 testing or vaccination sites, childcare centres, schools, or colleges	Demonstrations against Covid-19 health measures, vaccinations, or any other public health recommendation of the local health authority	50 m from grounds of facility	**Generally**: Fine of $1K-$6K **For threatening or intimidating a person**: $2K-$12K
Saskatchewan	*Public Health (Safe Access to Hospitals) Amendment Act, 2021* (See full text, below)	Hospitals	Protesting; physically impeding, intimidating, or otherwise besetting a patient or healthcare professional	50 m from property line of healthcare facility	**First offence:** Max fine $75K [8] **Subsequent Offence:** Max Fine $100,000

[1] Although not formally included in the online consolidation of the *Criminal Code*, these provisions came into force on January 12th, 2022.

[2] Listed amounts for individuals only. Corporations are subject to fines between $10,000 and $200,000.

[3] It appears that a person who commits an offence under this Act could also be fined up to $2,000 under BC's *Offence Act*.

[4] As bill has not yet been tabled, the final form of these restrictions is still to be determined.

[5] Listed amounts for individuals only. Corporations are subject to fines of up to $25,000 on a first offence, and between $5,000 and $100,000 for each subsequent offence.

[6] Bill 2, of the *Creating Safe Zones around Hospitals, Other Health Facilities, Schools and Child Care Centres Act, 2021* has been introduced by the opposition and given first reading. However, there has been no progress since October 5th, and no timeline for enactment has been given. Please consider these restrictions to be purely hypothetical for the time being.

[7] Listed amounts for individuals only. Corporations are subject to fines of up to $100,000 on a first offence, and up to $250,000 for a second or subsequent offence.

BILL

No. 48

An Act to amend *The Public Health Act, 1994*

(Assented to)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Public Health (Safe Access to Hospitals) Amendment Act, 2021*.

SS 1994, c P-37.1 amended

2 *The Public Health Act, 1994* is amended in the manner set forth in this Act.

New section 37.1

3 The following section is added after section 37:

"Vaccination programs

37.1(1) In this section:

'program' means a vaccination program established pursuant to subsection (2);

'vaccination provider' means a person or a category of persons appointed to provide vaccinations pursuant to a program.

(2) The minister may establish vaccination programs to coordinate the delivery of vaccines and the administration of vaccinations on a province-wide basis against communicable diseases.

(3) For the purposes of a program, the minister may appoint those persons as vaccination providers who the minister is satisfied are qualified to administer vaccinations for the program.

(4) In accordance with a particular program and subject to any directions provided by the ministry or a local authority, a vaccination provider may provide vaccinations to individuals against a communicable disease at any location in Saskatchewan.

(5) Persons appointed as vaccination providers may carry out any duties and responsibilities assigned to them pursuant to a particular program, on the terms and conditions set out in the program, notwithstanding applicable legislation, including professional bylaws, that otherwise govern those persons.

(6) The minister may cause a program to be made public in any manner the minister considers necessary, including publishing notice of the program on the Government of Saskatchewan's website.

(7) For the purposes of section 68, a person appointed as a vaccination provider who is not otherwise employed by the ministry, a local authority or a municipality is deemed to be an agent of the ministry, local authority or municipality, as the case may be, with respect to that person's carrying out of the duties and responsibilities as required by the particular program**".**

Section 45 amended

4 Subsection 45(5) is repealed.

Section 58 amended

5(1) Subsection 58(1) is amended by adding "or the regulations**" after "**an order made pursuant to this Act**".**

(2) The following subsection is added after subsection 58(4):

"(5) If an order made pursuant to this Act or the regulations is directed to the public at large or to a number of persons that, in the opinion of the minister or the medical health officer, is so large that it would be impractical to effect service in the manner otherwise required by this section, the minister or the medical health officer may effect service of the order by all or any of the following means:

(a) publishing the order in a newspaper having general circulation in Saskatchewan or in any area of Saskatchewan that is directly affected by the order;

(b) broadcasting the order on a television station or radio station the signal of which is received in Saskatchewan or in any area of Saskatchewan that is directly affected by the order;

(c) posting copies of the order in public places in the manner and to the extent considered necessary by the minister or the medical health officer;

(d) in the case of an order directed to a large number of persons in a particular place, premises or vehicle, by making a public announcement in the place, premises or vehicle;

(e) publishing the order on the Government of Saskatchewan's website;

(f) publishing the order in the Gazette**".**

New section 60

6 Section 60 is repealed and the following substituted:

"Injunction

60(1) On application by the Attorney General for Saskatchewan, by any person with the written consent of the Attorney General for Saskatchewan, or by any person who has authority to make an order pursuant to this Act or the regulations, the Court of Queen's Bench may grant an injunction:

(a) to restrain a person from contravening this Act or the regulations; or

(b) to require a person to comply with an order or a bylaw made pursuant to this Act.

(2) An application made pursuant to subsection (1) may be made:

(a) at any judicial centre;

(b) without notice or on any notice that a judge may direct; and

(c) if applicable, on the basis of a certificate signed by the minister stating that persons, named or unnamed in the certificate or both named and unnamed in the certificate, are contravening subsection 67.1(2).

(3) A certificate mentioned in clause (2)(c) is admissible in evidence as proof, in the absence of evidence to the contrary, of the matters set out in the certificate without proof of the office or the signature of the person purporting to have signed the certificate.

(4) On an application made pursuant to subsection (1), a judge may make the order requested or any other order that the judge considers appropriate.

(5) With leave of a judge of the Court of Appeal, any person to whom an order made pursuant to subsection (4) is directed may appeal that order to the Court of Appeal on a question of law only.

(6) An appeal pursuant to subsection (5) does not stay the order made pursuant to subsection (4) unless a judge of the Court of Appeal rules otherwise**".**

New sections 67.1 to 67.5

7 The following sections are added after section 67:

"Safe access to hospitals

67.1(1) In this section and in sections 67.2 to 67.4:

'access zone' means an access zone established pursuant to section 67.2;

'besetting' means to place oneself close to, and to importune, a health service provider or a patient in an attempt to dissuade the health service provider from providing or facilitating the provision of, or the patient from accessing, health services;

'health service provider' means a person who:

(a) provides health services in a hospital; or

(b) otherwise works in a hospital;

'health services' means health services as defined in *The Provincial Health Authority Act*;

'hospital' means a facility designated as a hospital in accordance with *The Facility Designation Regulations*;

'interference' means an act of:

(a) advising or persuading, or attempting to advise or persuade, another person to refrain from accessing health services;

(b) advising or persuading, or attempting to advise or persuade, a health service provider to refrain from providing, or facilitating the provision of, health services;

(c) informing or attempting to inform another person concerning issues related to certain health services, by any means, including graphic, verbal or written means or the use or display of models or representations;

'patient' means a person who is in an access zone in the course of accessing health services and includes a person, other than a health service provider, accompanying the person;

'protest' means an act of disapproval or attempted act of disapproval concerning issues related to certain health services, by any means, including graphic, verbal or written means or the use or display of models or representations.

(2) Subject to subsections (3) and (4), no person shall, while in an access zone:

(a) engage in besetting;

(b) engage in interference;

(c) engage in a protest;

(d) continuously or repeatedly observe:

(i) a patient or a health service provider; or

(ii) a hospital;

(e) physically impede or attempt to impede the passage of a patient or a health service provider; or

(f) intimidate or threaten, or attempt to intimidate or threaten, a patient or a health service provider.

(3) Clause (2)(b) does not apply to a person who, at the time of the interference, was a health service provider acting in the course of that person's duties as a health service provider.

(4) Clauses (2)(d) and (e) do not apply to a peace officer while the peace officer is performing official duties.

(5) Nothing in subsection (2) prevents lawful picketing, or lawful demonstrations, with respect to labour disputes.

"Access zones established

67.2(1) An access zone is hereby established for every hospital to ensure that:

(a) patients and other members of the public are able to access hospitals and health services at hospitals; and

(b) health service providers and others involved in the provision of health services are able to ensure the safe and effective delivery of health services at hospitals;

free from obstruction, intimidation, harassment and fear.

(2) Subject to subsection (3) and the regulations, an access zone established pursuant to subsection (1) includes:

(a) the parcel or parcels of land on which the hospital is located; and

(b) an area that extends a distance of 50 metres from the boundaries of any parcel of land on which the hospital is located.

(3) An access zone established pursuant to subsection (1) does not include:

(a) private property outside the parcel of land on which the hospital is located, other than the private property that the owner or operator of the hospital owns or has an exclusive right to use or occupy; or

(b) any portion of the parcel of land on which the hospital is located that a person other than the owner or operator of the hospital has an exclusive right to use or occupy.

(4) In any judicial proceeding, section 69 of *The Land Surveys Act, 2000* applies with respect to proof of the location of an access zone.

"Notice

67.3 No person may be convicted of contravening subsection 67.1(2) unless the person knew or, at any time before the contravention, was given notice:

(a) of the location of the access zone; or

(b) if the contravention occurred within 50 metres from the boundaries of any parcel of land on which a hospital is located, that the facility was a hospital.

"Regulations re access zones

67.4 For the purposes of sections 67.1 to 67.3, the Lieutenant Governor in Council may make regulations:

(a) increasing any dimension of an access zone to a distance not exceeding 150 metres from a boundary of the parcel or parcels of land on which the hospital is located;

(b) decreasing the dimensions of an access zone;

(c) providing access zones of different dimensions for different hospitals;

(d) specifying how to determine distances for the purpose of subsection 67.2(2) and clauses (a), (b) and (c);

(e) defining, enlarging or restricting the meaning of any word or expression used but not defined in sections 67.1 to 67.3;

(f) further defining, enlarging or restricting the meaning of any word or expression defined for the purposes of sections 67.1 to 67.3;

(g) respecting any other matter or thing the Lieutenant Governor in Council considers necessary to carry out the intent and purpose of sections 67.1 to 67.3.

"Sunset provision

67.5 Clause 60(2)(c), subsection 60(3), sections 67.1 to 67.4 and any regulations made pursuant to section 67.4 are repealed:

(a) 24 months after the date on which this section comes into force; or

(b) on any earlier date set by the Lieutenant Governor in Council**".**

Coming into force

8 This Act comes into force by order of the Lieutenant Governor in Council.

SECOND SESSION

Twenty-ninth Legislature

SASKATCHEWAN

B I L L

No. 48

An Act to amend *The Public Health Act, 1994*

Received and read the

First time

Second time

Third time

And passed

Honourable Paul Merriman

Printed under the authority of
The Speaker of the Legislative Assembly
of Saskatchewan
2021