

## Federal and Provincial Emergency Legislation

### Available Powers Related to the COVID-19 State of Emergency

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The following chart outlines some of the powers available to the federal/provincial/territorial governments following the declaration of a state of emergency.

Jurisdiction	State of Emergency Legislation Summary of Powers
<p><b>Federal</b></p>	<p><i>Emergencies Act</i>, R.S.C., 1985, c. 22 (4th Supp.)</p> <p>This Act defines a national emergency as an urgent and critical situation of a temporary nature that seriously endangers the lives, health or safety of Canadians in a way <u>that exceeds the capacity or authority of a province to deal with the emergency AND the emergency cannot be effectively be dealt with under any other federal law</u>. Both parts of this legal test must be met before Canada can declare a national emergency.</p> <p>The Act allows for special temporary measures to be taken, under the supervision of Parliament, with regard to different types of national emergencies. The COVID-19 pandemic would be a “Public Welfare Emergency”, since it gives rise to the stated criteria of danger to life, social disruption or breakdown in essential services so serious as to be a national emergency.</p> <p>Once a national emergency is declare, orders could include, for example:</p> <ul style="list-style-type: none"> <li>• Prohibiting travel in relation to any specified area, where necessary for the protection of health or safety;</li> <li>• evacuation from certain areas and subsequent arrangements for shelter and protection;</li> <li>• requisitions for or use of property;</li> <li>• authorizing persons or a class of persons to provide essential services;</li> </ul>

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	<ul style="list-style-type: none"> <li>• Authorization and making of emergency payments;</li> <li>• Establishment of emergency shelters and hospitals; and</li> <li>• Imposition of fines or imprisonment for contravention of an order</li> </ul> <p><i>Quarantine Act</i>, S.C. 2005, c. 20</p> <p>The Quarantine Act is an example of an already existing federal law that has been resorted to during the COVID-19 pandemic.</p> <p>Under the Quarantine Act, the Governor in Council may make orders prohibiting entry into Canada of any class of persons who have been in a foreign country where there is an outbreak of a communicable disease that would pose an imminent and severe risk to public health in Canada <b>and</b> no reasonable alternatives are available. The Act only applies to international travellers or other people at an “entry or departure” point.</p> <p>The Act also provides the Minister of Health with the power to establish quarantine facilities and empowers quarantine or screening officers to question incoming international travellers, among other powers. In addition, quarantine powers under this Act allowed the federal government to place Canadians who were aboard cruise ships that experienced a COVID-19 outbreak into quarantine when they returned to Canada.</p> <p><i>Aeronautics Act</i>, R.S.C., 1985, c. A-2</p> <p>The Aeronautics Act applies to all Canadian aircraft, passengers and crew members, even when outside of Canada. Orders made pursuant to this Act redirected international passenger flights to four international airports in Toronto, Montreal, Vancouver and Calgary. The Minister of Transport required commercial air carriers en route to Canada to deny boarding to any passenger who is not a Canadian Citizen or Permanent Resident, with certain exceptions. Further, air operators were required to deny boarding to any travel who was symptomatic for COVID-19, regardless of citizenship status.</p> <ul style="list-style-type: none"> <li>• New measures for COVID-19 response re Aeronautics Act (March 17, 2020) [News Release]</li> </ul> <p><i>Emergency Management Act</i>, S.C. 2007, c. 15</p> <p>This federal statute provides for the Minister of Public Safety and Emergency Preparedness to be responsible for leading emergency management in Canada by coordinating emergency management activities among government institutions in cooperation with the provinces</p>

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	<p>and other entities. In consultation with the Minister of Foreign Affairs, the Minister may develop joint emergency management plans with the relevant United States' authorities and coordinate Canada's response to emergencies in the United States.</p> <p>The Act also sets out the responsibilities of Ministers who are accountable for a government institution to prepare emergency management plans that address risks to the institution. The Governor in Council can declare provincial emergencies to be a federal concern and if so, authorize the Minister to provide financial assistance to province, if requested by the province.</p>
<p><b>British Columbia</b></p>	<p><i>Emergency Program Act</i>, R.S.B.C. 1996, c. 11</p> <p>B.C.'s Minister of Public Safety and Solicitor General declared a state of emergency on March 18, 2020, one day after the provincial health officer declared a public health emergency under B.C.'s <i>Public Health Act</i>. Declaring a state of emergency allows the provincial government to implement any provincial emergency measures required, including access to land and human resource assets that may be necessary to prevent, respond to or alleviate the effects of an emergency. Emergency powers also include securing critical supply chains to make sure people have access to essential goods and services, and ensuring that infrastructure necessary in a response is readily available.</p> <p>The state of emergency is initially in effect for 14 days, once issued, and may be extended or rescinded as necessary. The state of emergency applies to the whole province and allows federal, provincial and local resources to be delivered in a co-ordinated effort.</p> <p>Once a state of emergency has been declared, the minister may, for example:</p> <ul style="list-style-type: none"> <li>• Implement any Provincial emergency plan or measures</li> <li>• Authorize a local authority to implement local emergency measures</li> <li>• Acquire or use any land or personal property considered necessary to respond to an emergency</li> <li>• Authorize or require any person to render assistance of a type that the person is qualified to provide to respond to or alleviate the emergency</li> <li>• Control or prohibit travel to or from any area of British Columbia</li> <li>• Provide for the restoration of essential facilities and the distribution of essential supplies</li> <li>• Provide, maintain and coordinate emergency medical, welfare and</li> </ul>

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	<p>other essential services in any part of British Columbia</p> <ul style="list-style-type: none"> <li>• Cause the evacuation of persons and the removal of livestock, animals and personal property from any area of British Columbia that is or may be affected by an emergency or a disaster</li> <li>• Authorize the entry into any building or on any land, without warrant to respond to the emergency</li> <li>• Construct works considered by the minister to be necessary or appropriate to respond to or alleviate the effects of an emergency</li> </ul> <p><i>Public Health Act, S.B.C. 2008, c. 28</i></p> <p>The Public Health Act provides for a wide variety of public health measures including the prevention and reporting of disease and other health hazards. For example, a medical health officer or the provincial health officer may issue orders with respect to infectious agents, including requiring a person to:</p> <ul style="list-style-type: none"> <li>• Remain in a place or not enter a place</li> <li>• Avoid physical contact with a person</li> <li>• Be under supervised care</li> <li>• Provide the medical health officer or other person with information, records, samples or other matters relevant to the person's possible infection</li> <li>• Be examined by a specified person, submit to diagnostic examinations and take preventative measures</li> <li>• Provide evidence of complying with any order</li> </ul> <p>On March 17, Dr. Bonnie Henry issued an enforceable class order under sections 27, 28, 29 and 67 of the act that required all persons in BC who were returning from travel outside of Canada to self-isolate for 14 days and follow other steps.</p> <p>The Act also includes Emergency Powers, which apply in the event of an immediate and significant risk to public health in a local or regional area of the province. The emergency powers generally allow the provincial health officer to act with speed, avoiding certain procedural steps that may be required in a non-emergent situation.</p>
<p><b>Alberta</b></p>	<p><i>Public Health Act, R.S.A. 2000, c. P-37</i></p> <p>On March 17, 2020, the Government of Alberta declared a state of public health emergency in response to the COVID-19 pandemic. As announced by Premier Jason Kenney and Dr. Deena Hinshaw, Alberta's Chief Medical Officer of Health, the declaration of a state of public health emergency empowers authorities under the <i>Public Health Act</i> to respond</p>

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	<p>to the ongoing pandemic.</p> <p>The following are some of the key measures the Government of Alberta has taken to combat the spread of COVID-19 to date:</p> <ul style="list-style-type: none"> <li>• Mass gatherings are limited to no more than 50 individuals, including places of worship, family events, funerals and weddings. Grocery stores, shopping centres, health-care facilities, airports, the legislature and other essential services are excluded.</li> <li>• Albertans are prohibited from public recreational facilities and private entertainment facilities. This includes gyms, swimming pools, arenas, science centres, museums, art galleries, community centres, children’s play centres, casinos, racing centres and bingo halls.</li> <li>• Sit-down restaurants, cafes, coffee shops, food courts and other food-serving facilities are limited to 50% capacity up to a maximum of 50 individuals. Take-out, delivery and drive-through services are permitted.</li> <li>• Attendance at bars and nightclubs is restricted.</li> <li>• Albertans are prohibited from attending buffet-style restaurants. Not-for-profit community kitchens, soups kitchens and religions kitchens are exempt.</li> </ul> <p>Updates on rules and restrictions and the Alberta response to COVID-19 can be found <a href="#">here</a>.</p> <p><i>Emergency Management Act</i>, R.S.A. 2000, c. E-6.8</p> <p>On March 20, 2020, the Government of Alberta amended the <i>Emergency Management Act</i> in order to allow the co-existence of provincial and local states of emergency. The amendments now allow the provincial and municipal levels of government to work together in their response emergencies and disasters, including the COVID-19 pandemic. For more information, see <a href="#">here</a>.</p> <p>Local states of emergencies have been declared in 25 Alberta municipalities, including Calgary and Edmonton, where additional closures and measures have been implemented to control the spread of COVID-19. Information on the measures being taken by municipalities in response to the pandemic can be found on municipal websites and local news sources.</p>
Saskatchewan	<i>The Emergency Planning Act</i> , S.S. 1989-90, c. E-8.1

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	<p>On March 18, 2020, the Government of Saskatchewan declared a provincial state of emergency pursuant to section 17 of the <i>Emergency Planning Act</i>. That act gives the government broad authority to do the following during the state of emergency:</p> <ul style="list-style-type: none"> <li>• Put into operation an emergency plan or program</li> <li>• Authorize or require a local authority to put into effect any emergency plan for the municipality</li> <li>• Assume direction and control of the emergency response of a local authority</li> <li>• Acquire or utilize any real or personal property that the minister considers necessary to prevent, combat or alleviate the effects of an emergency</li> <li>• Authorize any qualified person to render aid of a type that the person is qualified to provide</li> <li>• Control or prohibit travel to or from any area of Saskatchewan</li> <li>• Provide for the restoration of essential facilities and the distribution of essential supplies</li> <li>• Provide, maintain and coordinate emergency medical, welfare and other essential services</li> <li>• Cause the evacuation of persons and the removal of persons or live stock and personal property from any area of Saskatchewan affected by the emergency and make arrangements for the adequate care and protection of those persons, livestock or personal property</li> <li>• Authorize entry into any building or on any land without a warrant by any person in the course of implementing an emergency plan</li> <li>• Cause the demolition or removal of any trees, structures or crops if necessary or appropriate to reach the scene of the emergency, to attempt to forestall its occurrence or to combat its progress</li> <li>• Procure or fix prices for food, clothing, fuel, equipment, medical supplies or other essential supplies and the use of any property, services, resources or equipment</li> <li>• Conscript persons needed to meet an emergency</li> <li>• Do all acts and take all proceedings reasonably necessary to meet the emergency</li> </ul> <p>On March 20, 2020, Premier Scott Moe ordered that all persons in Saskatchewan are required to comply with:</p> <ol style="list-style-type: none"> <li>(a) Any orders made by the Minister of Health pursuant to the <i>Public Health Act, 1994</i>;</li> <li>(b) Any orders made by the Office of the Chief Medical Health Officer (“CMHO”); and</li> <li>(c) Any direction issued by the Saskatchewan Public Safety Agency</li> </ol>

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	<p>under the <i>Emergency Planning Act</i> and the <i>Saskatchewan Public Safety Act</i>.</p> <p>Premier Moe also authorized the RCMP and all Saskatchewan police services to take any reasonable action, including the power to arrest, to enforce the March 20, 2020 order and any other order made under the <i>Emergency Planning Act</i> or the <i>Public Health Act, 1994</i>.</p> <p><i>Public Health Act, 1994</i>, SS 1994, c P-37.1</p> <p>Saskatchewan’s Chief Medical Health Officer, Dr. Saqib Shahab, has made Public Health Orders under sections 38 and 45(2) of the <i>Public Health Act</i>, for the control of the transmission of COVID-19 in the province.</p> <p>Under section 38(1) of the Act, a medical health officer, including the CMHO, is permitted to order individuals to take or refrain from taking any action the medical health officer considers necessary to decrease or eliminate a health risk presented by a communicable disease. Section 38(2) of the Act sets out the broad scope of what the medical health officer may order, including:</p> <ul style="list-style-type: none"> <li>• Requiring the owner or occupier of premises to close, clean or disinfect the premises or a specific part of the premises</li> <li>• Requiring a person who is or probably is infected with, or who has been or might have been exposed to, a communicable disease to isolate themselves immediately and to remain isolated from others</li> <li>• Requiring a person who is or who is probably infected to submit to an assessment of their condition by being tested and examined by a physician or nurse and giving specimens for laboratory examination</li> <li>• Requiring a person to conduct themselves in a manner that will not expose others to infection</li> <li>• Requiring a person infected with a communicable disease to receive uninterrupted treatment or counselling until, in the opinion of the medical health officer, the person no longer poses a public health risk</li> <li>• Requiring an infected person to place themselves under the care and treatment of a physician</li> <li>• Requiring a hospital to allow a person infected with a communicable disease to be admitted and kept at the hospital until, in the opinion of the medical health officer, the person is no longer able to benefit from the hospitalization or is no longer a danger to the health of others</li> <li>• Requiring an infected person to stop any occupation or activity that may spread the disease</li> </ul>

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	<ul style="list-style-type: none"> <li>• Requiring a person who is the subject of an order under section 38 of the Act to do anything that is reasonably necessary to give effect to that order</li> </ul> <p>Under section 45(1) of the Act, the minister has authority to make an order for certain measures to act in the case of a serious public health threat (such as COVID-19), as follows:</p> <ul style="list-style-type: none"> <li>• The closure of a public place</li> <li>• Restrictions on travel to or from a specified area of Saskatchewan</li> <li>• Prohibiting public gatherings</li> <li>• The establishment of temporary hospitals</li> <li>• Requiring a local authority, medical health officer or public health officer to investigate matters and report the results of the investigation to the minister</li> <li>• If the serious public health threat is a communicable disease, require any person to be isolated from others until a medical health officer is satisfied that isolation is no longer necessary. A person may be at risk for detention by a medical health officer under s. 45.1(1) of the Act if they do not comply with an order of this nature.</li> </ul>
<b>Manitoba</b>	<p><i>The Emergency Measures Act, C.C.S.M. c. E80</i></p> <p>Under section 10 of this Act, on March 20, 2020, Manitoba declared a state of emergency applying to the entire province in relation to the COVID-19 pandemic. The Act provides authority to the provincial government to issue orders to any party for the purpose of preventing or limiting loss of life and damage to property or the environment, including the following:</p> <ul style="list-style-type: none"> <li>• Implementation of emergency plans</li> <li>• Provide for the restoration of essential facilities, distribution of essential supplies and the maintenance and co-ordination of emergency medical, social and other essential services</li> <li>• Authorize or require any qualified person to render aid as they are qualified to provide</li> <li>• Authorize procurement and distribution of essential resources and the provision of essential services</li> <li>• Regulate the distribution and availability of essential goods, services and resources</li> <li>• Control, permit or prohibit travel within the province</li> <li>• Evacuation or persons, livestock or property and make arrangements for their subsequent care</li> <li>• Control or prevent the movement of people in an area</li> </ul>



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	<ul style="list-style-type: none"> <li>• Authorize entry into any building or upon land without warrant</li> <li>• Use real or personal property to prevent, combat or alleviate the effects of any emergency</li> <li>• Expend such sums as are necessary to pay expenses caused.</li> </ul> <p><i>The Public Health Act, C.C.S.M. c. P210</i></p> <p>Under Part 6 of the Act, the Chief Public Health Officer (“CPHO”) may take special measures if they reasonably believe that a serious and immediate threat to public health exists because of an epidemic. The special measures include issuing directions to manage the threat, to a regional health authority, health corporation, health care organization, operator of a laboratory, operator of a licensed emergency medical response system, health professional or healthcare provider, including directions about:</p> <ul style="list-style-type: none"> <li>• Identifying and managing cases;</li> <li>• Controlling infection;</li> <li>• Managing hospitals and other health care facilities and emergency medical response services; and</li> <li>• Managing and distributing equipment and supplies.</li> </ul> <p>In addition, subject to government approval during an epidemic, the CPHO’s emergency or special measures authority includes the ability to:</p> <ul style="list-style-type: none"> <li>• Require the use and possession of facilities for a temporary isolation or quarantine facility;</li> <li>• Order a public place or premises to be closed;</li> <li>• Limit the size of public gatherings;</li> <li>• Order persons to refrain from any activity or employment due to the persons posing a risk of infection to others.</li> </ul> <p>The CPHO and medical officers may issue directions to professionals and health facilities requiring them to comply with protocols or guidelines aimed at controlling a communicable disease.</p> <p>For example, orders aimed at controlling and minimizing the risk of diseases transmission may be issued to a hospital, personal care home, or facilities for the care and treatment of the elderly or other persons highly vulnerable to infection, where an in patient or resident has or may have been exposed to a communicable disease,</p> <p>In addition, the CPHO or a medical officer may, by order, require a person who is or might be infected with a communicable disease to:</p> <ul style="list-style-type: none"> <li>• <u>Present themselves for admission to a hospital and the hospital named in the order must admit the person</u> and keep them there until the medical officer considers that the person no presents a public health threat</li> </ul>

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	<ul style="list-style-type: none"> <li>• Submit to medical examination or medical testing</li> <li>• Conduct himself or herself in a manner that will not expose others to the infection</li> <li>• Isolate or quarantine themselves in a place specified by the medical officer and remain in isolation or quarantine until the medical officer considers the person no longer presents a threat.</li> <li>• Refrain from employment or any activity that could spread disease</li> <li>• Require a place or premises to be quarantined</li> </ul>
<p><b>Ontario</b></p>	<p><i>Emergency Management and Civil Protection Act, R.S.O. 1990, c. E. 9</i></p> <p>Under this legislation, Ontario declared a state of emergency on March 17 2020. This provides the government with the authority to make orders that are believed “necessary and essential in the circumstances to prevent, reduce or mitigate serious harm to persons or substantial damage to property” <b>provided that</b> it is reasonable to believe that:</p> <ul style="list-style-type: none"> <li>• The harm or damage will be alleviated by an order; and</li> <li>• Making an order is a reasonable alternative to other measures that might be taken to address the emergency.</li> </ul> <p>There are express limitations on an emergency order, including that they will be in place only for as long as is necessary and will be the least intrusive possible, consistent with the objectives of the order.</p> <p>Types of emergency orders authorized by the Act include the following, for examples:</p> <ul style="list-style-type: none"> <li>• Regulating or prohibiting travel within any specified area in the province</li> <li>• Evacuating individuals, animals and personal property from any specified area and making consequent arrangements for adequate shelter;</li> <li>• Establishing emergency shelters and hospitals</li> <li>• Closing any place, whether public or private, including any business, office, school, hospital or other establishment.</li> <li>• Constructing work, restoring facilities</li> <li>• Collecting, transporting, storing, processing and disposing of waste</li> <li>• Authorizing facilities to operate as is necessary</li> <li>• Using, distributing, making available and procuring any necessary goods, services and resources within any part of Ontario</li> <li>• Fixing prices for necessary goods, services and resources and prohibiting charging unconscionable prices in respect of the same</li> <li>• Authorizing, but not requiring, any person to provide services that a person is reasonably qualified to provide.</li> </ul>

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	<ul style="list-style-type: none"> <li>Requiring any person collect, use or disclose information that may be necessary in order to prevent, respond or alleviate effects of emergency.</li> </ul> <p>In a state of emergency, the Premier may exercise any power or perform any duty conferred upon a Minister or employee of the Government</p> <p><i>Health Protection and Promotion Act, R.S.O. 1990, c. H.7</i></p> <p>Under Part VI.1 of this Act, Ontario's Chief Medical Officer of Health has authority to issue mandatory directives to regulated healthcare professionals and health care entities, even before a provincial State of Emergency is declared. Directives that are not complied with can become enforceable court orders, with police assistance for enforcement of the court order. To March 23rd, the Ontario's Chief Medical Officer of Health has issued three directives to health professionals and healthcare entities, including public hospitals and other facilities to:</p> <ul style="list-style-type: none"> <li>Adopt recommendations for the use of personal protective equipment for caring for COVID-19 patients</li> <li>Reduce elective surgeries and other non-emergent clinical activities to preserve and increase hospital ICU capacity and resources</li> <li>Stop or reduce to minimal levels all non-essential and elective services, <u>subject to</u> time sensitive issues that could negatively affect patient outcomes or patient safety</li> <li>Heighten screening measures for transfers between hospitals and healthcare institutions;</li> <li>Imposing visitor and resident restrictions, as well as limitations on staff movement between facilities for long term care facilities and retirement homes.</li> </ul> <p>A medical officer of health of a local public health unit, may make written orders directed to individuals or a class of individuals, including for example:</p> <ul style="list-style-type: none"> <li>Requiring any person who has or may have a communicable disease or to isolate himself or herself and remain in isolation from other persons;</li> <li>Requiring the person to whom the order is directed to submit to an examination by a physician and to deliver to the medical officer of health a report by the physician as to whether or not the person has a communicable disease or is or is not infected with an agent of a communicable disease]</li> </ul> <p>There are significant penalties for being in breach of an order or</p>

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	mandatory Directive.
Quebec	<p>Quebec declared a state of emergency on March 13, 2020.</p> <p><a href="#"><u>Public Health Act, C.Q.L.R. c. S-2.2</u></a></p> <p>While the public health emergency is in effect, the Government or the Minister, if he or she has been so empowered, may: (section 123)</p> <ul style="list-style-type: none"> <li>• Order compulsory vaccination of the entire population or any part of it against smallpox or any other contagious disease seriously threatening the health of the population</li> <li>• Order the closing of educational institutions or of any other place of assembly</li> <li>• Order any person, government department or body to communicate or give to the Government or the Minister immediate access to any document or information held, even personal or confidential information or a confidential document</li> <li>• Prohibit entry to all or part of an area, restrict access to only certain persons or, when there are no other means of protection, the evacuation of the area.</li> <li>• Order the construction of any work, the installation of sanitary facilities or the provision of health and social services;</li> <li>• Require the assistance of any government department or body capable of assisting the personnel deployed;</li> <li>• Incur such expenses and enter into such contracts as are considered necessary;</li> <li>• Order any other measure necessary to protect the health of the population.</li> </ul> <p><i>Civil Protection Act, C.Q.L.R. c. S-2.3</i></p> <p>When a state of emergency is in effect, the Government, or any minister empowered to act upon the declaration of the state of emergency may do the following (s. 93):</p> <ul style="list-style-type: none"> <li>• Order the implementation of the response measures provided for in the plan of the civil protection authorities, or those established by government departments or government bodies and where necessary designate the person in charge</li> <li>• Order the closure of establishments</li> <li>• Control access to or enforce special rules on or within roads or the province</li> <li>• Where there is no safe alternative, order the construction or demolition of any works, the displacement of any property or the removal of any vegetation in the territory concerned</li> <li>• Grant authorizations and exemptions provided for by law for an</li> </ul>

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	<p>activity or an act that is required in the circumstances</p> <ul style="list-style-type: none"> <li>• Order the evacuation or confinement of the inhabitants and if they have no resources, make arrangements for adequate shelter facilities, the provision of food and clothing and the maintenance of security</li> <li>• Order power and water mains be shut off</li> <li>• Require the assistance of any person capable of assisting the personnel deployed</li> <li>• Requisition the necessary rescue services and private or public shelter facilities</li> <li>• Requisition food, clothing and other essentials and ensure distribution to disaster victims</li> <li>• Ration essential goods and services and establish supply priorities</li> <li>• Have access to any premises for the carrying out of the order</li> <li>• Make any expenditure or contract it considers necessary</li> <li>• Implement a financial assistance program</li> </ul> <p>*Note: there are also provisions relating to a municipality declaring a state of emergency.</p>
<p><b>New Brunswick</b></p>	<p><i>Emergency Measures Act</i>, R.S.N.B. 2011, c.147</p> <p>New Brunswick declared a state of emergency on March 19, 2020. Under a state of emergency, the Minister has the following powers (section 12):</p> <ul style="list-style-type: none"> <li>• To implement emergency measures;</li> <li>• To acquire or utilize any personal property by confiscation or other means;</li> <li>• To authorize or require any person to render the aid that the person is competent to provide;</li> <li>• To control or prohibit travel to or from any area;</li> <li>• To provide for the maintenance, restoration of essential facilities, or the distribution of essential supplies;</li> <li>• To evacuate persons and remove livestock and personal property threatened by a disaster or emergency, and make arrangements for the adequate care and protection of them;</li> <li>• To authorize persons to enter into a building or land without a warrant;</li> <li>• To demolish or remove any building, structure, tree or crop if the demolition is necessary for the purpose of reaching the scene of a disaster or to prevent the occurrence of a disaster;</li> <li>• To procure or fix prices for food, clothing, fuel, equipment, medical or other essential supplies, and use the property, services, resources and equipment, and</li> <li>• To order the assistant with the remuneration of persons</li> </ul>

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	<p><i>Public Health Act, S.N.B. 1998, c. P-22.4</i></p> <p>The Public Health Act gives powers to both the Minister and the Chief Medical Officer.</p> <p>Where there is a public health emergency, the Minister may take possession of any land or building without the consent of the owner to take possession of the building for which the owner will receive compensation (section 26).</p> <p>Where the public health emergency is as a result of a disease, either the Minister or the Chief Medical Officer may declare the disease to be a “notifiable disease.” (section 26.1) Once it is declared to be a notifiable disease, a series of persons must report the existence of this disease to the medical officer. These include medical practioners, nurse practioners and nurses (section 27(1)), a person in charge of an institution (section 28), a principal or operator of a child care facility (section 30), the chief executive officer of a regional health authority (section 30), and pharmacists in some circumstances.</p> <p>The medical officer may make orders requiring a person who has a notifiable disease to self-isolate (section 33(3)), to submit to a an examination, to place themselves under the care and treatment of a medical practioner, to conduct themselves in such a manner so as not to expose others to infection 33(4).</p> <p>If a person fails to comply with an order of the medical officer, they may make an application to the court to enforce their orders (section 36(1)).</p> <p>The medical officer also has various powers of inspection to ensure that persons are complying with their orders (section 43(1)).</p>
<p><b>Nova Scotia</b></p>	<p><i>Emergency Management Act, S.N.S. 1990, c. 8</i></p> <p>When a state of emergency is declared, the Minister may do the following (s.14):</p> <ul style="list-style-type: none"> <li>• Cause an emergency management plan or any part thereof to be implemented</li> <li>• Acquire or utilize personal property by confiscation</li> <li>• Authorize or require a qualified person to render aid of such type of person may be qualified to provide</li> <li>• Control or prohibit travel to or from an area or on a road, street or highway</li> <li>• Provide for the maintenance or restoration of essential facilities, the distribution of essential supplies and the maintenance and co-ordination of emergency medical, social and other services.</li> <li>• Cause or order the evacuation of persons and animal</li> <li>• Authorize the entry into any building without a warrant</li> <li>• Cause or order the demolition or removal of any thing where necessary</li> <li>• Order assistance of persons needed to carry out the provisions</li> </ul>

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	<ul style="list-style-type: none"> <li>• Regulate the distribution and availability of essential goods, services and resources</li> <li>• Authorize and make emergency payments</li> <li>• Assess damage to the environment and the costs and methods to eliminate and alleviate the damage.</li> </ul> <p><i>Health Protection Act</i>, S.N.S. 2004, c. 4</p> <p>Where the Minister has declared a public health emergency, the Chief Medical Officer may implement special measures to mitigate or remedy the emergency including the following (ss.53(2)):</p> <ul style="list-style-type: none"> <li>• Establishing a voluntary immunization program for the Province</li> <li>• Preparing a list of individuals or classes of individuals to be given priority for active and passive immunizing agents, drugs, medical supplies or equipment</li> <li>• Ordering the closing of any educational setting or place of assembly</li> <li>• Prohibiting or limiting access to certain areas of the Province or evacuating person from an area of the Province</li> <li>• Ensuring the necessities are provided to a person who is quarantined if the person has no alternative means of obtaining such necessities</li> <li>• Ordering construction of any work or the installation of facilities required, such as sanitation facilities</li> <li>• Procuring first right at a reasonable cost to active and passive immunizing agents, drugs, medical supplies or equipment</li> <li>• Confiscating active and passive immunizing agents, drugs, medical supplies or equipment from wholesalers, health authorities, pharmacies, physicians, institutions</li> <li>• Any other measure the Chief Medical Officer reasonably believes is necessary for the protection of public health during the public health emergency.</li> </ul> <p>The Minister can also order possession of premises for temporary isolation or quarantine facility (s. 55-56). A medical officer may also enter and inspect any premises without a warrant (s. 60).</p>
<p><b>Prince Edward Island</b></p>	<p>PEI declared a public health emergency on March 16, 2020,</p> <p><i>Public Health Act</i>, R.S.P.E.I. 1988, c. P-30.1</p> <p>On March 16 2020, the Premier of P.E.I. declared a state of public health emergency under Part III of the province’s <i>Public Health Act</i>. Accordingly,</p>

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	<p>the Chief Public Health Officer may take the following special measures (s. 49(2)):</p> <ul style="list-style-type: none"> <li>• Issue directions, for the purpose of managing the threat, to an institution, health facility, corporation, health care organization, operator of a laboratory, operator of an ambulance service, health professional or health care provider to</li> <li>• Authority in relation to the healthcare sector may include directions about identifying and managing cases, controlling infection, managing hospitals and other healthcare facilities and ambulance services.</li> <li>• Order the owner or occupier of any place or premises to deliver up possession of the place or premises to the Minister for use as a temporary assessment, treatment, isolation or quarantine facility</li> <li>• Order a public place or any premises to be closed</li> <li>• Order persons to refrain from assembling in a public gathering in a specified area; limit the number of persons permitted to attend a public gathering; or limit the purpose for a public gathering.</li> </ul> <p><i>Emergency Measures Act</i>, R.S.P.E.I. 1988, c. E-6.1</p> <p>When a provincial state of emergency is declared, the provincial government may do everything necessary for the health or safety of persons , including the following (s. 11):</p> <ul style="list-style-type: none"> <li>• Cause an emergency measures plan to be implement</li> <li>• Acquire or utilize or cause the acquisition or utilization of any personal property by confiscation or any means considered necessary;</li> <li>• Authorize or require any qualified person to render assistance of such type as that person may be willing and qualified to perform</li> <li>• Control or prohibit travel</li> <li>• Provide for the maintenance and restoration of essential facilities, the distribution of essential supplies and the maintenance and co-ordination of emergency medical, social and other essential service</li> <li>• Cause the evacuation of persons and the removal of livestock and personal property threatened by a disaster or emergency, and make arrangements for the adequate care and protection thereof</li> <li>• Enter a property without a warrant</li> <li>• Prohibit persons from entering into or upon any building, structure, premises, land, place or area</li> <li>• Cause the demolition or removal of any building, structure, tree or crop where the demolition or removal is necessary</li> </ul>



Jurisdiction	State of Emergency Legislation Summary of Powers
	<ul style="list-style-type: none"> <li>• Procure food, clothing fuel, equipment, medical or other essential supplies and the use of property, resources or equipment</li> <li>• Order the assistance with or without remuneration of persons needed to carry out these provisions.</li> <li>•</li> </ul>
<b>Newfoundland and Labrador</b>	<p>NFLD declared a public health emergency on March 18, 2020.</p> <p><i>Emergency Services Act</i>, S.N.L. 2008, c. E-9.1</p> <p>After a provincial emergency is declared, the Lieutenant-Governor in Council may do and authorize things necessary to protect people, property and the environment from injury or loss arising from an emergency including the following (ss.11(2)):</p> <ul style="list-style-type: none"> <li>• Controlling transportation</li> <li>• Controlling highways and vehicles</li> <li>• Acquiring and distributing essential or emergency supplies and providing, co-ordinating and maintaining medical services, emergency services</li> <li>• Evacuating persons, livestock or removing personal property from an area of the province and arranging for the care and protection of persons and property</li> <li>• Entering a house, building or other private property</li> <li>• Acquiring by purchase, lease or otherwise goods, personal property or lands and the sale, lease, allocation or other disposition of those goods, personal property or lands</li> <li>• Retaining persons for the purpose of responding to the declared emergency to perform medical, dental nursing and other professional services.</li> </ul> <p><i>Public Health Protection and Promotion Act</i>, S.N.L. 2018, c. P-37.3</p> <p>On March 18 2020, the Health Minister of Newfoundland and Labrador declared a public health emergency. Under this statute, a “public health emergency” is defined as an “occurrence or imminent threat posed by a communicable disease that presents a serious risk to the health of the population.” Such a declaration may last initially for no more than 14 days, but subject to the advice of the Chief Medical Officer of Health, a declaration can be extended for further, consecutive periods of 14 days.</p> <p>Part VI of the Act provide authority to the Minister of Health, on the recommendation of the Chief Medical Officer of Health, to declare a public health emergency in all or part of the province, where the emergency exists and where the emergency cannot be sufficiently mitigated without resorted to the special measures available under the Act.</p>

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	<p>The special measures available to the CMOH include, for example:</p> <ul style="list-style-type: none"> <li>• Authorizing qualified persons to assist in specific ways;</li> <li>• Procure and provide for the distribution of medical supplies, aid and equipment in the province;</li> <li>• Acquire and use real property, whether private or public, other than a dwelling house;</li> <li>• Restricting travel to or from the province or an area of the province;</li> <li>• Order the closure of any education setting or place of assembly;</li> <li>• Authorize any person acting under the direction of CMOH to enter into any premises without a warrant.</li> </ul> <p>If a provincial emergency is declared under the <i>Emergency Services Act</i>, and there is a conflict between the <i>Public Health Protection and Promotion Act</i>, and the <i>Emergency Services Act</i>, the <i>Emergency Services Act</i> is to prevail.</p> <p>COVID-19 is a communicable disease under the legislation. Accordingly, a regional medical officer of health or the CMOH may make a communicable disease order with respect to individual persons, <u>for example</u>, orders that:</p> <ul style="list-style-type: none"> <li>• Require the person to submit to an examination by a health care professional</li> <li>• Require the person to isolate himself or herself</li> <li>• Require the person to conduct him/herself in a manner that will not expose other persons to infection or to take precautions to prevent indirect transmission</li> <li>• Prohibit or restrict the person from attending a school, place of employment or other public premises</li> <li>• Prohibit or restrict the person from leaving or entering a specified premises</li> <li>• Require the person to be under supervision of a specified person</li> <li>• Disclose the identity and location of the persons whom they may have contact with</li> </ul>
<p><b>Yukon</b></p>	<p>On March 18, 2020, Yukon’s Chief Medical Officer of Health, Dr. Brendan Hanley, declared a public health emergency in light of the COVID-19 global pandemic.</p> <p><i>Public Health and Safety Act</i>, R.S.Y. 2002, c. 176</p> <p>At any time following the declaration of the existence of a public health emergency the chief medical officer of health may do the following:</p> <ul style="list-style-type: none"> <li>• Require any person to whom notice of a public health emergency has been given or is deemed to have been given, to provide information, including personal information, to the chief medical</li> </ul>

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	<p>officer of health to enable them to perform their duties and functions under this act.</p> <ul style="list-style-type: none"> <li>• Make an order that the sale, distribution and relocation by any person of any medication, supplies or equipment be suspended (ss. 4.6(2)).</li> <li>• Make an order for the procurement, acquisition and seizure of any medication, supplies or equipment and may require any person named in the order to provide the medication, supplies or equipment.</li> </ul> <p>The act also gives the government the power to designate an area of areas of the Yukon as ‘quarantine districts’, as required. The minister also has the power to order a member of a health profession who is not registered, authorized or licensed to practice their health profession during a health emergency for a limited period of time.</p> <p>To note, a public health emergency does not automatically constitute an emergency within the meaning of the <i>Civil Emergency Measures Act</i>.</p> <p><i>Civil Emergency Measures Act</i>, R.S.Y. 2002, c. 34</p> <p>When a state of emergency has been declared to exist, the Minister may do all things considered advisable for the purposes of dealing with the emergency and, without restricting the generality of the foregoing, may do acts considered necessary for the following (ss. 9(1)):</p> <ul style="list-style-type: none"> <li>• The protection of persons and property</li> <li>• Maintaining, clearing and controlling the use of roads and streets</li> <li>• Requisitioning or otherwise obtaining and distributing accommodation, food and clothing and providing other welfare services</li> <li>• Providing and maintaining water supplies, electrical power and sewage disposal</li> <li>• Assisting in the enforcement of the law</li> <li>• Fighting or preventing fire</li> <li>• Protecting the health, safety and welfare of the inhabitants of the area.</li> <li>• Make regulations considered proper to put into effect any emergency plan</li> <li>• Require a municipality to provide assistance</li> </ul> <p>If a person fails to follow an order after a state of emergency has been declared, they can be fined up to \$500 per offence or imprisoned for six (6) months.</p>

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<p><b>Northwest Territories</b></p>	<p>The Minister of Health, on the recommendation of the Chief Public Health Officer, declared a state of emergency on March 18, 2020 pursuant to the <i>Public Health Act</i>.</p> <p><i>Emergency Management Act</i>, S.N.W.T. 2018, c.17</p> <p>Once a state of emergency is declared, the Minister may do the following (ss. 17(1)):</p> <ul style="list-style-type: none"> <li>• Put emergency plans into effect</li> <li>• Authorize or require a local authority to put into effect emergency plans or programs for the community</li> <li>• Acquire or utilize real or personal property</li> <li>• Authorize or require a qualified person to render aid of the type the person is qualified to provide</li> <li>• Control or prohibit travel to of from any area</li> <li>• Provide for the restoration of essential facilities and the distribution of essential supplies</li> <li>• Provide, maintain and coordinate emergency medical, welfare and other essential services in any part of the NWT</li> <li>• Cause the evacuation of persons and the removal of personal property and animals</li> <li>• Arrange for the adequate care and protection of person, property and animals</li> <li>• Authorize entry into any building or onto any land, without warrant</li> <li>• Cause the demolition or removal of vegetation, structures, equipment etc.</li> <li>• Procure, ration or fix prices for food, clothing, fuel, equipment, medical supplies or other essential supplies, or the use of property, services resources or equipment</li> <li>• Authorize the conscription of persons needed to respond to the emergency,</li> <li>• Do any other act or thing to mitigate, respond to and recover from the effects of the emergency.</li> </ul> <p><i>Public Health Act</i>, S.N.W.T. 2007, c.17</p> <p>During a state of public health emergency, the Chief Public Health Officer may, for the purpose of protecting the public health and preventing, combatting or alleviating the effects of the public health emergency do the following (ss. 33(1)):</p> <ul style="list-style-type: none"> <li>• Appoint Deputy Chief Public Health Officers</li> <li>• Authorize a qualified person to render aid of a type the he or she is qualified to provide</li> <li>• Recommend the minister issue a temporary permit under the <i>Medical Profession Act</i> to a person who is registered as a medical practitioner another province or another territory</li> </ul>

Jurisdiction	State of Emergency Legislation Summary of Powers
	<ul style="list-style-type: none"> <li>• Restrict or prohibit travel to or from any area within the NWT</li> <li>• Coordinate and provide delivery of medical services</li> <li>• Enter into an agreement for services with any agency of the Government of Canada, a province or another territory that provides health related services;</li> <li>• Procure and provide the distribution of medical supplies and equipment to any part of the NWT;</li> <li>• Acquire or use real or personal property whether public or private;</li> <li>• Establish a voluntary immunization program;</li> <li>• Enter or authorize any person implementing a direction or order from the Chief Public Health officer to enter any premises.</li> <li>• The Chief Public Health Officer has made an order restricting travel to the Territory and anyone who is returning to the territory, to self-isolate in Yellowknife, Fort Smith, Hay River or Inuvik.</li> </ul>
<p><b>Nunavut</b></p>	<p>On March 20, 2020, the Minister of Health, on the recommendation of the Chief Public Health Officer, declared a state of public health emergency pursuant to the Public Health Act.</p> <p><i>Emergency Measures Act, S.Nu 2007, c. 10</i></p> <p>The statute provides that the Minister may declare an emergency for a period of up to 14 days that is renewable upon the consideration of the following factors: (a) the situation or event requires immediate action to prevent or reduce serious harm to persons or substantial damage to property; (b) the resources ordinarily available to the Government of Nunavut cannot be relied on without the risk of serious delay, cannot be relied on without impairing the ability of the Government to prevent or respond to the emergency, or would be insufficient to effectively address the situation or event (see section 12).</p> <p>When a state of emergency is declared, the Minister may do any act or take any measure the Minister considers necessary, including any or all of the following (s.13):</p> <ul style="list-style-type: none"> <li>• Implement an emergency management program</li> <li>• Authorize or require a municipal corporation to implement an emergency management program for the community</li> <li>• Acquire or use real or personal property, whether private or public, that the Minister considers necessary or appropriate to prevent or respond to an emergency or mitigate the effects of an emergency.</li> <li>• Construct works that the Minister considers necessary or appropriate to prevent or respond to an emergency or mitigate the effects of an emergency</li> <li>• Authorize or require a qualified person to render assistance of the type that the person is qualified to provide</li> <li>• Control or prohibit travel</li> <li>• Provide for the restoration of essential facilities and the distribution of essential supplies</li> </ul>

Jurisdiction	State of Emergency Legislation Summary of Powers
	<ul style="list-style-type: none"> <li>• Provide, maintain and co-ordinate emergency medical, social and other essential services</li> <li>• Cause the evacuation of persons and the removal of personal property from any area in Nunavut that is or may be affected by an emergency and make arrangements for the adequate care and protection of those persons or property</li> <li>• Close any building, enterprise, facility or establishment and direct it to cease operations for a specified period</li> <li>• Demolition or removal of vegetation, structures, equipment or vehicles as necessary</li> <li>• Procure and distribute food, clothing, fuel, equipment, medical supplies or other essential goods</li> <li>• Fix prices for essential goods and services and prohibit charging unconscionable prices</li> <li>• Procure and allocate the use of property, goods or services</li> <li>• Authorize conscription.</li> </ul> <p><i>Public Health Act, S.Nu. 2016, c.13</i></p> <p>During a state of public health emergency, the Chief Public Health Officer may, for the purpose of protecting the public health and preventing, remedying or mitigating the effects of the public health emergency, do the following (s. 41):</p> <ul style="list-style-type: none"> <li>• Authorize qualified persons to render aid of a specified type or types</li> <li>• Enter into an agreement for services with any agency of the Government of Canada, a province or another territory;</li> <li>• Procure and provide for the distribution of medical supplies, aid and equipment in any part of Nunavut;</li> <li>• Acquire or use real or personal property, whether private or public</li> <li>• Make orders restricting travel</li> <li>• Enter a premises without a warrant</li> <li>• Take any other measure the Chief Public Health Officer reasonably believes is necessary for the protection of public health during the public health emergency.</li> </ul>