



BILL NO. 11

Government Bill

*1st Session, 64th General Assembly
Nova Scotia
70 Elizabeth II, 2021*

An Act to Protect Access to Health Services

CHAPTER 24
ACTS OF 2021

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
NOVEMBER 5, 2021**

The Honourable Tim Houston
Premier

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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An Act to Protect Access to Health Services

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Protecting Access to Health Services Act*.

2 The purpose of this Act is to ensure that

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

free from obstruction, intimidation, harassment and fear.

3 In this Act,

- (a) “access zone” means a zone established under Section 8;
- (b) “besetting” means to place oneself close to, and to importune, a health service provider or a patient for the purpose of dissuading the health service provider from providing or facilitating the provision of, or the patient from accessing, health services;
- (c) “health care facility” means a place where health services are being performed, delivered or received, including a place designated as a health care facility by the regulations;
- (d) “health service provider” means a person who
 - (i) performs or delivers health services, or
 - (ii) works in a health care facility;
- (e) “health services” has the same meaning as in the *Health Authorities Act*;
- (f) “interference” means an act of
 - (i) advising or persuading, or attempting to advise or persuade, another person to refrain from accessing health services,
 - (ii) advising or persuading, or attempting to advise or persuade, a health service provider to refrain from providing, or facilitating the provision of, health services,
 - (iii) 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;
- (g) “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;
- (h) “police officer” means a member of an agency as defined in the *Police Act*;

(i) “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.

4 This Act does not apply to an activity that is prohibited under the *Protecting Access to Reproductive Health Care Act*.

5 Nothing in this Act prohibits picketing relating to a legal strike or lockout, or other activity organized by a trade union in furtherance of the interests of a bargaining unit.

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

(a) engage in interference;

(b) engage in a protest;

(c) engage in besetting;

(d) continuously or repeatedly observe

(i) a patient or a health service provider,

(ii) a residence of a health service provider, or

(iii) a health care facility;

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

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

(2) Clause (1)(a) 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.

(3) Clauses (1)(d) and (e) do not apply to a police officer while the police officer is performing police duties.

7 (1) No person shall, for the purpose of dissuading another person from providing or facilitating the provision of health services,

(a) repeatedly approach, accompany or follow another person;

(b) engage in besetting;

(c) continuously or repeatedly observe another person, the residence of another person or a health care facility;

(d) persistently request that another person refrain from providing, or facilitating the provision of, health services; or

(e) engage in threatening conduct directed at another person.

(2) No person shall repeatedly communicate by telephone, mail, facsimile or any electronic means with another person without that person’s consent for the purpose of dissuading a health service provider from providing, or facilitating the provision of, health services.

8 (1) An access zone is hereby established for every health care facility.

(2) Subject to subsection (3) and the regulations, an access zone established under subsection (1) includes the parcel or parcels of land on which the facility is located and an area that extends a distance of 50 metres from the boundaries of any parcel of land on which the facility is located.

(3) An access zone established under subsection (1) does not include

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

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

(c) where the facility is located in a unit, as defined in the *Condominium Act*, in a multi-unit building,

(i) any unit in the multi-unit building that a person other than the owner or occupier of the facility owns or has exclusive right to use or occupy, or

(ii) any common elements, as defined in the *Condominium Act*, in the multi-unit building.

9 (1) Every person who contravenes this Act or the regulations is guilty of an offence and liable on summary conviction

(a) in the case of an individual,

(i) for a first offence, to a fine of not more than \$5,000 or to imprisonment for not more than six months, or to both a fine and imprisonment, and

(ii) for a second or subsequent offence, to a fine of not less than \$1,000 and not more than \$10,000 or to imprisonment for not more than one year, or to both a fine and imprisonment; or

(b) in the case of a corporation,

(i) for a first offence, to a fine of not more than \$25,000, and

(ii) for a second or subsequent offence, to a fine of not less than \$5,000 and not more than \$100,000.

(2) Where a corporation contravenes this Act or the regulations, a director or officer of the corporation who authorized, permitted or acquiesced in the contravention is also guilty of an offence and liable on summary conviction to the penalties set out in clause (1)(a), whether or not the corporation has been prosecuted or convicted.

10 (1) No person may be convicted of contravening subsection 6(1) unless the person knew or, at any time before the contravention, was given notice

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

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

(2) No person may be convicted of contravening clause 7(1)(c) in respect of a health care facility unless the person knew or, at any time before the contravention, was given notice that the facility was a health care facility.

11 A police officer may arrest, without warrant, a person the police officer believes on reasonable and probable grounds has committed or is committing an offence under this Act.

12 (1) On application by any person, including the Attorney General, the Supreme Court of Nova Scotia may grant an injunction to restrain a person from contravening this Act.

(2) An injunction may be granted under subsection (1) whether or not a penalty or other remedy is provided by this Act.

13 A plan or document that

(a) shows the location of an access zone; and

(b) is prepared by, or under the supervision, direction and control of, a Nova Scotia Land Surveyor as defined in the *Land Surveyors Act*,

is admissible in evidence in any judicial proceeding and is proof, in the absence of evidence to the contrary, of the information set out in the plan or document without proof of the signature or official character of the person appearing to have signed the plan or document.

14 (1) The Governor in Council may make regulations

(a) designating a facility or a class of facilities as a health care facility;

(b) 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 health care facility is located;

(c) decreasing the dimensions of an access zone;

(d) providing access zones of different dimensions for different health care facilities;

(e) specifying how to determine distances for the purpose of subsection 8(2) and clauses (b), (c) and (d);

(f) defining any word or expression used but not defined in this Act;

(g) further defining any word or expression defined in this Act;

(h) respecting any matter or thing the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.
