



BILL NO. 198

Government Bill

*1st Session, 64th General Assembly
Nova Scotia
1 Charles III, 2022*

**An Act to Amend Chapter 4
of the Acts of 1992,
the Emergency “911” Act,
and Chapter 8 of the Acts of 1990,
the Emergency Management Act**

CHAPTER 45
ACTS OF 2022

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
NOVEMBER 9, 2022**

The Honourable John Lohr
Minister responsible for the Office of Emergency Management

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

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**An Act to Amend Chapter 4
of the Acts of 1992,
the Emergency “911” Act,
and Chapter 8 of the Acts of 1990,
the Emergency Management Act**

Be it enacted by the Governor and Assembly as follows:

EMERGENCY “911” ACT

1 Clause 3(g) of Chapter 4 of the Acts of 1992, the *Emergency “911” Act*, as enacted by Chapter 15 of the Acts of 2019, is amended by adding “and Housing” immediately after “Affairs” in the second line.

2 Chapter 4 is further amended by adding immediately after Section 9 the following Section:

9A (1) A local telecommunications service provider shall take all reasonable actions, including actions required by the regulations, to ensure that its customers in the Province have continued access to the NS 911 service.

(2) In the event of any disruptions to the NS 911 service, a local telecommunications service provider shall, in the manner and form prescribed by the regulations,

- (a) immediately notify the Minister of the disruption;
- (b) immediately notify the public of the location of the disruption and the expected restoration time; and
- (c) provide regular updates to the Minister and the public until the service is restored.

(3) Where requested by the Minister, a local telecommunications service provider shall participate in meetings with the Minister, emergency service agencies or other parties associated with the system to support and co-operate in the ongoing maintenance of the system.

3 Chapter 4 is further amended by adding immediately after Section 13 the following Section:

13A (1) Notwithstanding Section 13, a local telecommunications service provider who violates Section 9A is guilty of an offence and is liable on summary conviction to a penalty of not more than two hundred and fifty thousand dollars.

(2) Where an offence under Section 9A is committed or continued on more than one day, the local telecommunications service provider that committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed or continued.

4 Subsection 14(1) of Chapter 4, as amended by Chapter 4 of the Acts of 2000 and Chapter 15 of the Acts of 2019, is further amended by adding immediately after clause (ea) the following clauses:

(eb) respecting actions required of a local telecommunications service provider under subsection (1) of Section 9A;

(ec) prescribing the form and manner of notifications required under subsection (2) of Section 9A;

(ed) respecting conditions for the notifications required under subsection (2) of Section 9A;

(ee) establishing criteria applicable to establish a disruption for the purpose of subsection (2) of Section 9A;

(ef) identifying a person or class of persons responsible for the compliance and enforcement of this Act;

(eg) respecting the compliance and enforcement of this Act generally;

EMERGENCY MANAGEMENT ACT

5 Section 2 of Chapter 8 of the Acts of 1990, the *Emergency Management Act*, as amended by Chapter 48 of the Acts of 2005, Chapter 9 of the Acts of 2011 and Chapter 34 of the Acts of 2014, is further amended by

(a) adding immediately before clause (aa) the following clause:

(a) “critical service provider” means a non-governmental entity, designated by the regulations, that provides a service expected to be continually provided to all of its customers in the Province, including during an emergency event, and includes a local telecommunications service provider in the Province;

(b) adding “and Housing” immediately after “Affairs” in the first line of clause (aa);

(c) adding immediately after clause (b) the following clause:

(c) “emergency event” means a real or anticipated event that is communicated by the Minister to be an emergency event and that could impact the health, safety or welfare of Nova Scotians, their property or the environment and includes

(i) when a provincial coordination centre or a municipal operations centre is activated due to a pending, perceived or actual emergency,

(ii) a declared state of emergency, and

(iii) a declared state of local emergency;

(d) adding “and Housing” immediately after “Affairs” in the first line of clause (g); and

(e) adding immediately after clause (i) the following clause:

(ia) “service disruption” means a temporary disruption or degradation of service that interferes with the ability of the customer to carry out or continue with the customer’s usual activities associated with the service and meets such other criteria as established by the regulations, but does not include not having service in an area of the Province that does not regularly have service;

6 Chapter 8 is further amended by adding immediately after Section 11 the following Sections:

11A (1) A critical service provider shall take all reasonable actions, including any action required by the regulations, to ensure the continuation of service to all of its customers in the Province during an emergency event.

(2) A critical service provider shall prepare an emergency response plan setting out how the provider’s critical service will continue to be provided to customers in the Province during an emergency event.

(3) The plan required by subsection (2) must include

(a) the different types of potential emergency events that may effect the critical service provider’s critical service;

(b) any backup systems or service providers relied upon to ensure continuity of service to the critical service provider’s Provincial customers during an emergency event;

(c) how the emergency response plan will integrate with Provincial emergency management plans; and

(d) any other information required by the regulations.

(4) A critical service provider shall submit to and obtain approval from the Minister of the provider’s emergency response plan on or before August 31st in each year.

(5) A critical service provider shall participate in emergency response planning exercises as required by the regulations.

11B (1) The Minister may establish an emergency planning and response table to respond to an emergency event.

(2) Where the Minister determines that a critical service provider’s participation is necessary at the table established under subsection (1) to adequately respond to an emergency event, a critical service provider shall ensure it has a minimum of one representative in physical attendance at the location identified in any notice provided to it.

(3) Where a critical service provider is required to provide a representative by subsection (2), the critical service provider shall ensure it has a representative available at the table for the duration of the emergency event.

(4) For the purpose of protecting the health, safety or welfare of Nova Scotians, their property or the environment, the Minister may require a critical service provider to share records on matters relevant to the critical service provider’s response to the emergency event.

7 Chapter 8 is further amended by adding immediately after Section 16 the following Section:

16A Where a critical service provider that

(a) provides access to the 911 emergency telephone system for the reporting of emergencies to emergency service agencies, as regulated under the *Emergency "911" Act* and regulations made under that Act; or

(b) communicates Alert Ready, the system of issuing broadcast intrusive and non-broadcast intrusive public alerts to Nova Scotians through radio, television and LTE connected mobile phones,

has a service disruption, it shall provide any affected customer with a pro-rated rebate on the customer's next bill to reflect the lack of service, as set out in the regulations.

8 Chapter 8 is further amended by adding immediately after Section 23A the following Section:

23B (1) Notwithstanding Section 23, a critical service provider who contravenes or fails to comply with Section 11A, 11B or 16A is guilty of an offence and liable on summary conviction to a fine not exceeding two hundred and fifty thousand dollars.

(2) Where an offence under Section 11A, 11B or 16A is committed or continued on more than one day, the critical service provider that committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed or continued.

9 Subsection 25(1) of Chapter 8, as amended by Chapter 48 of the Acts of 2005, Chapter 12 of the Acts of 2009 and Chapter 9 of the Acts of 2011, is further amended by

(a) adding immediately after clause (ca) the following clauses:

(cb) designating a service provider as a critical service provider for the purpose of clause (a) of Section 2;

(cc) respecting information required to be included in an emergency response plan for the purpose of clause (d) of subsection (3) of Section 11A;

(cd) respecting emergency response planning exercises for the purpose of subsection (5) of Section 11A;

(ce) respecting the criteria applicable to establish a service disruption for the purpose of clause (ia) of Section 2;

(cf) respecting the rebate to be provided to a customer in the event of a service disruption, including any eligibility criteria for the rebate;

(cg) identifying a person or class of persons responsible for compliance and enforcement of this Act;

(ch) respecting compliance and enforcement of this Act generally;

and

(b) adding immediately after clause (h) the following clause:

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

10 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.
