



THE INDIAN HEALTH REGULATIONS

Made under the
INDIAN ACT

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Indian Act—The Indian Health Regulations

P.C. 1953-1129

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 17th day of July, 1953.

PRESENT:

HIS EXCELLENCY THE ADMINISTRATOR IN COUNCIL

His Excellency the Administrator in Council, on the recommendation of the Minister of Citizenship and Immigration concurred in by the Minister of National Health and Welfare, and by virtue of the powers conferred by section seventy-two of The Indian Act, is pleased to make the annexed regulations entitled the "Indian Health Regulations", and they are hereby made and established, accordingly.

A. M. HILL,
Assistant Clerk of the Privy Council.

INDIAN HEALTH REGULATIONS

1. These regulations may be cited as the Indian Health Regulations.
2. In these regulations
 - (a) "department" means the Department of Citizenship and Immigration;
 - (b) "health officer" means the Provincial Medical Officer of Health of any municipality or Health District or area in which any person subject to these regulations is resident, and includes the provincial health authority charged with the administration of the provincial health regulations and empowered to ensure the enforcement thereof;
 - (c) "Indian Health Services" means the Indian Health Services Directorate of the Department of National Health and Welfare;
 - (d) "infectious disease" means any contagious or communicable disease and includes every doubtful case of communicable disease;
 - (e) "medical officer" means a graduate of a school of medicine or surgery of recognized standing who
 - (i) is appointed by Indian Health Services either for full time or part time service, or
 - (ii) is designated by the Minister of National Health and Welfare
 to render medical service and assistance to Indians in the area where such Indians reside;
 - (f) "medical practitioner" means a medical doctor who is licensed to practice medicine in a province and includes, in the Northwest Territories, a dentist licensed to practice dentistry in the Northwest Territories;
 - (g) "place of detention" means hospital, sanatorium, clinic, lock-up, gaol, reformatory, or other place designated by the superintendent for the purposes of section 8;
 - (h) "reserve" means a tract of land that has been set apart for the use and benefit of a band.

PART I

3. This Part applies to

- (a) every Indian who ordinarily resides on a reserve;
- (b) every Indian who follows the Indian mode of life whether or not he ordinarily resides on a reserve; and
- (c) every person other than an Indian who resides on a reserve.

4. Every Indian who is subject to this Part shall comply with all laws and regulations in force within a province relating to health or sanitation, except such laws or regulations as are inconsistent with this Part.

5. (1) A superintendent shall enforce this Part among the Indians over whom he has superintendence, and as to matters concerning health and sanitation he shall take the advice of a medical officer.

(2) A superintendent may designate any medical practitioner or medical officer to act as a health officer.

6. When a person who is subject to this Part is, or suspects himself to be, infected with an infectious disease, he shall place himself under the care of, and undergo the treatment and follow the course of action prescribed therefor, by a medical officer or a medical practitioner.

7. When a superintendent believes, or has reason to believe, that a person who is subject to this Part is infected with an infectious disease, he shall, with the approval of a medical officer and by serving to such person a notice in form "A", order the person to undergo medical examination before a medical officer or a medical practitioner and to follow the appropriate treatment and course of action prescribed by the examining medical officer or medical practitioner, but such order shall not be given when the person is undergoing a treatment and following the course of action prescribed under section 6.

8. (1) Where a person who is subject to these regulations neglects or fails to comply with an order given in form "A", the superintendent may issue an order in form "B" for the compulsory examination and treatment of such person at a place of detention to be designated by the superintendent upon the advice of a medical officer.

(2) The order in form "B" shall bear the approval of a medical officer and may be delivered to any peace officer or constable who shall convey the person named in the order to the place of detention therein described and the person in charge of such place of detention shall receive and detain by whatever means available, the person named in the order until duly authorized to release him in accordance with subsection (4); but the person detained has the right in the meantime to be visited by his own medical practitioner.

(3) A person committed as provided in subsection (2) shall remain at the place of detention until his release has been authorized pursuant to subsection (4).

(4) Upon the receipt of a certificate signed by a medical officer or a medical practitioner that the person committed is not infected with an infectious disease, the superintendent shall order his immediate release.

(5) Where a person who is committed as provided in subsection (2) escapes, the person in charge of the place of detention shall

(a) report the escape to the superintendent;

(b) order the apprehension and return of the person committed by delivering an order in form "C" to any peace officer or constable, and such peace officer or constable shall execute the order.

(6) A person who is committed pursuant to subsection (2), and who thinks himself aggrieved thereby, may by way of a petition outlining his reasons and served upon the superintendent, appeal from the detention order to a police magistrate or to two justices of the peace, and the magistrate or justices, after hearing the evidence, may order his release if satisfied that he is not suffering from an infectious disease.

9. (1) A person who is subject to this Part and who knows or suspects that another person who is subject to this Part, has an infectious disease, or has died of an infectious disease, or has escaped from a place of detention, shall give immediate notice of that fact to the nearest superintendent or to the nearest medical officer or medical practitioner who shall immediately notify the superintendent.

(2) The superintendent shall give notice of the existence of any infectious disease, of which he may have knowledge, as soon as practicable to the health officer, with a copy of his notification to the Department and to the medical officer, who shall notify Indian Health Services.

10. (1) The superintendent shall report all cases of infectious disease of which he may have knowledge to the Director, Indian Affairs Branch, on such form as may be prescribed by the Director of Indian Health Services.

(2) A medical practitioner shall report all cases of infectious disease of which he may have knowledge to the Director of Indian Health Services in such form as may be prescribed from time to time by the said Director.

11. The superintendent shall, with the assistance of the medical officer, proceed without delay and without further instructions, in each case of infectious disease on a reserve, to enforce isolation, quarantine, placarding or such other measures as may be prescribed by the Public Health regulations of the province concerned, for the control of infectious disease in such cases.

12. Where an infectious disease on a reserve occurs in premises where the occupants are resident and where complete isolation cannot be obtained in one or more rooms, the whole premises shall be quarantined.

13. (1) Where a medical officer certifies that effective isolation of any case of infectious disease, or quarantine of contacts, on a reserve cannot be secured in the premises in which the person suffering from the disease resides, the superintendent may cause the removal of such person to a hospital or place of isolation.

(2) For the purposes of subsection (1), the superintendent may issue an order in form "B" and such order has the same force and effect and is subject to the same conditions as the detention order issued under section 8.

14. A superintendent or medical officer may enter, in the daytime, any dwelling or other premises situate on the reserve under his charge, to inquire as to the state of health of any person therein or to examine the hygienic condition of the dwelling or other premises.

15. Where a medical officer certifies that a building situate on a reserve is unfit for human habitation, the superintendent may, with the approval of the Regional Supervisor, or, in British Columbia, of the Commissioner, order the alteration or destruction of such building.

16. (1) Except when required in the performance of his duties a person engaged in the administration of these regulations shall not communicate any matter respecting venereal diseases that come to his knowledge in the course of his duties.

(2) Prosecution under these regulations with respect to venereal disease shall be conducted in camera and no report of any such proceedings shall be published.

17. (1) Every person shall obey any lawful order given by the superintendent pursuant to these regulations.

(2) No person shall obstruct the superintendent in the performance of his duty in carrying out these regulations.

(3) No person shall aid or assist any person who is committed under section 8 to escape, or harbour or hide the person.

18. Every person who violates any regulation in this Part is liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

PART II

19. This Part applies to all Indians to which Part I does not apply.

20. Indians to which this Part applies shall comply with all laws and regulations in force within a province relating to health or sanitation.

21. Every Indian who violates any regulation in this Part is liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

SCHEDULE

Form A

THE INDIAN ACT

Canada
Province } Order for medical examination and
County } treatment under the Indian Health
Regulations.

To of
WHEREAS the undersigned has reason to believe that you are a person subject to Part I of the Indian Health Regulations and that you may be infected with an infectious disease liable to endanger public health.

NOW, THEREFORE, pursuant to the authority vested in me by section 7 of the Indian Health Regulations made under the Indian Act, I, the undersigned, hereby command you that on the day of 19 , you present yourself to Dr. at (address) and there submit yourself to an examination by him to determine whether or not you are infected with an infectious disease; and in the event you are found to be so infected, I hereby command you to undergo the treatment and follow the course of action to be prescribed by the said doctor.

DATED AT this day of 19 .

APPROVED:

..... Superintendent
..... Agency
..... Medical Officer
..... Indian Health Services

NOTE: Failure to comply with this order is punishable with a fine not exceeding \$100 or to imprisonment of three months or to both fine and imprisonment.

Form B

THE INDIAN ACT

CANADA } Apprehension and Detention
Province } Order under the Indian Health
County } Regulations

TO: Constable of
a peace officer in and for the district of
(or as the case may be)

TO: Mr. of
Superintendent, Manager, Director, or person in charge of

WHEREAS the undersigned has reason to believe that
of is a person subject to Part I of the
Indian Health Regulations and is infected with an infectious
disease liable to endanger public health;

WHEREAS the said refuses or neglects
to submit to medical examination or treatment; and

WHEREAS the undersigned is credibly informed that the said
. may be moved without endangering his life.

NOW, THEREFORE, pursuant to the authority vested in me by section 8 of the Indian Health Regulations made under the Indian Act, I, the undersigned, with the approval of the Medical Officer, do hereby order you the said peace officer to apprehend the said and to convey him safely to the at

AND I do order and direct you the said Superintendent, Manager, Director or person in charge of the..... to receive the said into your custody and to detain him for treatment until my further order.

DATED AT this day of..... 19 ..

APPROVED:

..... Superintendent
..... Agency
..... Medical Officer
..... Indian Health Services

Form C

THE INDIAN ACT

CANADA } Apprehension Order under the Indian
Province } Health Regulations
County }

TO: Constable of a peace officer in and for the district of

WHEREAS of has been committed to a place of detention under my charge, pursuant to an order dated and signed by Superintendent of Indian Agency, under the authority of section 8 of the Indian Health Regulations made under the Indian Act;

WHEREAS the said did escape on from the said place of detention; and

WHEREAS the said is a person subject to Part I of the Indian Health Regulations and is infected with an infectious disease liable to endanger public health;

Now, THEREFORE, pursuant to the authority vested in me by the said section 8, of the Indian Health Regulations, I do hereby order you the said peace officer to apprehend the said and to return him to my custody at the the said place of detention under my charge.

DATED AT this day of 19 ..

.....
(To be signed by the person in charge of the place of detention).