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Bill 2

**An Act with respect to safe zones for hospitals, other health facilities, schools
and child care centres**

Mr. J. Fraser

Private Member's Bill

1st Reading October 5, 2021

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill enacts the *Creating Safe Zones around Hospitals, Other Health Facilities, Schools and Child Care Centres Act, 2021*.

The Act creates safe zones around hospitals, other health facilities, schools and child care centres. Protests against COVID-19 vaccinations or against other public health measures, and related actions, are prohibited in these safe zones. The harassment of protected service providers who administer or assist in the administration of COVID-19 vaccines is also prohibited.

A contravention of the provisions described in the preceding paragraph is an offence. In addition, a person who suffers loss as a result of such a contravention has a right of action for damages. Any person may apply to the Superior Court of Justice for an injunction to restrain a person from contravening those provisions.

**An Act with respect to safe zones for hospitals, other health facilities, schools
and child care centres**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PURPOSE

Purpose of Act

1 The purpose of this Act is to,

- (a) protect access to hospitals, other health facilities, schools and child care centres by restricting the location of protests against COVID-19 vaccinations and against public health measures; and
- (b) ensure the safety, security, health and privacy of persons seeking to access health care or education services and of persons administering, or assisting in the administration of, COVID-19 vaccines.

INTERPRETATION

Interpretation

2 In this Act,

“prescribed” means prescribed by the regulations made under this Act; (“prescrit”)

“property”, in relation to a protected facility, means,

- (a) property within the meaning of the *Land Titles Act* if that Act applies to the land where the protected facility is located and clause (c) does not apply,
- (b) property within the meaning of the *Registry Act* if that Act applies to the land where the protected facility is located and clause (c) does not apply,
- (c) property within the meaning of the *Condominium Act, 1998* or as prescribed for the purposes of this clause, if that Act governs the land where the protected facility is located as described in clause 2 (3) (a) of that Act, or
- (d) property, as prescribed for the purposes of this clause, if none of clauses (a), (b) or (c) apply; (“unité foncière”)

“protected facility” means,

- (a) a place where health care services are provided, including, for greater certainty,
 - (i) a hospital,
 - (ii) a COVID-19 vaccination clinic, regardless of whether the clinic is a temporary or permanent clinic, and
 - (iii) any other health care facility where health care services are provided,
- (b) a school, or private school, within the meaning of subsection 1 (1) of the *Education Act*,
- (c) a child care centre within the meaning of the *Child Care and Early Years Act, 2014*, or
- (d) the office of a person who is a protected service provider within the meaning of clause (b) of the definition of “protected service provider”; (“établissement protégé”)

“protected service provider” means,

- (a) a person who works at a protected facility,
- (b) an education worker, or
- (c) a person who provides, or assists in the provision of, health care services and who is,
 - (i) a member of the College of Physicians and Surgeons of Ontario,
 - (ii) a member of the College of Nurses of Ontario,

- (iii) a member of the Ontario College of Pharmacists who holds a certificate of registration as a pharmacist, or
- (iv) a regulated health professional prescribed for the purpose of this subclause. (“fournisseur de services protégé”)

PROHIBITIONS

Prohibitions in safe zones for protected facilities

- 3** (1) While in a safe zone for a protected facility described in section 5, no person shall,
- (a) advise or persuade, or attempt to advise or persuade, a person to refrain from being vaccinated against COVID-19;
 - (b) protest against COVID-19 vaccination or public health measures;
 - (c) perform or attempt to perform an act of disapproval concerning issues related to COVID-19 vaccination requirements or public health measures, by any means, including oral, written or graphic means;
 - (d) persistently request that,
 - (i) a person refrain from being vaccinated against COVID-19, or
 - (ii) a protected service provider refrain from administering, or assisting in the administration of, COVID-19 vaccines;
 - (e) for the purpose of dissuading a person from being vaccinated against COVID-19,
 - (i) continuously or repeatedly observe the protected facility or persons entering or leaving the protected facility,
 - (ii) physically interfere with or attempt to physically interfere with the person,
 - (iii) intimidate or attempt to intimidate the person, or
 - (iv) photograph, film, videotape, sketch or in any other way graphically record the person; or
 - (f) for the purpose of dissuading a protected service provider from administering, or assisting in the administration of, COVID-19 vaccines,
 - (i) continuously or repeatedly observe the protected facility or persons entering or leaving the protected facility,
 - (ii) physically interfere with or attempt to physically interfere with the provider,
 - (iii) intimidate or attempt to intimidate the provider, or
 - (iv) photograph, film, videotape, sketch or in any other way graphically record the provider.

Exception

- (2) Clauses (1) (a), (b), (c) and (d) do not apply,
- (a) to anything done in the course of the person’s work at the protected facility; or
 - (b) to anything occurring between a person accessing, or attempting to access, health care services and someone who is accompanying the person with the person’s consent.

Harassment of providers

- 4** (1) No person shall, for the purpose of dissuading a protected service provider from administering, or assisting in the administration of, COVID-19 vaccines,
- (a) repeatedly approach, accompany or follow the provider or a person known to the provider;
 - (b) continuously or repeatedly observe the provider;
 - (c) persistently request that the provider refrain from administering, or assisting in the administration of, COVID-19 vaccines; or
 - (d) engage in threatening conduct directed at the provider or a person known to the provider.

Same

- (2) No person shall repeatedly communicate by telephone, fax or electronic means with a protected service provider or a person known to the provider, for the purpose of dissuading the provider from continuing to administer, or assist in the administration of, COVID-19 vaccines, after the person being communicated with has requested that such communications cease.

SAFE ZONES

Safe zones for protected facilities

- 5** (1) A safe zone is established for each protected facility consisting of the property on which the protected facility is located and the area within 150 metres from the boundaries of the property.

Certain property excluded

(2) The safe zone for a protected facility does not include real property that one or more persons has the exclusive right to use or occupy if none of those persons is the occupier of the protected facility.

ENFORCEMENT

Offences

6 A person who contravenes subsection 3 (1) or section 4 is guilty of an offence and, on conviction, is liable,

- (a) in the case of a first offence under this Act, to a fine of not more than \$5,000;
- (b) in the case of a second offence under this Act, to a fine of not less than \$1,000 and not more than \$10,000; or
- (c) in the case of a third or subsequent offence under this Act, to a fine of not less than \$1,000 and not more than \$10,000 or to imprisonment for a term of not more than six months, or to both.

Limit on conviction — knowledge or notice of zone

7 A person may not be convicted of an offence for contravening subsection 3 (1) unless the person knew or, at any time before the contravention, was given notice of, the location of the relevant safe zone.

Damages

8 A person who suffers loss as a result of a contravention of subsection 3 (1) or section 4 by another person has a right of action for damages against that person.

Injunction

9 On application by a person, including the Attorney General, the Superior Court of Justice may grant an injunction to restrain a person from contravening subsection 3 (1) or section 4.

Arrest without warrant

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

REGULATIONS

Regulations

11 The Attorney General may make regulations,

- (a) prescribing anything that is referred to, in this Act, as prescribed;
- (b) setting out, for information purposes, the names and locations of the protected facilities in Ontario and descriptions of the safe zones described in section 5 for those facilities.

REPEAL, COMMENCEMENT AND SHORT TITLE

Repeal

12 This Act is repealed.

Commencement

13 (1) Subject to subsection (2), this Act comes into force on the day it receives Royal Assent.

(2) Section 12 comes into force on the earlier of,

- (a) the day the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* is repealed; or
- (b) two years after the day this Act receives Royal Assent.

Short title

14 The short title of this Act is the *Creating Safe Zones around Hospitals, Other Health Facilities, Schools and Child Care Centres Act, 2021*.