

Ministry of the Solicitor General

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MEMORANDUM TO: Kenneth Weatherill
A/Assistant Deputy Minister
Public Safety Division

FROM: Sarah Caldwell
Assistant Deputy Minister
Strategic Policy Division

DATE: June 30, 2023

SUBJECT: **Upcoming changes to the *Mandatory Blood Testing Act* and the *Laboratory and Specimen Collection Centre Licensing Act***

I am writing to inform you of upcoming legislative and regulatory changes to the *Mandatory Blood Testing Act (MBTA)* and the *Laboratory and Specimen Collection Centre Licensing Act (LSCCLA)*.

These changes will allow police officers, firefighters, those employed in correctional institutions, victims of crime, and other prescribed groups (i.e., applicants) to sooner verify if they have been exposed to certain communicable diseases (i.e., HIV, and Hepatitis B and C).

Consultations were undertaken in Fall 2018 to identify concerns stakeholders had with the existing MBTA process, and to develop the necessary amendments to enact change. Additionally, the mandatory blood testing process will be modernized through improved timelines, enforcement, provincial oversight, and service delivery changes.

Below is a summary of how the changes will affect the current MBTA process:

- **Shorten the time for respondents** (i.e., individuals who have come into contact with an applicant) to comply with the Consent and Capacity Board (CCB) order from 7 to 2 business days.
- **Lengthen the time from exposure to application** from 7 to 30 calendar days to allow applicants more time to decide whether to file an MBTA application.

- **Remove the mandatory 2-day voluntary process**, though the Medical Officers of Health (MOH) would still attempt to contact the respondent to see if they would voluntarily provide a blood sample or other evidence of their seropositivity.
- Add a requirement for **immediate referral of an application to the CCB** by the Ministry of Health.
- **Increase maximum penalties** to \$10,000 for every day on which the offence occurs (up from \$5,000 per day) and **add a term of up to 6 months imprisonment**.
- Provide express **authority to the Superior Court to order police assistance in enforcing** a testing order (e.g., police officer present during blood draw).

These changes will take effect on July 1, 2023.

Every day, first responders and emergency personnel put their lives on the line to protect the people of Ontario. In turn, the government recognizes the importance of faster access to information that can help first responders, emergency personnel, and others decide the best way to reduce the possibility of illness, should there be exposure to serious diseases.

These legislative and regulatory changes aim to implement safeguards that protect the health and safety of those who protect our communities and those who have been victims of crime.

If you have any questions regarding these changes, please direct them to idpp@ontario.ca.

Sincerely,



Sarah Caldwell
Assistant Deputy Minister
Strategic Policy Division
Ministry of the Solicitor General

CC:

Dr. Kieran Moore, Chief Medical Officer of Health, Ministry of Health
Angie Wong, Assistant Deputy Minister, Health Programs and Delivery Division, Ministry of Health