

Bill No. 45 of 1937.

A BILL TO AMEND THE SEXUAL STERILIZATION
ACT.

NOTE.

This Bill amends *The Sexual Sterilization Act* by bringing within its provisions mentally defective persons who have been under treatment or observation at a Mental Hygiene Clinic.

Section 4 makes provision for the making of a sterilization order in the case of a psychotic person and as to the requisite consent to the operation.

Section 5 contains provisions as to the making of a sterilization order in the case of a mentally defective person.

Section 6 restates and amplifies the immunity of surgeons and other persons from civil actions or proceedings for any thing done by them in good faith and in purported pursuance of the Act.

R. ANDREW SMITH,
Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 45 of 1937.

An Act to amend The Sexual Sterilization Act.

(Assented to _____, 1937.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Sexual Sterilization Act Amendment Act, 1937.*"

2. *The Sexual Sterilization Act*, being chapter 37 of the Statutes of Alberta, 1928, is hereby amended as to section 2 thereof by striking out the same and by substituting therefor the following:

"2. In this Act, unless the context otherwise requires,—

"(a) 'Mental Hygiene Clinic' means any Mental Hygiene Clinic conducted by or under the direction of The Department of Health;

"(b) 'Mental Hospital' means a hospital within the meaning of *The Mental Diseases Act*;

"(c) 'Mentally defective person' means any person in whom there is a condition of arrested or incomplete development of mind existing before the age of eighteen years, whether arising from inherent causes or induced by disease or injury;

"(d) 'Minister' means the Minister of Health;

"(e) 'Psychotic person' means a person who suffers from a psychosis."

3. The said Act is further amended as to section 4 thereof by striking out the same and by substituting therefor the following:

"4.—(1) The Medical Superintendent or other person in charge of a Mental Hospital may cause any patient of a Mental Hospital whom it is proposed to discharge therefrom, to be examined by or in the presence of the Board.

"(2) The medical practitioner for the time being having the charge or direction of any Mental Hygiene Clinic may cause any mentally defective person who has been under treatment or observation at such a clinic to be examined by or in the presence of the Board."

4. The said Act is further amended as to section 5 thereof by striking out the same and by substituting therefor the following:

"5.—(1) If upon examination of a psychotic person the Board is unanimously of the opinion that the exercise of the power of procreation would result in the transmission to such person's progeny of any mental disease, or that the exercise of the power of procreation by any such psychotic person involves the risk of mental injury, either to such person or to his progeny, the Board may direct in writing, such surgical operation for the sexual sterilization of such psychotic person as may be specified in the written direction, and shall appoint some competent surgeon to perform the operation.

"(2) In the case of a psychotic person, such operation shall not be performed unless such person being in the opinion of the Board a person who is capable of giving consent, has consented thereto, or when the Board is of the opinion that such person is not capable of giving such consent, if such person has a husband or wife, or being unmarried has a parent or guardian, resident within the Province, the husband, wife, parent or guardian of such person has consented thereto."

5. The said Act is further amended as to section 6 thereof by striking out the same and by substituting therefor the following:

"6. If, upon examination of any mentally defective person, the Board is unanimously of the opinion that the exercise of the power of procreation would result in the transmission to such person's progeny of any mental disability or deficiency, or that the exercise of the power of procreation by any such mentally defective person involves the risk of mental injury either to such person or to his progeny, the Board may direct, in writing, such surgical operation for the sexual sterilization of such mentally defective person as may be specified in the written direction and shall appoint some competent surgeon to perform the operation."

6. The said Act is further amended as to section 7 by striking out the same and by substituting therefor the following:

"7. No person shall be liable in any civil action or proceeding for any thing done by him in good faith in purported pursuance of this Act, if that person is,—

- "(a) a surgeon directed to perform any operation for sexual sterilization pursuant to this Act;
- "(b) a person who consents to the performance of any such operation;
- "(c) the Medical Superintendent or officer in charge of any Mental Hospital who causes any patient to be examined pursuant to this Act;

"(d) the medical practitioner having the charge or direction of a Mental Hygiene Clinic who causes any person to be examined pursuant to this Act;

"(e) a member of the Board."

7. This Act shall come into force on the day upon which it is assented to.