

# *The Animal Health Act*

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Chapter A-20.01 of the *Statutes of Saskatchewan, 2019*  
(effective November 15, 2019)

**NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER A-20.01

### An Act respecting Animal Health and the Prevention, Control and Eradication of Diseases among Animals

#### PART 1 Preliminary Matters

##### Short title

1-1 This Act may be cited as *The Animal Health Act*.

##### Definitions

1-2 In this Act:

“**animal**” means, subject to the regulations, any animal other than a human being;

“**animal by-product**” means, subject to the regulations:

- (a) antlers, bones, bristles, feathers, flesh, hair, hides, skins, hoofs, horns, offal, blood, urine, saliva, manure, animal waste and anything containing or derived from any of those things; and
- (b) any other substance or thing prescribed as an animal by-product;

“**animal product**” means, subject to the regulations, material derived from an animal or its carcass and includes:

- (a) eggs, milk, cream, butter and cheese, meat, honey, reproductive animal material, including ova, embryos and semen, fibre derived from animals, hides, skins and pelts; and
- (b) any other material prescribed as an animal product;

“**biosecurity measures**” means actions taken to minimize the spread of a disease or a disease-causing agent;

“**chief veterinary officer**” means the chief veterinary officer appointed pursuant to section 2-2;

“**conveyance**” means any vehicle, railway car, aircraft or watercraft and includes any trailer designed to be towed behind a conveyance;

“**disease-causing agent**” means a micro-organism, macro-organism, poison, toxin or other agent that causes or may cause a disease;

“**inspector**” means an inspector appointed pursuant to subsection 2-8(1) or a person mentioned in subsection 2-8(3);

“**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

“**ministry**” means the ministry over which the minister presides;

“**person responsible**”, with respect to an animal, premises or any other thing, includes a person who has custody or care and control of the animal, premises or other thing;

“**prescribed**” means prescribed in the regulations;

“**registered veterinarian**” means a veterinarian who is a registered member of the Saskatchewan Veterinary Medical Association;

“**treatment**” includes vaccination.

2019, cA-20.01, s.1-2.

#### Meaning of disease

**1-3(1)** For the purposes of this Act, “**disease**” means any condition, syndrome or group of characteristic symptoms or behaviours that:

(a) are generally recognized by the scientific community as resulting, or likely resulting, from a specific cause that may be an organism, poison, toxin or other agent; and

(b) have one or more of the following characteristics:

(i) they may cause animal products or animal by-products derived from a diseased animal to be unsafe or unfit for use or consumption;

(ii) they are reasonably considered to pose a threat to the health or well-being of affected animals, other animals or the economic interests of the animal industry;

(iii) they are reasonably considered to pose a threat to public health;

(iv) they otherwise pose a threat to the public interest.

**(2)** Without limiting the generality of subsection (1), an animal may be considered to be diseased if the animal:

(a) has a condition or syndrome or exhibits a group of characteristic symptoms or behaviours whose cause has not been identified;

(b) has a condition or syndrome or exhibits a group of characteristic symptoms or behaviours that are generally recognized by the scientific community as resulting, or likely resulting, from an organism, poison, toxin or other agent to which the animal has been exposed;

(c) is carrying a disease-causing agent; or

(d) has residues that exceed the maximum residue limits set out pursuant to the *Food and Drugs Act* (Canada).

2019, cA-20.01, s.1-3.

PART 2  
**Administration**

DIVISION 1  
**Agreements**

**Agreements**

**2-1(1)** Subject to subsection (2), for the purpose of performing any duty or carrying out any function with respect to the administration or operation of this Act, the minister may enter into agreements on behalf of the Government of Saskatchewan with:

- (a) the Government of Canada or the government of any other province or territory of Canada; or
- (b) any person, agency, organization, association, enterprise, institution or body within or outside Saskatchewan.

(2) The minister shall obtain the approval of the Lieutenant Governor in Council before entering into any agreement pursuant to subsection (1) if:

- (a) the Government of Saskatchewan is liable to make any expenditure pursuant to the agreement that is greater than \$50,000 in any fiscal year; or
- (b) the total amount to be paid pursuant to the agreement and any other agreement entered into by the minister with that government, person, agency, organization, association, enterprise, institution or body would be greater than \$50,000 in any fiscal year.

2019, cA-20.01, s.2-1.

DIVISION 2  
**Chief Veterinary Officer**

**Chief veterinary officer**

**2-2(1)** For the purposes of this Act, the minister may appoint as chief veterinary officer a person who meets the qualifications set out in subsection (2).

(2) The chief veterinary officer must:

- (a) be an employee of the ministry;
- (b) be a registered veterinarian who holds a valid licence that is not subject to limitations or terms or conditions; and
- (c) possess any other prescribed qualifications.

2019, cA-20.01, s.2-2.

**Animal health programs**

**2-3** Subject to the regulations, the chief veterinary officer may establish and administer animal health programs.

2019, cA-20.01, s.2-3.

**Biosecurity measures**

**2-4** Subject to the regulations, the chief veterinary officer may establish and implement biosecurity measures for general disease control or for specific diseases.

2019, cA-20.01, s.2-4.

**Disease control measures**

**2-5** Subject to the regulations, the chief veterinary officer may establish and implement disease control measures for the purpose of protecting animal and public health.

2019, cA-20.01, s.2-5.

**Compliance with programs and measures**

**2-6(1)** The chief veterinary officer may establish persons or classes of persons who must comply with animal health programs, biosecurity measures or disease control measures established pursuant to sections 2-3 to 2-5.

(2) The chief veterinary officer may impose terms and conditions on persons or classes of persons with respect to animal health programs, biosecurity measures or disease control measures established pursuant to sections 2-3 to 2-5.

(3) The chief veterinary officer shall publish information with respect to animal health programs, biosecurity measures or disease control measures established pursuant to sections 2-3 to 2-5 in any manner that the chief veterinary officer considers appropriate to bring the information to the public's attention, including publishing the information on the ministry's website.

2019, cA-20.01, s.2-6.

**Designation of health status**

**2-7(1)** The chief veterinary officer may, in accordance with the regulations, designate the health status of an area, livestock production operation, flock or herd.

(2) The chief veterinary officer shall publish information with respect to the designation of the health status of an area, livestock production operation, flock or herd in any manner that the chief veterinary officer considers appropriate to bring the information to the public's attention, including publishing the information on the ministry's website.

2019, cA-20.01, s.2-7.



DIVISION 3  
**Inspectors**

**Inspectors**

**2-8(1)** For the purposes of this Act, the minister may appoint the following as inspectors:

- (a) individuals who are registered veterinarians;
  - (b) individuals who are not registered veterinarians, who, in the opinion of the minister, have the qualifications to do the work of an inspector and are suitable.
- (2) Subject to the approval of Treasury Board, inspectors appointed pursuant to clauses (1)(a) and (b) are entitled to receive:
- (a) the remuneration that the minister may determine; and
  - (b) reimbursement for their expenses incurred in the performance of their responsibilities at the rates paid to members of the public service of Saskatchewan.
- (3) For the purposes of this Act, the chief veterinary officer and any other ministry employee who is a registered veterinarian is an inspector.
- (4) An inspector acting pursuant to the authority of this Act shall carry prescribed identification and, on request, shall produce that identification.

2019, cA-20.01, s.2-8.

PART 3  
**Reporting of Disease and Control of Disease**

DIVISION 1  
**Reportable and Notifiable Diseases**

**Reportable diseases**

**3-1(1)** For the purposes of this Act, a reportable disease is any disease that:

- (a) in the opinion of the chief veterinary officer may require the implementation of preventive, control or eradication measures:
  - (i) to safeguard animal health;
  - (ii) to safeguard public health with respect to diseases, toxins, infestations or syndromes that may or may not be transmissible from animals to humans;
  - (iii) to avoid barriers to trade;
  - (iv) for any other reason in the public interest; or
  - (v) for any other prescribed purpose; or
- (b) is prescribed as a reportable disease in the regulations.

(2) The chief veterinary officer shall cause notice to be published in the Gazette of every reportable disease mentioned in clause (a) as soon as is reasonably practicable after the chief veterinary officer is satisfied that the disease requires the implementation of preventive, control or eradication measures.

2019, cA-20.01, s.3-1.

**Notifiable diseases**

**3-2(1)** For the purposes of this Act, a notifiable disease is any disease that:

- (a) in the opinion of the chief veterinary officer, may require monitoring or other action:
  - (i) to determine its presence, identity, nature, effects or spread;
  - (ii) to avoid barriers to trade;
  - (iii) for any other reason in the public interest; or
  - (iv) for any other prescribed purpose; or
- (b) is prescribed as a notifiable disease in the regulations.

(2) The chief veterinary officer shall cause notice to be published in the Gazette of every notifiable disease mentioned in clause (b) as soon as is reasonably practicable after the chief veterinary officer is satisfied that the disease may require monitoring or other action.

2019, cA-20.01, s.3-2.

**Duty to report — reportable diseases**

**3-3(1)** Subject to the regulations, any person responsible for an animal, any operator of a laboratory, a registered veterinarian and any other person who knows or ought to know that a reportable disease is or may be present in an animal shall immediately report the reportable disease to the chief veterinary officer.

(2) Any person reporting a reportable disease shall provide the chief veterinary officer with any additional information that the chief veterinary officer requests.

2019, cA-20.01, s.3-3.

**Duty to report — notifiable diseases**

**3-4(1)** Subject to the regulations, any person responsible for an animal, any operator of a laboratory, a registered veterinarian and any other person who knows or ought to know that a notifiable disease is or may be present in an animal shall report the notifiable disease to the chief veterinary officer within 24 hours after the earlier of the following:

- (a) the time of receipt of laboratory confirmation of the notifiable disease;
- (b) the time at which the person responsible for the animal, operator of the laboratory, registered veterinarian or other person knew or ought to have known that the notifiable disease was present in the animal.

(2) Any person reporting a notifiable disease shall provide the chief veterinary officer with any additional information that the chief veterinary officer requests.

2019, cA-20.01, s.3-4.

**Prohibition**

**3-5** No person shall:

- (a) contribute to the cause or transmission of a reportable disease;
- (b) contribute to the transmission of a reportable or notifiable disease from animals to humans; or
- (c) interfere with the prevention, control or eradication of a reportable or notifiable disease.

2019, cA-20.01, s.3-5.

**DIVISION 2****Control of Disease: Entry and Related Powers****Control of disease: entry and related powers**

**3-6(1)** If an inspector has reasonable grounds to believe that a reportable or notifiable disease is present at or in any premises or on or in any conveyance, the inspector may, without a warrant:

- (a) enter:
  - (i) on land or into any place or premises other than a private dwelling where that reportable or notifiable disease may be present;
  - (ii) on or into any conveyance where that reportable or notifiable disease may be present; and
  - (iii) on or into any other adjoining or nearby land, place or premises other than a private dwelling where that reportable or notifiable disease may be present;
- (b) if the reportable or notifiable disease is present, take any measures that the inspector considers necessary:
  - (i) to control or eradicate the reportable or notifiable disease;
  - (ii) to prevent the reportable or notifiable disease from spreading;
  - (iii) to respond to the reportable or notifiable disease; and
  - (iv) to remove or lessen any threat to animals or public health resulting from the reportable or notifiable disease; and
- (c) if the reportable or notifiable disease is present, carry out an inspection with respect to the cause of the reportable or notifiable disease and the extent of the outbreak.

(2) An entry on land or into any place, premises or conveyance other than a private dwelling pursuant to subsection (1) may be made with any machinery, equipment, appliance, apparatus, conveyance or materials that, in the opinion of the inspector making the entry, are necessary:

- (a) to control or eradicate the reportable or notifiable disease;
  - (b) to prevent the reportable or notifiable disease from spreading; or
  - (c) to remove or lessen the threat of outbreak of the reportable or notifiable disease.
- (3) Subject to section 3-7, before entering a private dwelling, the inspector must:
- (a) obtain the consent of the owner or occupant of the dwelling; or
  - (b) obtain a warrant from a judge of the Court of Queen's Bench.

2019, cA-20.01, s.3-6.

#### **Inspection of private dwellings**

**3-7(1)** An inspector who has reasonable grounds to believe that a reportable or notifiable disease is present at or in a premises that is a private dwelling may, without obtaining a warrant, enter the private dwelling for the purposes of an inspection to determine whether a reportable or notifiable disease is present if the delay necessary to obtain a warrant would result in:

- (a) danger to human life or safety;
  - (b) a threat to the health or well-being of affected animals, other animals or the economic interests of the animal industry; or
  - (c) a threat to public health.
- (2) In undertaking an inspection pursuant to this section, an inspector may enter a private dwelling without a warrant, but, if the inspector has reasonable grounds to believe in the course of the inspection that there was a contravention of this Act, the regulations or an order made pursuant to this Act, the inspector shall:
- (a) advise the owner or occupant of the private dwelling of that fact; and
  - (b) either:
    - (i) obtain the written consent of the owner or occupant to conduct the inspection; or
    - (ii) leave the private dwelling and obtain a warrant issued pursuant to section 5-4.

2019, cA-20.01, s.3-7.

**Powers of inspector**

**3-8(1)** If an inspector has reasonable grounds to believe that an animal, animal product, animal by-product, agricultural input, food, waste material, a conveyance or any other thing is affected by a reportable or notifiable disease, the inspector may exercise any of the following powers:

- (a) examine or observe the animal or cause it to be examined or observed;
  - (b) examine the animal product, animal by-product, agricultural input, food, waste material, conveyance or other thing or cause it to be examined;
  - (c) seize the animal or animal product, animal by-product, agricultural input, food, waste material, conveyance or other thing or cause it to be seized;
  - (d) treat the animal or cause it to be treated;
  - (e) make any order with respect to the animal, animal product, animal by-product, agricultural input, food, waste material, conveyance or other thing that may be made pursuant to this Act.
- (2) If an inspector has reasonable grounds to believe that a vector or fomite may be carrying a disease-causing agent, the inspector may exercise any of the powers set out in subsection (1) with respect to the vector or fomite.
- (3) An inspector may exercise any of the powers set out in subsection (1) with respect to an animal, animal product, animal by-product, agricultural input, food, waste material, conveyance or other thing if the inspector:
- (a) reasonably believes that:
    - (i) the person responsible has contravened a provision of this Act, the regulations or an order made pursuant to this Act; and
    - (ii) the failure to comply with the provision of the Act, the regulations or the order may result in significant risk that the animal, animal product, animal by-product, agricultural input, food, waste material, conveyance or other thing may become affected by disease;
  - (b) reasonably believes that the person responsible has abandoned the animal, animal product, animal by-product, agricultural input, food, waste material, conveyance or other thing; or
  - (c) reasonably believes that any other prescribed circumstance exists.
- (4) The chief veterinary officer may order the carcass of any dead animal to be examined or exhumed and examined:
- (a) if the animal is reasonably believed to have died from a reportable or notifiable disease;
  - (b) if the animal was destroyed as a result of having or being believed to have a reportable or notifiable disease;

- (c) if an animal product or animal by-product from that animal is reasonably believed to be contaminated with a reportable or notifiable disease or a disease-causing agent for a reportable or notifiable disease; or
  - (d) if the person responsible for the animal:
    - (i) has made false or misleading statements to an inspector or any other person carrying out an inspection pursuant to this Act; or
    - (ii) has contravened this Act, the regulations or an order made pursuant to this Act.
- (5) Every person responsible for a carcass of an animal that died with or as a result of a reportable or notifiable disease shall dispose of the carcass in the manner ordered by an inspector.
- (6) Unless the minister otherwise directs, a person who disposes of a dead animal shall comply with:
- (a) *The Public Health Act, 1994* and the regulations made pursuant to that Act;
  - (b) *The Environmental Management and Protection Act, 2010* and the regulations made pursuant to that Act; and
  - (c) if applicable, *The Agricultural Operations Act* and the regulations made pursuant to that Act.

2019, cA-20.01, s.3-8.

#### **Additional inspection powers**

**3-9** For the purposes of carrying out an inspection pursuant to this Part, an inspector or other person carrying out the inspection may exercise all the powers given and shall fulfil all the duties imposed pursuant to Part 5.

2019, cA-20.01, s.3-9.

## PART 4

### Orders to Facilitate Disease Control

#### DIVISION 1

#### Quarantine Orders

##### **Quarantine**

**4-1(1)** In this section, “**premises**” means a premises or, if only a part of a premises is subject to a quarantine order, that part of the premises.

(2) If an inspector has reasonable grounds to believe that a disease or disease-causing agent is present at or in any premises, the inspector may make a quarantine order to:

- (a) quarantine the premises or part of the premises; and

- (b) quarantine any of the following at or in the premises:
  - (i) an animal, animal product, animal by-product, agricultural input or food;
  - (ii) a fomite;
  - (iii) waste material;
  - (iv) a conveyance;
  - (v) any other thing.
- (3) A quarantine order made pursuant to subsection (2) may include any terms and conditions that the inspector considers necessary to minimize the risk of the disease or disease-causing agent spreading and may:
  - (a) specify the disease or suspected disease;
  - (b) name the person responsible for the animal or animal product, animal by-product, agricultural input, food, fomite, waste material, conveyance or other thing;
  - (c) describe the location or boundaries of the quarantined premises;
  - (d) describe any animal or animal product, animal by-product, agricultural input, food, fomite, waste material, conveyance or other thing and its location at or in the quarantined premises;
  - (e) require the person responsible for an animal or animal product, animal by-product, agricultural input, food, fomite, waste material, conveyance or other thing to present it for examination and testing;
  - (f) require, in order to identify the animal or animal product, animal by-product, agricultural input, food, fomite, waste material, conveyance or other thing, the application of a symbol, tag, electronic tag or other identification mark or the recording of any identification mark or device previously applied;
  - (g) require the application or installation of an identifying marker, signage or temporary barrier at or on the quarantined premises;
  - (h) order the manner in which the person responsible for the animals is to provide feed and care for all animals within the quarantined premises;
  - (i) impose restrictions on the movement of living or dead animals and on animal products, animal by-products, agricultural inputs, food, fomites, waste material, conveyances or other things in the quarantined premises or on entering or leaving the quarantined premises;
  - (j) specify any precautionary or biosecurity measures that must be observed when entering or leaving the quarantined premises;
  - (k) require tests to be conducted to identify or confirm the presence of the disease or disease-causing agent;
  - (l) require the isolation and segregation of animals present at or in the quarantined premises or conveyance;

- (m) require the person responsible for the animal to treat that animal or to treat other animals that may be susceptible to the disease;
  - (n) require that the person responsible for the animals provide or arrange for the provision of veterinary medical or other health-related treatment for the animals in the care of that person;
  - (o) require the person responsible for the quarantined premises, conveyance or any other thing that is or may be contaminated with a disease-causing agent to clean and disinfect at, in or on the premises, conveyance or other thing, including requiring that specific methods be used and certain conditions observed;
  - (p) order destruction of an animal in accordance with section 4-11 if:
    - (i) the animal has or is believed on reasonable grounds to have the disease or disease-causing agent;
    - (ii) animal products or animal by-products from an animal are contaminated with the disease-causing agent;
  - (q) allow the movement of living or dead animals or of animal products, animal by-products, agricultural inputs, food, fomites, waste material, conveyances or other things from the quarantined premises to another location;
  - (r) require the person responsible for an animal to inform the inspector of any animals that become sick or have died on the premises during the quarantine;
  - (s) require that records be kept and information reported with respect to complying with that order;
  - (t) state the time within which any of the things mentioned in an order must be done;
  - (u) fix the duration of the term of the quarantine; and
  - (v) impose any other terms or conditions that the inspector considers necessary.
- (4) If the person responsible for the premises, animal, animal product, animal by-product, agricultural input, food, fomite, waste material, conveyance or other thing that is subject to the quarantine order fails to comply with the order, the inspector may carry out the order at the expense of that person.
- (5) An inspector must provide in writing to the person mentioned in subsection (4) the inspector's determination of the expenses incurred pursuant to that subsection.
- (6) Unless a person has the written consent of an inspector, no person other than an inspector shall remove, alter, deface, conceal, damage, destroy, move or render illegible:
- (a) a quarantine order or copy of a quarantine order that has been posted; or
  - (b) any identifying marker, signage or temporary barrier applied or installed as authorized pursuant to this section.



**Restrictions on movement from quarantined premises**

4-2(1) In this section, “**quarantined premises**” means the premises that are the subject of a quarantine order made pursuant to section 4-1.

(2) No person shall move any animal, animal product, animal by-product, agricultural input, food, fomite, waste material, conveyance, or any other thing from quarantined premises to another location:

- (a) unless done in accordance with the quarantine order; and
- (b) without notifying the inspector at least 24 hours before moving the animal, animal product, animal by-product, agricultural input, food, fomite, waste material, conveyance or any other thing from the quarantined premises.

(3) A person who moves an animal, animal product, animal by-product, agricultural input, food, fomite, waste material, conveyance or any other thing from quarantined premises to another location must:

- (a) carry a copy of the quarantine order; and
- (b) provide a copy of the quarantine order to any person who takes custody or care and control of the animal or animal product, animal by-product, agricultural input, food, fomite, waste material, conveyance or other thing.

(4) An inspector may require that an animal or thing that has been removed by a person responsible for a premises from quarantined premises be returned to the quarantined premises.

(5) If, pursuant to subsection (4), the person responsible for a quarantined premises is required by an inspector to return an animal or thing removed from the premises back to the premises from which the animal or thing was taken and the person responsible refuses to comply with the order of the inspector, the inspector may return or cause to be returned the animal or thing at the expense of that person.

2019, cA-20.01, s.4-2.

## DIVISION 2 Surveillance Zone Orders

**Surveillance zone**

4-3(1) The minister may establish a surveillance zone around quarantined premises in accordance with the regulations and make a surveillance zone order.

(2) A surveillance zone order made pursuant to subsection (1) may include any terms and conditions that the minister considers necessary to monitor the surveillance zone for the presence of the specific disease or disease-causing agent that may be present in the quarantine area and may authorize an inspector to:

- (a) require persons responsible for an animal or an animal product, animal by-product, agricultural input, food, fomite, waste material, conveyance or other thing to present it for examination and testing;
- (b) examine or test any animal, animal product, animal by-product, agricultural input, food, fomite, waste material, conveyance or other thing in the surveillance zone for the purposes of detecting the presence of the specific disease that may be present in the quarantine area;

- (c) require the person responsible for an animal, animal product, animal by-product, agricultural input, food, fomite, waste material, conveyance or other thing in the surveillance zone to submit samples and specimens from it for testing for the presence of the specific disease that may be present in the quarantine area;
  - (d) require the person responsible for an animal in a surveillance zone to provide or arrange for the provision of veterinary medical or other health related treatment for the animals in the person's care, including preventive measures such as vaccination;
  - (e) require the person responsible for an animal in a surveillance zone to report to the chief veterinary officer details of unusual mortality or morbidity with respect to animals in the surveillance zone;
  - (f) impose restrictions on the possession, storage, transportation, movement or distribution of living or dead animals or of animal products, animal by-products, agricultural inputs, food, fomites, waste materials, conveyances or other things to or from the surveillance zone, including requiring permits to be obtained before any activity may take place;
  - (g) specify any precautionary or biosecurity measures that must be observed when entering or leaving the surveillance zone, including requirements for cleaning and disinfection;
  - (h) specify animal handling measures that must be observed in the surveillance zone, including measures for the isolation of an animal or animals from other animals;
  - (i) state the time within which any of the things mentioned in an order must be done; and
  - (j) set out any other restriction or requirement that the inspector considers necessary to minimize the risk of spread of the reportable or notifiable disease or disease-causing agent for the reportable or notifiable disease from the quarantine area.
- (3) If the person responsible for the premises, animal, animal product, animal by-product, agricultural input, food, fomite, waste material, conveyance or other thing that is subject to the surveillance zone order fails to comply with the order, the inspector may carry out the order at the expense of the person responsible.
- (4) An inspector must provide in writing to the person mentioned in subsection (3) the inspector's determination of the expenses incurred pursuant to that subsection.
- (5) Unless the person has the written consent of an inspector, no person other than an inspector shall remove, alter, deface, conceal, damage, destroy, move or render illegible a surveillance zone order or copy of a surveillance zone order that has been posted.

**Requiring animal's return to surveillance zone**

4-4(1) An inspector may require that an animal or thing that has been removed by a person responsible for a premises from a premises that is subject to a surveillance zone order be returned to the premises from which it was taken.

(2) If, pursuant to subsection (1), the person responsible for a premises that is subject to a surveillance zone order is required by an inspector to return the animal or thing removed from the premises back to the premises from which it was taken and the person responsible refuses to comply with the order of the inspector, the inspector may return or cause to be returned the animal or thing at the expense of the person responsible.

2019, cA-20.01, s.4-4.

DIVISION 3  
**Animal Health Control Area Orders**

**Animal health control area**

4-5(1) The minister may make an order establishing an animal health control area in Saskatchewan or in any part of Saskatchewan or with respect to facilities or classes of facilities in Saskatchewan or in any part of Saskatchewan for any of the following purposes:

- (a) to minimize the risk of one or more specific diseases from entering Saskatchewan or any part of Saskatchewan if:
    - (i) the disease is believed not to be present in Saskatchewan or in that part of Saskatchewan; and
    - (ii) the disease has been confirmed to be present in another jurisdiction or another part of Saskatchewan or there are reasonable grounds to believe the disease is present in another jurisdiction;
  - (b) to designate and protect Saskatchewan or any part of Saskatchewan that is believed to be either free from the presence of one or more specific diseases or have a low prevalence of one or more specific diseases;
  - (c) to prevent, control or eradicate any one or more specific diseases if there is a significant risk to animal or human health in Saskatchewan.
- (2) An order made pursuant to this section authorizes an inspector to do any or all of the following:
- (a) create a surveillance program to monitor for the specific disease named in the order;
  - (b) examine or test any animal, animal product, animal by-product, agricultural input, food, fomite, waste material, conveyance or other thing in an animal health control area for the purposes of detecting the presence of any specific disease;
  - (c) require the person responsible for an animal, animal product, animal by-product, agricultural input, food, fomite, waste material, conveyance or other thing in an animal health control area to submit samples and specimens from it for testing for the presence of any specific disease;

- (d) require the person responsible for an animal in an animal health control area to provide or arrange for the provision of veterinary medical or other health related treatment for the animal in the person's care, including preventive measures such as vaccination;
  - (e) require the person responsible for an animal in an animal health control area to report to the minister details of unusual mortality or morbidity with respect to animals in the animal health control area;
  - (f) impose restrictions on the possession, storage, transportation, movement or distribution of living or dead animals or of animal products, animal by-products, agricultural inputs, food, fomites, waste materials, conveyances or other things in, to or from the animal health control area, including requiring permits to be obtained before any activity may take place;
  - (g) specify any precautionary or biosecurity measures that must be observed when entering or leaving the animal health control area, including requirements for cleaning and disinfection;
  - (h) specify animal handling measures that must be observed in the animal health control area, including measures for the isolation of an animal or animals from other animals;
  - (i) require the destruction and disposal of an animal, animal product, animal by-product, agricultural input, food, fomite, waste material, conveyance or other thing in the animal health control area;
  - (j) require the recording, maintenance and reporting of specified information related to an animal, animal product, animal by-product, agricultural input, food, fomite, waste material, conveyance or other thing;
  - (k) state the time within which any of the things mentioned in an order must be done;
  - (l) set out any other restriction or requirement that the inspector considers necessary.
- (3) The animal health control area order must briefly describe the reasons for the order and the circumstances giving rise to the order.
- (4) The notice of the animal health control area order must:
- (a) describe the geographical location and boundary limits of the animal health control area and, if the order is with respect to a facility or class of facilities, a description of the facility or class of facilities;
  - (b) specify the disease with respect to which the animal health control area is established;
  - (c) identify any species, class or subset of animals that the disease is known to affect or for which animals may be a vector;
  - (d) specify the authority of inspectors with respect to the animal health control area; and
  - (e) include any other information the minister considers relevant.

(5) If the person responsible for the premises, animal, animal product, animal by-product, agricultural input, food, fomite, waste material, conveyance or other thing that is subject to an order made pursuant to this section fails to comply with the order, the inspector may carry out the order at the expense of the person responsible.

(6) An inspector must provide in writing to the person mentioned in subsection (5) the inspector's determination of the expenses incurred pursuant to that subsection.

(7) Unless the person has the written consent of an inspector, no person other than an inspector shall remove, alter, deface, conceal, damage, destroy, move or render illegible:

(a) an animal health control area order or copy of an animal health control area order that has been posted; or

(b) any identifying marker, signage or temporary barrier applied or installed as authorized pursuant to this Act or the regulations.

2019, cA-20.01, s.4-5.

#### DIVISION 4

#### Orders – General Matters

##### Service of orders

**4-6(1)** Every order made pursuant to Divisions 1 to 3 must be served in the prescribed manner.

(2) Every person served with an order made pursuant to Divisions 1 to 3 shall comply with the order and all applicable terms and conditions of the order within the period specified in the order and, if requested to do so, shall provide the chief veterinary officer with evidence of compliance satisfactory to the chief veterinary officer.

2019, cA-20.01, s.4-6.

##### Publication of orders

**4-7(1)** The minister may publish or cause to be published an order or a summary of an order made pursuant to Divisions 1 to 3 for the purposes of communicating the contents of the order or to provide notice that the order has been made in any manner that the minister considers appropriate, including publishing it on the ministry's website.

(2) Subsection (1) does not apply to an order that contains information that, in the minister's opinion, will cause undue loss or hardship to a person affected by the order.

2019, cA-20.01, s.4-7.

##### Retention of order by minister

**4-8(1)** The minister shall cause all orders made pursuant to Divisions 1 to 3 to be retained by the ministry for 7 years after the expiration of the order.

(2) An order made pursuant to Divisions 1 to 3 must be made available for public inspection, unless the order contains information that, in the minister's opinion, will cause undue loss or hardship to a person affected by the order.

2019, cA-20.01, s.4-8.

**Amendment or cancellation of orders**

**4-9(1)** If an inspector makes an order pursuant to Divisions 1 to 3, the inspector:

- (a) may amend or cancel the order;
- (b) must provide in writing a copy of the amendment or cancellation to every person directly affected by the amendment or cancellation; and
- (c) must serve, publish or make the amendment or cancellation known in the same manner as the original order.

(2) If an inspector makes an order pursuant to Divisions 1 to 3, the minister:

- (a) may amend or cancel the order;
- (b) must provide in writing a copy of the amendment or cancellation to every person directly affected by the amendment or cancellation; and
- (c) must serve, publish or make the amendment or cancellation known in the same manner as the original order.

2019, cA-20.01, s.4-9.

**DIVISION 5**  
**Other Orders**

**Cease movement orders**

**4-10(1)** The chief veterinary officer may, by order, prohibit or restrict the movement of animals, vectors or fomites from location to location within Saskatchewan, or into or out of Saskatchewan, to prevent, control or eradicate disease or to prevent the outbreak or spread of disease.

(2) An order may be made pursuant to this section whether or not a quarantine order, surveillance zone order or animal health control area order has been made with respect to the locations covered by the order.

(3) An order made pursuant to this section must be made public in any manner that the chief veterinary officer considers appropriate, including publishing it on the ministry's website.

2019, cA-20.01, s.4-10.

**Orders for destruction of animals**

4-11(1) The chief veterinary officer may, if the chief veterinary officer reasonably considers it to be in the public interest, order the destruction and disposal of any animal within the period specified in the order and may, subject to the regulations, specify the method of destruction of the animal and the method of disposal of the carcass if:

- (a) the animal has or is believed on reasonable grounds to have a reportable or notifiable disease;
  - (b) the animal has come into contact with or has been in the proximity of an animal that is believed on reasonable grounds to have a reportable or notifiable disease;
  - (c) the animal has come into contact with or has been in the proximity of a vector or fomite that is carrying, or is believed on reasonable grounds to be carrying, a disease-causing agent for a reportable or notifiable disease;
  - (d) the animal is at or in quarantined premises or on or in a quarantined conveyance;
  - (e) the animal is at or in a surveillance zone or animal health control area;
  - (f) the animal has a reportable or notifiable disease and the chief veterinary officer has reasonable grounds to believe that allowing the continued survival of the animal would be inhumane;
  - (g) the animal is carrying, or is believed on reasonable grounds to be carrying, a disease-causing agent for a reportable or notifiable disease; or
  - (h) an animal product or animal by-product from the animal is contaminated with or is believed on reasonable grounds to be contaminated with a disease-causing agent for a reportable or notifiable disease.
- (2) The chief veterinary officer may order the destruction and disposal of an animal to which subsection (1) does not apply, if:

- (a) either:
  - (i) the animal has been abandoned by the person responsible for it, or the chief veterinary officer has reasonable grounds to believe that the person responsible will abandon it; or
  - (ii) the chief veterinary officer has reasonable grounds to believe that market conditions or other factors:
    - (A) make it likely that the person responsible for the animal will be unable to meet the obligations respecting the animal's care set out in *The Animal Protection Act, 2019* or the regulations pursuant to that Act or any other applicable law; or
    - (B) make keeping the animal alive an undue hardship on the person responsible for the animal or otherwise impractical; and
- (b) the chief veterinary officer is satisfied that the probable net sale value of the animal at a later date is less than the expected cost of its care in the interim.

- (3) The chief veterinary officer may order the destruction and disposal of an animal product, animal by-product, agricultural input, food, fomite, waste material, conveyance or other thing if:
- (a) the animal product, animal by-product, agricultural input, food, fomite, waste material, conveyance or other thing has come into contact with a disease-causing agent for a reportable or notifiable disease; and
  - (b) the destruction of the disease-causing agent cannot be ensured by cleaning or disinfecting the animal product, animal by-product, agricultural input, food, fomite, waste material, conveyance or other thing.
- (4) If the chief veterinary officer orders the destruction and disposal of an animal, animal product, animal by-product, agricultural input, food, fomite, waste material, conveyance or other thing, the chief veterinary officer must provide a written copy of the order to the person responsible for that animal, animal product, animal by-product, agricultural input, food, fomite, waste material, conveyance or other thing.
- (5) If the person responsible for an animal, animal product, animal by-product, agricultural input, food, fomite, waste material, conveyance or other thing that is subject to an order made pursuant to this section fails to comply with the order, the chief veterinary officer may carry out the order at the expense of that person.

2019, cA-20.01, s.4-11.

## DIVISION 6 Compensation

### Compensation

- 4-12(1)** The minister may, in accordance with the regulations, authorize the payment of compensation:
- (a) to an owner whose animal is destroyed pursuant to section 4-11;
  - (b) to an owner of an animal that dies or is required to be destroyed as a result of being injured in the course of being tested, treated or identified by an inspector, or by a person who is assisting the inspector, pursuant to this Act or the regulations;
  - (c) to an owner whose animal product or by-product, agricultural input, food, fomite, waste material, conveyance or other thing is destroyed pursuant to section 4-11;
  - (d) to any person, for cleaning costs and disinfecting costs incurred in the course of complying with a quarantine order, surveillance zone order or animal health control area order;
  - (e) to any person, for the costs of destruction and disposal of an animal, animal product or by-product, agricultural input, food, fomite, waste material, conveyance or other thing pursuant to section 4-11; or
  - (f) to any other person, for any other prescribed matter.



- (2) Subject to the regulations and to subsections (3) to (6), the amount of compensation authorized by the minister pursuant to subsection (1) must not exceed the following:
- (a) in the case of an animal that is destroyed, the market value of the animal, as determined by the minister, less the value received with respect to the animal's carcass, as determined by the minister;
  - (b) in the case of cleaning and disinfecting, the costs reasonably incurred by the person, as determined by the minister;
  - (c) in the case of the disposal of an animal carcass, animal product, animal by-product, agricultural input, food, fomite, waste material, conveyance or any other thing, the costs reasonably incurred by the person to dispose of it, as determined by the minister, less any value received with respect to it.
- (3) The minister may refuse to authorize compensation or may reduce the amount of compensation authorized:
- (a) if the person responsible for the animal, animal product, animal by-product, agricultural input, food, fomite, waste material, conveyance or other thing has failed to comply with an order, direction or request made by an inspector;
  - (b) if the person responsible for the animal, animal product, animal by-product, agricultural input, food, fomite, waste material, conveyance or other thing has failed to implement biosecurity measures as specified in the regulations;
  - (c) if the person responsible for the animal, animal product, animal by-product, agricultural input, food, fomite, waste material, conveyance or other thing has failed to comply with this Act;
  - (d) if the person responsible for the animal, animal product, animal by-product, agricultural input, food, fomite, waste material, conveyance or other thing has failed to comply with a statutory duty directly related to the animal or the reportable or notifiable disease; or
  - (e) for any other reason provided for in the regulations.
- (4) If the minister proposes to refuse to authorize compensation or to reduce the amount of compensation authorized, the minister shall provide written notice of that proposal along with written reasons and give the person to whom compensation is being refused or reduced 10 days from the date of receipt to make written representations.
- (5) After reviewing any written representations made pursuant to subsection (4) or, if no written representations are made, after the expiry of the 10-day period mentioned in subsection (4), the minister:
- (a) may make a decision to authorize, refuse to authorize or reduce the compensation authorized; and
  - (b) shall provide a written notice to the person mentioned in subsection (4) of the minister's decision.
- (6) Neither the owner nor the operator of a conveyance is entitled to compensation with respect to an inspection carried out pursuant to this Act.

DIVISION 7  
**Reconsideration of Expenses and Compensation**

**Application for reconsideration**

4-13(1) A person who is directly affected by any of the following decisions may apply to the minister for reconsideration in accordance with this section of:

- (a) a determination of the expenses incurred:
    - (i) in carrying out a quarantine order pursuant to subsection 4-1(4);
    - (ii) in carrying out a surveillance zone order pursuant to subsection 4-3(3);  
or
    - (iii) in carrying out an animal health control area order pursuant to subsection 4-5(5); or
  - (b) a refusal to authorize compensation by the minister or a reduction in the amount of compensation authorized by the minister pursuant to section 4-12.
- (2) An application pursuant to this section is commenced by serving the minister with a notice of application in a form acceptable to the minister within 30 days after the applicant is notified of the decision mentioned in subsection (1).
- (3) The minister shall, within 30 days after being served with notice of the application:
- (a) refer the application to a committee of at least 3 and not more than 5 persons independent of the minister and the applicant that the minister considers qualified; and
  - (b) designate as chair one of the persons mentioned in clause (a).
- (4) If the minister appoints a committee to assist in the reconsideration of decisions mentioned in subsection (1), the minister may:
- (a) pay any fee for the services of the persons appointed to the committee that the minister considers reasonable; and
  - (b) reimburse those persons for their expenses incurred in the performance of their responsibilities at the rates paid to members of the public service of Saskatchewan.
- (5) The committee:
- (a) may receive written or oral representations from the person applying for reconsideration;
  - (b) may review and consider the request for reconsideration; and
  - (c) shall provide its opinion to the minister.
- (6) The minister may set the time within which the committee is to hear the application and provide its opinion to the minister, and the minister may extend that time if the minister considers it appropriate to do so.

- (7) The committee shall conduct its review in any manner that it considers appropriate and provide its opinion to the minister with respect to the decision being reconsidered.
- (8) After the committee makes a decision pursuant to subsection (7), it shall notify the minister and the appellant of that decision.
- (9) The committee shall forward to the minister documents presented and documents created at the hearing.
- (10) The minister may rely on the opinion of the committee in reconsidering the matter and may:
- (a) confirm or vary the determination of expenses:
    - (i) incurred in carrying out a quarantine order pursuant to subsection 4-1(4);
    - (ii) incurred in carrying out a surveillance zone order pursuant to subsection 4-3(3); or
    - (iii) incurred in carrying out an animal health control area order pursuant to subsection 4-5(5); or
  - (b) confirm the refusal or reduction of compensation, confirm or vary the amount of compensation authorized or direct that compensation be authorized pursuant to section 4-12.

2019, cA-20.01, s.4-13.

**Appeal to Court of Queen's Bench**

- 4-14(1) A person who is directly affected by an order made pursuant to Divisions 1 to 3, a decision with respect to compensation made pursuant to section 4-12 or a reconsideration pursuant to section 4-13 may appeal that decision, order or reconsideration to a judge of the Court of Queen's Bench.
- (2) A person who is directly affected by an order made pursuant to Divisions 1 to 3, a decision with respect to compensation made pursuant to section 4-12 or a reconsideration pursuant to section 4-13 and who intends to appeal that decision, order or reconsideration shall file the appeal within 15 days after the date of service of the decision or order.
- (3) A notice of appeal must be served on:
- (a) if the order appealed from is an order made by an inspector, the inspector;
  - (b) the chief veterinary officer; and
  - (c) the minister.
- (4) The record of an appeal pursuant to this section is to consist of:
- (a) the decision, order or reconsideration being appealed;
  - (b) the notice of appeal commencing the appeal; and
  - (c) any other material that the Court of Queen's Bench may require.

(5) If an appeal is taken pursuant to this section, a judge of the Court of Queen's Bench may:

- (a) dismiss the appeal;
- (b) allow the appeal;
- (c) allow the appeal subject to terms;
- (d) vary the decision, order or reconsideration being appealed; or
- (e) make any other order that the judge considers appropriate.

2019, cA-20.01, s.4-14.

#### **Court of Appeal**

**4-15** The inspector, the chief veterinary officer, the minister or a person mentioned in section 4-14 may appeal a decision or order of a judge of the Court of Queen's Bench to the Court of Appeal, on a question of law, within 30 days after the decision or order.

2019, cA-20.01, s.4-15.

#### **Appeal does not stay decision**

**4-16** Unless the relevant court orders otherwise, the commencement of an appeal pursuant to section 4-14 or 4-15 does not stay the effect of the decision or order being appealed.

2019, cA-20.01, s.4-16.

## **DIVISION 8**

### **Prohibition on Sale or Possession of Certain Animals**

#### **Restrictions on sale of certain animals, animal products and animal by-products**

**4-17(1)** No person shall sell an animal that has been quarantined for a reportable or notifiable disease, an animal that may have been exposed to a disease-causing agent for a reportable disease or any animal product or animal by-product from an animal with a reportable disease unless that person is authorized in writing by the chief veterinary officer to do so.

(2) This section does not apply to any person or class of persons that the chief veterinary officer determines is not required to comply with it.

(3) If the chief veterinary officer determines that a person or class of persons is not required to comply with subsection (1), the chief veterinary officer shall publish that information in any manner that the chief veterinary officer considers appropriate to bring the information to the public's attention, including publishing the information on the ministry's website.

2019, cA-20.01, s.4-17.

**Possession of certain imported animals**

**4-18(1)** The chief veterinary officer may, in accordance with the regulations, prohibit the possession of any imported animal that:

- (a) has a reportable or notifiable disease; or
  - (b) carries or may carry a disease-causing agent for a reportable or notifiable disease.
- (2) No person shall possess an imported animal mentioned in subsection (1) the possession of which the chief veterinary officer has prohibited.
- (3) If the possession of an imported animal mentioned in subsection (1) is prohibited pursuant to subsection (1), the chief veterinary officer shall publish any information with respect to the imported animal in any manner that the chief veterinary officer considers appropriate to bring the information to the public's attention, including publishing the information on the ministry's website.

2019, cA-20.01, s.4-18.

**Restrictions on sale of animals exposed to prescribed substances**

**4-19** No person shall sell an animal that has been exposed to a prescribed chemical, a prescribed toxic substance or any other prescribed deleterious substance unless that person is authorized in writing by the chief veterinary officer.

2019, cA-20.01, s.4-19.

DIVISION 9  
**Compliance Orders**

**Court-ordered compliance**

**4-20(1)** The minister may apply to a judge of the Court of Queen's Bench for all or any of the following:

- (a) an order compelling a person to comply with this Act, the regulations or an order made pursuant to this Act;
  - (b) an order enjoining any person from proceeding contrary to this Act, the regulations or an order made pursuant to this Act.
- (2) On an application pursuant to this section, the judge of the Court of Queen's Bench may make the order requested or any other order that the judge considers appropriate on any terms and conditions that the judge considers appropriate.
- (3) The minister may apply for an order pursuant to subsection (1) whether or not an order pursuant to this Act has been made with respect to the matter.

2019, cA-20.01, s.4-20.

PART 5  
**Inspections and Investigations**

**Definitions for Part****5-1** In this Part:

“**property**” includes computer software;

“**record**” includes any information that is recorded or stored in any medium or by means of any device, including a computer or electronic media.

2019, cA-20.01, s.5-1.

**Inspections of premises and conveyances**

**5-2(1)** Subject to subsection (4), an inspector may, at any reasonable time, enter any place, premises or conveyance and conduct an inspection for the purpose of:

- (a) exercising any power and performing any duty of an inspector pursuant to this Act; and
- (b) determining whether there is compliance with this Act, the regulations made pursuant to this Act or an order issued pursuant to this Act.

**(2)** A person operating a conveyance described in subsection (1) shall, when required by an inspector to do so:

- (a) bring the conveyance to a stop and remain stopped for any length of time necessary to enable the inspector to exercise the powers and perform the duties of an inspector pursuant to this Act;
- (b) permit the inspector to examine or take any samples from the conveyance and anything in or on the conveyance;
- (c) answer all questions related to the administration of this Act put to the person by the inspector regarding any animals, animal products, animal by-products, agricultural inputs, food, fomites, waste material or other things in or on that conveyance;
- (d) produce and hand over to the inspector records and documents that relate to any animals, animal products, animal by-products, agricultural inputs, food, fomites, waste material or other things in or on that conveyance;
- (e) transport animals in or on that conveyance to the nearest reasonable unloading facilities and:
  - (i) unload the animals for inspection; and
  - (ii) clean and disinfect the conveyance; and
- (f) assist the inspector so that the inspector is able to carry out the powers and duties conferred pursuant to this section.

**(3)** When conducting an inspection in accordance with subsection (1), an inspector may do all or any of the following things:

- (a) make any inquiry the inspector considers appropriate;

- (b) require the use of any machinery, equipment, appliance or thing located at the place or premises to be demonstrated;
  - (c) conduct any tests, take any samples and make any examinations that the inspector considers necessary or advisable;
  - (d) take photographs of or otherwise record anything on the land, at or in the premises or in or on the conveyance that the inspector considers to be of assistance;
  - (e) take one or more persons to any place, premises or conveyance to assist the inspector and make arrangements with the person in charge of the place, premises or conveyance for those persons to re-enter the place, premises or conveyance to perform specified duties;
  - (f) require the production of, inspect and make copies of any books, records, papers or documents or of any entry in those books, records, papers or documents required to be kept by this Act or the regulations made pursuant to this Act;
  - (g) subject to subsection (5), remove any books, records, papers or documents examined pursuant to this section for the purpose of making copies if a copy is not readily available, if a receipt for the books, records, papers or documents is given;
  - (h) require any person to provide the inspector with all reasonable assistance, including using any computer hardware or software or any other data storage, processing or retrieval device or system to produce information;
  - (i) in order to produce information and records mentioned in this subsection, use any computer hardware or software or any other data storage, processing or retrieval device or system that is used by the person required to deliver the information and records.
- (4) Subject to section 3-7, an inspector shall not enter a private dwelling without a warrant issued pursuant to section 5-4 unless the occupant of the dwelling consents to the entry.
- (5) An inspector who removes any books, records, papers or documents pursuant to this section for the purpose of making copies shall:
- (a) make those copies as soon as is reasonably possible; and
  - (b) promptly return the books, records, papers or documents from which the copies were made to:
    - (i) the place or premises from which they were removed; or
    - (ii) any other place or premises that may be agreed to by the inspector and the person who produced them.

**Obtaining information**

**5-3** For the purpose of obtaining any information that is required to determine compliance with this Act, the regulations made pursuant to this Act or an order issued pursuant to this Act or that is otherwise required for the performance of the duties or the exercise of the powers of the inspector, the inspector may direct any person to provide the inspector with any information in any form and manner and within any period that the inspector may specify.

2019, cA-20.01, s.5-3.

**Investigations**

**5-4(1)** If a justice or a provincial court judge is satisfied by information on oath or affirmation that there are reasonable grounds to believe that a reportable or notifiable disease is present at or on any place or premises or on or in any conveyance or an offence against this Act or the regulations made pursuant to this Act has occurred and that evidence of that offence is likely to be found, the justice or the provincial court judge may issue a warrant to do all or any of the following:

- (a) enter and search any place or premises named in the warrant;
  - (b) stop and search any conveyance described in the warrant;
  - (c) seize and remove from any place, premises or conveyance searched anything that may be evidence of an offence against this Act or the regulations made pursuant to this Act;
  - (d) carry out any other activities mentioned in subsection (2).
- (2) With a warrant issued pursuant to subsection (1), an inspector may:
- (a) enter at any time and search any place or premises named in the warrant;
  - (b) stop and search any conveyance named in the warrant;
  - (c) open and examine the contents within any trunk, box, bag, parcel, closet, cupboard or other receptacle that the inspector finds in the place, premises or conveyance;
  - (d) require the production of and examine any records or property that the inspector has reasonable grounds to believe may contain information related to an offence against this Act or the regulations made pursuant to this Act;
  - (e) require the production of, inspect and make copies of any books, records, papers or documents or of any entry in those books, records, papers or documents required to be kept by this Act or the regulations made pursuant to this Act;
  - (f) remove, for the purpose of making copies, any records examined pursuant to this section;
  - (g) require the use of any machinery, equipment, appliance or thing located at the place or premises to be demonstrated;



- (h) conduct any tests, take any samples and make any examinations that the inspector considers necessary or advisable;
  - (i) take photographs of or otherwise record anything on the land, at or in the premises or in or on the conveyance that the inspector considers to be of assistance; and
  - (j) seize and remove from any place, premises or conveyance searched anything that may be evidence of an offence against this Act or the regulations made pursuant to this Act.
- (3) Subject to subsection (4), an inspector may exercise all or any of the powers mentioned in subsection (2) without a warrant issued pursuant to subsection (1) if:
- (a) the conditions for obtaining a warrant exist; and
  - (b) the inspector has reasonable grounds to believe that the delay necessary to obtain a warrant would result in:
    - (i) danger to human life or safety; or
    - (ii) the loss, removal or destruction of evidence.
- (4) Subject to section 3-7, an inspector shall not enter a private dwelling without a warrant issued pursuant to this section unless the occupant of the dwelling consents to the entry.

2019, cA-20.01, s.5-4.

**Inspector may be accompanied**

**5-5** If an inspector is conducting an inspection or investigation pursuant to this Act, the inspector may be accompanied by a peace officer.

2019, cA-20.01, s.5-5.

**Seizure of animals and things**

**5-6(1)** If an inspector seizes and detains an animal or thing pursuant to this Act or the regulations, the inspector may:

- (a) require it to be held or stored at the place or premises where it was seized;
  - (b) require it to be removed to any other place or premises that the inspector considers appropriate for the preservation and containment of the animal or thing for storage, in which case the costs of storage or removal are to be paid by the person responsible for the animal or thing at the time of the seizure; or
  - (c) require the person responsible for the animal or thing at the time of seizure to remove it to any other place or premises and store it.
- (2) If a conveyance is being used to transport any animal or thing to which this Act or the regulations apply and the animal or thing has been seized by the inspector pursuant to subsection (1), any person in charge of or operating the conveyance shall convey the seized thing to which this Act or the regulations apply to any place or premises that the inspector may direct.

- (3) If any animal or thing to which this Act or the regulations applies is liable to seizure by an inspector and has been mixed with other similar animals or things so as to render it impractical or difficult to distinguish or separate the animal or thing from the other animals or things with which it is mixed, all of those animals or things so mixed may be seized.
- (4) If an inspector has custody of any thing that is perishable or susceptible to deterioration or any animal that has been seized pursuant to subsection (1):
- (a) the minister, the ministry or the inspector may dispose of the thing, in whole or in part, or the animal, in any manner approved by the minister; and
  - (b) any proceeds realized from the disposition are to be dealt with in the manner set out in the regulations.

2019, cA-20.01, s.5-6.

## PART 6 Licences and Fees

### Licences

**6-1** The minister may require that any person or establishment that sells or distributes veterinary drugs be licensed in accordance with the regulations.

2019, cA-20.01, s.6-1.

### Fees

**6-2(1)** The minister may charge the prescribed fees for the issuing of licences and permits and for any other prescribed program or prescribed service provided pursuant to this Act or the regulations.

(2) Every person who is required by this Act or the regulations to pay a prescribed fee shall pay that fee.

2019, cA-20.01, s.6-2.

## PART 7 Disclosure of Information

### Information

**7-1(1)** Any information collected by, submitted by, disclosed to, disclosed by, used by, required for production by or submitted to an inspector or the chief veterinary officer is deemed to be information collected by, submitted by, disclosed to, disclosed by, used by, required for production by or submitted to the minister and is under the direction and control of the minister.

(2) For the purposes of administering this Act, the minister may disclose information mentioned in subsection (1) to the chief veterinary officer, an inspector or any other employee of the ministry, and the chief veterinary officer, an inspector or any other employee of the ministry may disclose information mentioned in subsection (1) to the minister.

- (3) The information mentioned in subsection (1) is to be treated as having been provided in confidence.
- (4) Notwithstanding subsection (3), information disclosed in a quarantine order, a surveillance zone order or an animal health control area order is not confidential information.

2019, cA-20.01, s.7-1.

**Collection of information, use and disclosure**

**7-2(1)** The minister may require the production of, and collect, the following information:

- (a) any records required to be kept by any person pursuant to section 8-1;
  - (b) any information collected by a person authorized by the minister to do so for the purposes of this Act;
  - (c) any information mentioned in *The Animal Identification Act* and any regulations made pursuant to that Act;
  - (d) any information mentioned in *The Animal Products Act* and any regulations made pursuant to that Act;
  - (e) any information mentioned in *The Animal Protection Act, 2019* and any regulations made pursuant to that Act;
  - (f) any other prescribed information.
- (2) The minister may use and disclose for any one or more of the following purposes any information collected by, submitted by, disclosed to, disclosed by, used by, required for production by or submitted to an inspector, the chief veterinary officer or the minister:
- (a) disease eradication;
  - (b) disease control;
  - (c) disease surveillance;
  - (d) protecting animal and public health;
  - (e) assisting in ongoing health, safety and biosecurity measures to minimize a disease outbreak or to minimize the risk of a disease spreading;
  - (f) assisting when there is an outbreak of a disease;
  - (g) identifying places or premises where animals are raised, quarantined, auctioned and slaughtered;
  - (h) eliminating animal disease barriers for domestic and export market access;
  - (i) enhancing emergency preparedness in the case of an outbreak of a disease or in the event of a natural disaster;

- (j) detecting the presence of diseases;
  - (k) monitoring the health of animals;
  - (l) analyzing the geographical distribution of a disease;
  - (m) analyzing the epidemiology of disease outbreaks;
  - (n) conducting assessments and models to predict disease risk;
  - (o) tracking the movement of animals, animal products and animal by-products from premises to premises;
  - (p) identifying the premises-to-premises movement of animals, animal products and animal by-products;
  - (q) conducting animal health research, developing policy with respect to animal health or designing or implementing programs or both with respect to animal health; or
  - (r) any other prescribed purpose.
- (3) Subject to section 7-1, the minister may disclose to a person responsible for an animal or an animal product or animal by-product only the information that is necessary to minimize the risk of the disease spreading and to protect animal and public health.
- (4) Subject to the regulations, a person responsible for an animal to whom information is disclosed may use and disclose the information only for the purposes authorized by the minister.
- (5) If the minister discloses information pursuant to this section, the minister may provide a summary of a report made from an inspection conducted pursuant to this Act instead of disclosing specific details.
- (6) The minister may use any information collected by, submitted by, disclosed to, disclosed by, used by, required for production by or submitted to an inspector, the chief veterinary officer or the minister to publish reports pertaining to any one or more of the purposes mentioned in subsection (2) on the ministry's website or in any other manner the minister considers appropriate.
- (7) The minister may disclose any information collected by, submitted by, disclosed to, disclosed by, used by, required for production by or submitted to an inspector, the chief veterinary officer or the minister to the following:
- (a) the Government of Canada or its agencies, Crown corporations or other institutions and the government of another province or territory of Canada or its agencies, Crown corporations or other institutions;
  - (b) a municipal government;
  - (c) the government of any foreign jurisdiction or its institutions;

- (d) a person, agency, organization, association, enterprise, institution or other body within or outside Saskatchewan whose duties include any of the following:
- (i) protecting public health;
  - (ii) monitoring or reporting on the safety of animals, animal products or by-products, agricultural inputs or food;
  - (iii) monitoring or reporting on the biological, chemical and physical integrity of animals, animal products or by-products, agricultural inputs or food;
- (e) a marketing board or agency;
- (f) any person who may have been exposed to a reportable or notifiable disease;
- (g) any other person that, in the opinion of the minister, it is in the public interest to disclose the information to;
- (h) any prescribed person.

2019, cA-20.01, s.7-2.

## PART 8 Records

### Records

- 8-1(1)** An owner or other prescribed person shall keep the prescribed records.
- (2) Prescribed records must be kept for a minimum of 10 years unless otherwise specified in the regulations.

2019, cA-20.01, s.8-1.

## PART 9 Traceability Systems

### Traceability system

- 9-1(1)** The minister may use any information kept pursuant to section 8-1 for the purposes of a traceability system.
- (2) A traceability system may include the following information:
- (a) premises identification, including:
    - (i) the location of a premises;
    - (ii) the name, address and telephone number and other contact information of the owner of the premises;
    - (iii) the type of premises and the business name of the premises;

- (b) the number of each species of animals raised, kept, displayed, assembled and disposed of each year;
  - (c) information that serves to identify animals;
  - (d) a tracking system for the movement of animals;
  - (e) a tracking system for the movement of animal products and animal by-products;
  - (f) the owner's unique premises identification number, if any;
  - (g) any other prescribed information.
- (3) An owner may be required by the regulations to obtain a unique identification number for an animal, an animal product, an animal by-product, a premises or a conveyance that transports animals, animal products or animal by-products.

2019, cA-20.01, s.9-1.

## PART 10 Offences

### Offence and penalties

#### 10-1(1) No person shall:

- (a) obstruct or hinder, or make false or misleading statements to, an inspector who is carrying out duties or functions pursuant to this Act;
  - (b) contravene any other provision of this Act, the regulations or an order made pursuant to this Act.
- (2) Every person who contravenes any provision of subsection (1) is guilty of an offence and liable on summary conviction:
- (a) in the case of a first offence:
    - (i) in the case of an individual, to a fine of not more than \$15,000 and to a further fine of not more than \$1,000 for each day or part of a day during which the offence continues, to imprisonment for a term not to exceed one year or to both; or
    - (ii) in the case of a person other than an individual, to the fine mentioned in subclause (i); and
  - (b) in the case of a second or subsequent offence:
    - (i) in the case of an individual, to a fine of not more than \$25,000 and to a further fine of not more than \$2,000 for each day or part of a day during which the offence continues, to imprisonment for a term not to exceed one year or to both; or
    - (ii) in the case of a person other than an individual, to the fine mentioned in subclause (i).

2019, cA-20.01, s.10-1.

**Limitation**

**10-2** No prosecution for a contravention of this Act or the regulations is to be commenced more than 2 years after the date on which the alleged contravention was committed, or, in the case of a continuing offence, the last date on which the alleged contravention was committed.

2019, cA-20.01, s.10-2.

**Directors, etc., of corporations**

**10-3** If a corporation commits an offence pursuant to this Act or the regulations, any officer or director of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and liable on summary conviction to the penalties provided for the offence whether or not the corporation has been prosecuted or convicted.

2019, cA-20.01, s.10-3.

**Employees or agents**

**10-4** In a prosecution for an offence pursuant to this Act or the regulations, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused even if the employee or agent is not identified or is not prosecuted for the offence.

2019, cA-20.01, s.10-4.

**Forfeiture**

**10-5** If a person is convicted of a contravention of this Act or the regulations, the convicting court may order that any item, thing or conveyance seized in connection with the offence is forfeited to the Crown and is to be disposed of in a manner approved by the minister.

2019, cA-20.01, s.10-5.

**Administrative penalty**

**10-6(1)** The minister may assess a penalty in the prescribed amount against a prescribed person, or prescribed class of persons, for prescribed contraventions of this Act, the regulations or an order made pursuant to this Act.

(2) Before assessing a penalty, the minister shall provide to the person a written notice:

- (a) setting out the facts and circumstances that, in the minister's opinion, render the person liable to a penalty;
- (b) specifying the amount of the penalty that the minister considers appropriate in the circumstances; and
- (c) informing the person of the person's right to make representations to the minister.

- (3) No penalty is to be assessed by the minister more than 2 years after the date on which the act or omission that renders the person liable to a penalty first came to the knowledge of the minister.
- (4) A person to whom written notice is sent pursuant to subsection (2) may make representations to the minister respecting whether or not a penalty should be assessed and the amount of any penalty.
- (5) Representations pursuant to subsection (4) must be made within 30 days after the person received the notice pursuant to subsection (2).
- (6) After considering any representations, the minister may:
- (a) assess a penalty and set a date by which the penalty is to be paid in full; or
  - (b) determine that no penalty should be assessed.
- (7) The minister shall serve a copy of the minister's decision pursuant to subsection (6) on the person who made the representations.
- (8) The minister may file in the Court of Queen's Bench a certificate signed by the minister and setting out:
- (a) the amount of the penalty assessed pursuant to subsection (6); and
  - (b) the person from whom the penalty is to be recovered.
- (9) A certificate filed pursuant to this section has the same force and effect as if it were a judgment obtained in the Court of Queen's Bench for the recovery of a debt in the amount set out in the certificate, together with reasonable costs and charges with respect to its filing.
- (10) The minister may assess a penalty pursuant to this section notwithstanding that the facts and circumstances giving rise to the penalty arose due to the actions of an employee, helper, contractor or agent of the person required to pay the penalty.

2019, cA-20.01, s.10-6.

**Appeal to Court of Queen's Bench re administrative penalty**

- 10-7(1)** Any person aggrieved by a decision of the minister to impose a penalty pursuant to section 10-6 may appeal that decision on a question of law to a judge of the Court of Queen's Bench within 30 days after the date of service of the minister's decision.
- (2) The record of an appeal pursuant to subsection (1) consists of:
- (a) the minister's decision;
  - (b) any written representations made to the minister by the person named;
  - (c) the notice of appeal commencing the appeal;
  - (d) any other prescribed documents or material; and
  - (e) any other material that the Court of Queen's Bench may require.



(3) On hearing an appeal pursuant to this section, the judge of the Court of Queen's Bench may issue an order:

- (a) confirming the penalty;
- (b) amending the amount of the penalty; or
- (c) quashing the minister's decision to assess a penalty.

2019, cA-20.01, s.10-7.

## PART 11 General

### Immunity

**11-1(1)** No action or proceeding lies or shall be commenced against the Crown in right of Saskatchewan, the minister, any inspector, any person lawfully accompanying an inspector, any officer, employee or agent of the Crown in right of Saskatchewan or any other person engaged in the administration of this Act if that person is acting pursuant to the authority of this Act or the regulations, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order made pursuant to this Act or any duty imposed by this Act or the regulations.

(2) No action or other proceeding lies or shall be commenced against any person for making a report pursuant to section 3-3 in good faith to the chief veterinary officer.

2019, cA-20.01, s.11-1.

### Recovery of certain amounts

**11-2** Any amount or expense required by this Act to be paid by the Government of Saskatchewan for providing a service or for doing any other thing required by this Act that is not paid as required by this Act is a debt due to and recoverable from the person who is required to pay by the Crown in right of Saskatchewan and may be recovered in the manner authorized by *The Financial Administration Act, 1993* or in any other manner authorized by law.

2019, cA-20.01, s.11-2.

## PART 12 Regulations

### Regulations

**12-1(1)** The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) for the purposes of the definition of "animal by-product" in section 1-2, prescribing any other substance or thing as an animal by-product;

- (c) for the purposes of the definition of “animal product” in section 1-2, prescribing any other material as an animal product;
- (d) for the purposes of clause 2-2(2)(c), prescribing other qualifications that the chief veterinary officer must possess;
- (e) respecting the establishment and administration of animal health programs;
- (f) respecting the establishment and implementation of biosecurity measures for general disease control and for specific diseases;
- (g) respecting the establishment and implementation of disease control measures for the purpose of protecting animal and public health;
- (h) for the purposes of section 2-7, respecting health status designations;
- (i) prescribing identification that must be carried by an inspector;
- (j) for the purposes of Division 1 of Part 3:
  - (i) prescribing reportable diseases for the purposes of section 3-1 and notifiable diseases for the purposes of section 3-2, including authorizing the minister to designate reportable and notifiable diseases and specifying the manner in which any diseases that are designated must be made known to the public;
  - (ii) for the purposes of section 3-1, prescribing other purposes for which implementation of preventive, control or eradication measures with respect to reportable diseases is required;
  - (iii) for the purposes of section 3-2, prescribing other purposes for which monitoring of notifiable diseases or other action is required;
  - (iv) for the purposes of sections 3-3 and 3-4, respecting the reporting of reportable and notifiable diseases to the chief veterinary officer;
- (k) respecting the inspection by inspectors of:
  - (i) places, premises and conveyances and animals, animal products, animal by-products, agricultural inputs, food, fomites, waste material and other things at, in or on those places, premises or conveyances;
  - (ii) for the purposes of section 3-8, prescribing other circumstances in which an inspector may exercise powers to inspect;
  - (iii) any activities being carried out pursuant to a licence or permit issued pursuant to this Act or the regulations;
- (l) for the purposes of section 4-6, prescribing the manner of service;
- (m) respecting the destruction and disposal of animals and of animal products, animal by-products, agricultural inputs, food, fomites, waste material, conveyances or other things;

- (n) for the purposes of section 4-12, prescribing circumstances in which compensation may be paid, reduced or refused, the amount of compensation that may be paid, the manner of determining the amount of compensation that may be paid and other matters with respect to which the payment of compensation may be authorized;
- (o) for the purposes of section 4-18, respecting the possession of imported animals that have a reportable or notifiable disease or carry or may carry a disease-causing agent for a reportable or notifiable disease;
- (p) for the purposes of section 4-19, prescribing chemicals, toxic substances or other deleterious substances and respecting the sale of animals that have been exposed to those substances;
- (q) for the purposes of section 6-1, respecting the licensing of persons or establishments that sell or distribute veterinary drugs;
- (r) respecting the sale, purchase, advertising, distribution, use, storage, handling and disposal of veterinary drugs;
- (s) prescribing fees that may be charged for the issuance of licences and permits and for other prescribed programs or prescribed services provided pursuant to this Act or the regulations;
- (t) respecting forms, including forms for applications for licences and permits;
- (u) for the purposes of section 7-2:
  - (i) respecting information that may be collected by the minister pursuant to subsection 7-2(1) and prescribing other information that the minister may collect;
  - (ii) respecting purposes for which information collected pursuant to subsection 7-2(1) may be used by the minister;
  - (iii) respecting the purposes for which a person responsible for an animal and other prescribed persons may use information disclosed to them;
  - (iv) prescribing other persons to whom information may be disclosed;
  - (v) prescribing other purposes for which the minister may use and disclose information;
- (v) for the purposes of section 8-1:
  - (i) prescribing other persons who must keep records in accordance with this Act and the regulations;
  - (ii) prescribing the types of records to be kept;
  - (iii) respecting how records are to be kept;
  - (iv) respecting the period for which records must be kept;

- (w) for the purposes of section 9-1:
    - (i) respecting the establishment or continuation of a traceability system, including the establishment or continuation of a premises identification system;
    - (ii) respecting the identification of animals, animal products, animal by-products and conveyances that transport animals, animal products and animal by-products for the purposes of a traceability system;
    - (iii) prescribing other information that may be included in a traceability system;
  - (x) respecting administrative penalties, including:
    - (i) prescribing the contraventions of this Act, the regulations or an order made pursuant to this Act for which a penalty may be assessed; and
    - (ii) prescribing the amount of an administrative penalty and, for that purpose, may prescribe different amounts for different contraventions;
  - (y) respecting measures to prevent animals from running at large and respecting animals running at large;
  - (z) with respect to any matter regulated pursuant to this Act:
    - (i) adopting, as amended from time to time or otherwise, all or any part of any relevant code or standard;
    - (ii) amending for the purposes of this Act or the regulations a code or standard adopted pursuant to subclause (i); and
    - (iii) requiring compliance with a code or standard adopted pursuant to subclause (i);
  - (aa) exempting an animal, animal product or animal by-product or any class of animal, animal product or animal by-product from the application of all or part of this Act;
  - (bb) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
  - (cc) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.
- (2) If a code or standard is adopted by regulation pursuant to this section, the minister shall ensure that the code or standard is made available on the ministry's website and in any other manner that the minister considers appropriate.

## ANIMAL HEALTH

cA-20.01

## PART 13

**Repeal and Coming into Force****RSS 1978, c D-30 repealed****13-1** *The Diseases of Animals Act* is repealed.

2019, cA-20.01, s.13-1.

**Coming into force****13-2** This Act comes into force on proclamation.

2019, cA-20.01, s.13-2.

