

C-136.

Second Session, Twenty-Seventh Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-136.

An Act concerning the Termination of Pregnancy by
Registered Medical Practitioners.

First reading, June 16, 1967.

Mr. HERRIDGE.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1967

2nd Session, 27th Parliament, 16 Elizabeth II, 1967.

THE HOUSE OF COMMONS OF CANADA.

BILL C-136.

An Act concerning the Termination of Pregnancy by Registered Medical Practitioners.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short title.

1. This Act may be cited as the *Termination of Pregnancy Act*.

5

Termination of pregnancy.

2. (1) Notwithstanding anything in the *Criminal Code* or any other Act of the Parliament of Canada, a person shall not be guilty of an offence of killing an unborn child or of procuring a miscarriage when a pregnancy is terminated by a registered medical practitioner if that practitioner and another registered medical practitioner are of the opinion, formed in good faith

(a) (i) that the continuance of the pregnancy would involve risk to the life or of injury to the physical or mental health of the pregnant woman or the future well-being of herself and or the child or her other children;

(ii) in determining whether or not there is such risk of injury to health or well-being account may be taken of the patient's total environment actual or reasonably foreseeable; or

(b) that there is a substantial risk that if the child were born it would suffer from such physical or mental abnormalities as to be seriously handicapped.

(2) Any treatment for the termination of pregnancy must be carried out in a hospital or place approved for the purposes of this section by the Minister of National Health and Welfare or by provincial authority as the case may be.

5

Rules.

3. (1) The Minister of National Health and Welfare shall make rules to provide

- (a) for requiring any such opinion as is referred in section 2 of this Act to be certified by the practitioners or practitioner concerned in such form and at such time as may be prescribed by the regulations, and for requiring the preservation and disposal of certificates made for the purposes of the regulations;
- (b) for requiring any registered medical practitioner who terminates a pregnancy to give notice of the termination and such other information relating to the termination as may be prescribed;
- (c) for prohibiting the disclosure, except to such persons or for such purposes as may be so prescribed, of notices given or information furnished pursuant to the regulations;

Proviso.

provided that such rules shall cease to have effect in a Province whenever corresponding or other rules have been promulgated by the Lieutenant-Governor in Council.

25

Notification.

(2) The information furnished in pursuance of regulations under subsection (1) of this section shall be notified solely to the Deputy Minister of National Health and Welfare or to the corresponding provincial Deputy Minister as the case may be.

30

Contra-
vention.

(3) Any person who wilfully contravenes or wilfully fails to comply with the requirements of regulations under subsection (1) of this section shall be liable on summary conviction to a fine not exceeding two hundred dollars.

Conscientious
objection to
operation.

4. No doctor, nurse, hospital employee nor any other person shall be under any duty, nor shall they in any circumstances be required, to participate in any operation authorised by this Act to which they have a conscientious objection, provided that in any civil or criminal action the burden of proof of conscientious objection shall rest on the person claiming it.

40

EXPLANATORY NOTES

The question of the termination of pregnancy has been the object of extensive study in the last few years and also of legislation in several countries.

Recently, in the United Kingdom, a Bill has been introduced to amend and clarify the law relating to termination of pregnancy by registered medical practitioners.

The present Bill is inspired by its British counterpart and is for the purpose of allowing medical termination of pregnancy, in certain cases, under the surveillance of medical and governmental authorities.