[Français](http://www.ontario.ca/fr/lois/loi/18f03)

Forensic Laboratories Act, 2018

[S.o.](https://www.ontario.ca/laws/statute/S18003" \l "sched8s1) 2018, chapter 3  
Schedule 8

**Consolidation Period:** From January 1, 2024 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

No amendments.

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Definitions

**1** In this Act,

“Minister” means such member of the Executive Council as may be assigned the administration of this Act under the Executive Council Act; (“ministre”)

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

Forensic laboratory accreditation

Application

**2** (1)  This section applies to a test in a prescribed category of test that is requested,

(a) for the purpose of legal proceedings;

(b) for some other legal purpose; or

(c) pursuant to an order of a court or other lawful authority.

Accreditation requirement

(2)  No person shall, in a laboratory, conduct a test to which this section applies, unless,

(a) the laboratory is accredited, by an accrediting body prescribed by the regulations, to a prescribed general standard; and

(b) if the test is a prescribed test, the laboratory is accredited, by an accrediting body prescribed by the regulations, to a prescribed standard for that test.

Same

(3)  A person who operates a laboratory shall ensure that no test is conducted in the laboratory in violation of subsection (2).

Information to provide when test results are provided

Application

**3** (1)  This section applies to a person who operates a laboratory,

(a) in which a test is conducted to which section 2 applies; or

(b) from which test results are provided that,

(i) are the results of a test that was conducted in the laboratory for the purpose of diagnosis, prevention or treatment, and

(ii) are requested,

(A) for the purpose of legal proceedings,

(B) for some other legal purpose, or

(C) pursuant to an order of a court or other lawful authority.

Information to provide and form

(2)  The person to whom this section applies shall ensure that the prescribed information in the prescribed form is provided whenever,

(a) test results in respect of a test referred to in clause (1) (a) are provided from their laboratory; or

(b) test results referred to in clause (1) (b) are provided from their laboratory.

Centralized information

**4** The Minister may make available to the public the following information concerning laboratories that are accredited to a prescribed general standard referred to in clause 2 (2) (a), and about any other laboratories in which the Minister believes a test to which section 2 applies may have been conducted:

1. The name, location and contact information of the laboratory.

2. The laboratory’s accrediting body.

3. The type of tests that the laboratory is accredited for and the tests performed at the laboratory.

4. The history of compliance with the requirements of the accrediting body, including the laboratory’s current status with respect to those requirements.

5. Information about convictions and sentences under this Act.

6. Information about how to access other information about the laboratory, including how to access that information online.

7. Prescribed information.

Advisory committee

**5** The Minister may,

(a) establish an advisory committee to advise the Minister on the exercise of his or her powers and the performance of his or her duties, functions and responsibilities under this Act;

(b) appoint the members of the committee, and designate one member as chair and one or more members as vice-chair; and

(c) determine the terms of reference of the committee.

Inspections

Appointment of inspectors

**6** (1)  The Minister may appoint, in writing, one or more persons as inspectors for the purposes of this Act.

Certificate of appointment

(2)  The Minister shall issue every inspector appointed under subsection (1) a certificate of appointment and every inspector, in the execution of his or her duties under this section, shall produce the certificate of appointment upon request.

Inspections

(3)  For the purpose of determining whether this Act is being complied with, an inspector may, without a warrant, enter and inspect a laboratory.

Time of entry

(4)  The power under this section to enter and inspect without a warrant may be exercised only during the regular business hours of the laboratory.

Dwellings

(5)  The power to enter and inspect under this section shall not be exercised to enter and inspect a dwelling.

Use of force

(6)  An inspector is not entitled to use force to enter and inspect a laboratory.

Powers of inspector

(7)  An inspector conducting an inspection may,

(a) examine records or anything else that is relevant to the inspection;

(b) demand the production of a record or any other thing that is relevant to the inspection;

(c) remove a record or any other thing that is relevant to the inspection for review;

(d) remove a record or any other thing that is relevant to the inspection for copying;

(e) in order to produce a record in readable form, use data storage, information processing or retrieval devices or systems that are normally used in carrying on business in the laboratory;

(f) take photographs or make any other kind of recording; and

(g) question a person on matters relevant to the inspection.

Written demand

(8)  A demand under this section that a record or any other thing be produced must be in writing and must include a statement of the nature of the record or thing required.

Obligation to produce and assist

(9)  If an inspector demands that a record or other thing be produced under this section, the person who has custody of the record or thing shall produce it and, in the case of a record, shall on request provide any assistance that is reasonably necessary to interpret the record or to produce it in a readable form.

Records and things removed from laboratory

(10)  A record or other thing that has been removed for review or copying,

(a) shall be made available to the person from whom it was removed on request and at a time and place that are convenient for the person and for the inspector; and

(b) shall be returned to the person within a reasonable time.

Copy admissible in evidence

(11)  A copy of a record or other thing that purports to be certified by an inspector as being a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value.

Obstruction

(12)  No person shall hinder, obstruct or interfere with or attempt to hinder, obstruct or interfere with an inspector conducting an inspection, refuse to answer questions on matters relevant to the inspection or provide the inspector with false information on matters relevant to the inspection.

Personal information in records

(13)  For greater certainty, a reference to a record in this section includes a record that contains personal information as defined in the Freedom of Information and Protection of Privacy Act or personal health information as defined in the Personal Health Information Protection Act, 2004.

Warrant

**7** (1)  A justice of the peace may issue a warrant authorizing an inspector named in the warrant to enter a laboratory specified in the warrant and to exercise any of the powers mentioned in subsection 6 (7), if the justice of the peace is satisfied on information under oath that,

(a) the inspector has been prevented from exercising a right of entry to the premises under subsection 6 (3) or has been prevented from exercising a power under subsection 6 (7); or

(b) there are reasonable grounds to believe that the inspector will be prevented from exercising a right of entry to the premises under subsection 6 (3) or will be prevented from exercising a power under subsection 6 (7).

Expiry of warrant

(2)  A warrant issued under this section shall name a date on which it expires, which shall be no later than 30 days after the warrant is issued.

Extension of time

(3)  A justice of the peace may extend the date on which a warrant issued under this section expires for an additional period of no more than 30 days, upon application without notice by the inspector named in the warrant.

Use of force

(4)  An inspector named in a warrant issued under this section may use whatever force is necessary to execute the warrant and may call upon a police officer for assistance in executing the warrant.

Time of execution

(5)  A warrant issued under this section may be executed only between 8 a.m. and 8 p.m., unless the warrant specifies otherwise.

Other matters

(6)  Subsections 6 (2) and (7) to (13) apply with necessary modifications to an inspector executing a warrant under this section.

Offences

Unaccredited testing

**8** (1)  Every person who contravenes subsection 2 (2) is guilty of an offence and on conviction is liable,

(a) in the case of a first offence, to a fine of not more than $25,000; or

(b) in the case of a second or subsequent offence, to a fine of not more than $50,000.

Fail to comply with information requirements

(2)  Every person who fails to comply with section 3 is guilty of an offence and on conviction is liable to a fine of not more than $5,000.

Obstruct or disobey inspector

(3)  Every person who fails to comply with subsection 6 (9) or (12) is guilty of an offence and on conviction is liable,

(a) in the case of a first offence, to a fine of not more than $25,000; or

(b) in the case of a second or subsequent offence, to a fine of not more than $50,000.

Evidence

**9** Sections 2 and 3 do not modify any common law or statutory rule relating to the admissibility of evidence.

Crown bound

**10** This Act binds the Crown.

Regulations

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**11** (1)  The Lieutenant Governor in Council may make regulations,

(a) specifying laboratories, legal proceedings, legal purposes, orders, persons or entities with respect to which section 2 or 3 applies or does not apply;

(b) requiring a person who operates a laboratory to provide information that relates to the accreditation of the laboratory to the Minister;

(c) providing for such other matters as the Lieutenant Governor in Council considers advisable to carry out the purpose of this Act.

Minister

(2)  The Minister may make regulations,

(a) prescribing categories of tests, accrediting bodies, general standards, tests and standards for prescribed tests, for the purpose of section 2;

(b) prescribing information for the purpose of section 3 and prescribing requirements for the form in which that information must be presented;

(c) prescribing information for the purpose of paragraph 7 of section 4.

Incorporation by reference

(3)  A regulation made under clause (2) (a) may incorporate a standard, in whole or in part, and with such changes as the Minister considers necessary, as the standard may be amended or remade.

12 Omitted (provides for coming into force of provisions of this Act).

13Omitted (enacts short title of this Act).

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