[Français](http://www.ontario.ca/fr/lois/loi/22p11)

Personal Protective Equipment Supply and Production Act, 2022

[S.o.](http://www.ontario.ca/laws/statute/S22011" \l "sched4s3) 2022, chapter 11  
Schedule 5

**Consolidation Period:** From April 14, 2022 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Note: THIS ACT IS NOT YET IN FORCE. It comes into force on a day to be named by proclamation of the Lieutenant Governor.

No amendments.

Interpretation

**1** In this Act,

“critical supplies and equipment” means supplies and equipment that are not worn, are primarily used to detect, prevent and minimize exposure to hazards that may cause injuries or illness and that are prescribed for the purposes of this definition; (“fournitures et matériel essentiels”)

“government entity” means,

(a) the Crown in right of Ontario, including any ministry of the Government of Ontario,

(b) a public body within the meaning of the Public Service of Ontario Act, 2006,

(c) the Independent Electricity System Operator, and

(d) Ontario Power Generation Inc. and each of its subsidiaries; (“entité gouvernementale”)

“Minister” means the Minister of Government and Consumer Services or such other member of the Executive Council as may be assigned administration of this Act under the Executive Council Act; (“ministre”)

“Ministry” means the ministry of the Minister; (“ministère”)

“personal protective equipment” means equipment used or worn to minimize exposure to hazards that may cause injury or illness and that is prescribed for the purpose of this definition; (“équipement de protection individuelle”)

“prescribed” means prescribed by regulation; (“prescrit”)

“public sector entity” means an entity in the public sector that is prescribed for the purposes of this definition; (“entité du secteur public”)

“regulation” means a regulation under this Act; (“règlement”)

“supply chain management” means the broad range of activities related to the procurement of personal protective equipment and critical supplies and equipment, including,

(a) planning and sourcing,

(b) setting standards and specifications,

(c) conducting market research,

(d) developing procurement policy,

(e) determining procurement methodologies,

(f) coordinating and conducting procurements,

(g) controlling logistics and inventory,

(h) managing information systems,

(i) coordinating the actions of government entities, public sector entities and other entities and furthering those entities’ collaboration,

(j) overseeing resources,

(k) arranging project financing,

(l) managing contracts and relationships,

(m) receiving and responding to complaints,

(n) disposing of surplus assets, and

(o) carrying out a prescribed activity. (“gestion de la chaîne d’approvisionnement”)

Requirement to maintain supply of PPE and CSE

**2** (1)  The Minister shall, in accordance with such requirements as may be prescribed, maintain a supply of personal protective equipment and critical supplies and equipment.

Prescribed requirements

(2)  The prescribed requirements referred to in subsection (1) may, for example, relate to,

(a) the quantity of personal protective equipment or critical supplies and equipment that must be maintained;

(b) the quality, standards or specifications that the personal protective equipment or critical supplies and equipment must satisfy;

(c) the reliability of the supply of personal protective equipment or critical supplies and equipment that must be maintained; or

(d) the security of the supply of personal protective equipment or critical supplies and equipment that is obtained.

Supply chain management, government entities and public sector entities

**3** (1)  The Minister may provide notice to a government entity or a public sector entity stating that the Minister will provide or support supply chain management in respect of personal protective equipment and critical supplies and equipment, on behalf of the entity on a specified date.

Government entity to obtain supply chain management

(2)  An entity that receives a notice described in subsection (1) shall obtain the supply chain management from the Minister on and after the date specified in the notice.

Notice

(3)  The notice given under subsection (1) shall specify,

(a) the personal protective equipment or critical supplies and equipment to which the supply chain management will relate; and

(b) such arrangements to transition from the entity procuring its own personal protective equipment or critical supplies and equipment to obtaining supply chain management from the Minister.

Same, publicly accessible

(4)  The Minister shall ensure that every notice given under subsection (1) is publicly accessible on a Government of Ontario website.

Supply chain management, other entities

**4** The Minister may provide or support supply chain management in respect of personal protective equipment and critical supplies and equipment on behalf of an entity that is not a government entity or public sector entity if,

(a) the Minister determines that doing so would not negatively impact the provision or support of supply chain management for government entities or public sector entities; and

(b) the Minister and the entity enter into an agreement with respect to supply chain management.

Supply chain management, individuals

**5** The Minister may provide or support supply chain management in respect of personal protective equipment and critical supplies and equipment on behalf of an individual if the Minister determines that doing so would not negatively impact the provision or support of supply chain management for government entities or public sector entities.

Policies re prioritization

**6** (1)  The Minister may establish policies governing how the Minister will prioritize the supply of personal protective equipment and critical supplies and equipment among government entities, public sector entities, other entities and individuals.

Publication of policies

(2)  Any policy made under subsection (1) shall be made available to the public on a website of the Government of Ontario.

Vendor performance standards and practices

**7** An entity for whom supply chain management is provided or supported under section 3 or 4 shall comply with regulations requiring it to implement specified vendor performance standards and practices.

Reporting requirements

**8** An entity for whom supply chain management is provided or supported under section 3 or 4 shall comply with such reporting requirements as required by the regulations.

Deemed part of agreement

**9** Every obligation of a public sector entity under this Act is deemed to be an obligation it is required to comply with under the terms of every agreement or other funding arrangement between the entity and the Crown in right of Ontario or between the entity and an agency of the Crown in right of Ontario.

Supply chain management contractors

**10** A government entity or public sector entity that contracts with a third party supply chain manager shall ensure that the contract requires the supply chain manager to comply with any requirement imposed under this Act on the government entity or public sector entity, with any necessary modifications.

Annual report

**11** (1)  The Minister shall publish an annual report on,

(a) the supply of personal protective equipment and critical supplies and equipment that the Minister maintains under section 2; and

(b) the Minister’s supply chain management activities in respect of personal protective equipment and critical supplies and equipment in the previous year.

Prescribed information

(2)  The annual report shall include,

(a) information about the quantity and origin of production of the personal protective equipment and critical supplies and equipment that the Minister maintains under section 2; and

(b) such other information as may be prescribed.

Delegation

**12** (1)  The Minister may, in writing, delegate a power or duty granted or vested in the Minister under this Act to the Deputy Minister of the Ministry, any public servant who works in the Ministry or to any Crown agency for which the Minister is responsible, subject to the terms and conditions that the Minister sets out in the delegation.

Object and duty

(2)  If the Minister delegates a power or duty under subsection (1) to a Crown agent that is a corporation, it is an object and duty of the corporation to carry out that power or duty.

Commercial information, etc.

**13** A disclosure of information in compliance with the regulations referred to in sections 7 and 8 is deemed not to contravene the provisions of an agreement that purports to restrict or prohibit the disclosure of information.

Fees

**14** The Minister may establish and charge fees to recover the costs of any goods or services that are provided by the Minister under this Act, including any costs incurred in providing or supporting supply chain management for an entity.

Reselling personal protective equipment or critical supplies and equipment

**15** No person shall sell or offer to sell any personal protective equipment or critical supplies and equipment that the person obtained,

(a) as a result of supply chain management provided by the Minister; and

(b) without charge or payment of a fee.

Offence

**16** (1)  A person who contravenes section 15 is guilty of an offence and on conviction is liable,

(a) in the case of an individual, to a fine of not less than $100 and not more than $20,000; and

(b) in the case of a corporation, to a fine of not less than $20,000 and not more than $250,000.

Limitation period

(2)  No prosecution shall be commenced under this section more than two years after the date on which the offence was committed or alleged to have been committed.

Regulations

**17** The Lieutenant Governor in Council may make regulations governing anything that, in this Act, is required or permitted to be prescribed or that is required or permitted to be done by, or in accordance with, the regulations.

18Omitted (amends, repeals or revokes other legislation).

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

20Omitted (enacts short title of this Act).

\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Français](http://www.ontario.ca/fr/lois/loi/22p11)

[Back to top](#Top)