[Français](http://www.ontario.ca/fr/lois/loi/90h20)

Gift of Life Act

R.S.O. 1990, Chapter H.20

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Definitions

**1** In this Act,

“Agency” means the corporation continued by section 3 of the Connecting Care Act, 2019; (“Agence”)

“consent” means a consent given under this Act; (“consentement”)

“designated facility” means a hospital, health facility or other entity designated as a member of a prescribed class of facilities under section 8.2; (“établissement désigné”)

“General Manager” means the General Manager appointed under the Health Insurance Act; (“directeur général”)

“hospital” means a hospital approved as a public hospital under the Public Hospitals Act; (“hôpital”)

“Minister” means the Minister of Health and Long-Term Care or such other member of the Executive Council as may be designated under the Executive Council Act to administer this Act; (“ministre”)

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

“personal information” includes personal information as defined in the Freedom of Information and Protection of Privacy Act and personal health information as defined in the Personal Health Information Protection Act, 2004; (“renseignements personnels”)

“physician” means a member of the College of Physicians and Surgeons of Ontario or another prescribed person; (“médecin”)

“prescribed” means prescribed by a regulation made under this Act; (“prescrit”)

“substitute” means, when used in relation to a patient, the person described in clause 5 (2) (a), (b), (c), (d), (e) or (f), as the case may be; (“remplaçant”)

“tissue” means a part of a living or dead human body and includes an organ but, unless otherwise prescribed by the Lieutenant Governor in Council, does not include bone marrow, spermatozoa, an ovum, an embryo, a foetus, blood or blood constituents; (“tissu”)

“transplant” as a noun means the removal of tissue from a human body, whether living or dead, and its implantation in a living human body, and in its other forms it has corresponding meanings; (“transplantation”)

“writing” for the purposes of Part II includes a will and any other testamentary instrument whether or not probate has been applied for or granted and whether or not the will or other testamentary instrument is valid. (“écrit”) R.S.O. 1990, c. H.20, s. 1; 1998, c. 18, Sched. G, s. 58; 2000, c. 39, s. 2; 2004, c. 3, Sched. A, s. 98 (1); 2019, c. 5, Sched. 3, s. 25 (2, 3); 2023, c. 4, Sched. 2, s. 3 (1).

**Section Amendments with date in force (d/m/y)**

1998, c. 18, Sched. G, s. 58 - 01/02/1999

[2000, c. 39, s. 2 (1)](http://www.ontario.ca/laws/statute/S00039" \l "s2s1) - 21/12/2000

[2004, c. 3, Sched. A, s. 98 (1)](http://www.ontario.ca/laws/statute/S04003" \l "schedas98s1) - 01/11/2004

[2019, c. 5, Sched. 3, s. 25 (2, 3)](http://www.ontario.ca/laws/statute/S19005" \l "sched3s25s2) - 02/04/2021

[2023, c. 4, Sched. 2, s. 3 (1)](http://www.ontario.ca/laws/statute/S23004" \l "sched2s3s1) - 24/07/2023

PART I  
INTER-VIVOS GIFTS FOR TRANSPLANTS

Transplants under Act are lawful

**2** A transplant from one living human body to another living human body may be done in accordance with this Act, but not otherwise. R.S.O. 1990, c. H.20, s. 2.

Consent for transplant

**3** (1)  Any person who has attained the age of sixteen years, is mentally competent to consent, and is able to make a free and informed decision may in a writing signed by the person consent to the removal forthwith from his or her body of the tissue specified in the consent and its implantation in the body of another living person. R.S.O. 1990, c. H.20, s. 3 (1).

Consent of person under age, etc.

(2)  Despite subsection (1), a consent given thereunder by a person who had not attained the age of sixteen years, was not mentally competent to consent, or was not able to make a free and informed decision is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it had not attained the age of sixteen years, was not mentally competent to consent, and was not able to make a free and informed decision, as the case may be. R.S.O. 1990, c. H.20, s. 3 (2).

Consent is full authority to proceed

(3)  A consent given under this section is full authority for any physician,

(a) to make any examination necessary to assure medical acceptability of the tissue specified therein; and

(b) to remove forthwith such tissue from the body of the person who gave the consent. R.S.O. 1990, c. H.20, s. 3 (3).

Stale consent void

(4)  If for any reason the tissue specified in the consent is not removed in the circumstances to which the consent relates, the consent is void. R.S.O. 1990, c. H.20, s. 3 (4).

PART II  
POST MORTEM GIFTS FOR TRANSPLANTS AND OTHER USES

Consent by person for use of his or her body after death

**4** (1)  Any person who has attained the age of sixteen years may consent,

(a) in a writing signed by the person at any time; or

(b) orally in the presence of a least two witnesses during the person’s last illness,

that the person’s body or the part or parts thereof specified in the consent be used after the person’s death for therapeutic purposes, medical education or scientific research. R.S.O. 1990, c. H.20, s. 4 (1).

Where donor under age

(2)  Despite subsection (1), a consent given by a person who had not attained the age of sixteen years is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it had not attained the age of sixteen years. R.S.O. 1990, c. H.20, s. 4 (2).

Consent is full authority, exception

(3)  Upon the death of a person who has given a consent under this section, the consent is binding and is full authority for the use of the body or the removal and use of the specified part or parts for the purpose specified, except that no person shall act upon a consent given under this section if the person has reason to believe that it was subsequently withdrawn. R.S.O. 1990, c. H.20, s. 4 (3).

Consent by other persons

**5** (1)  In this section,

“spouse” means a person,

(a) to whom the person is married, or

(b) with whom the person is living or, immediately before the person’s death, was living in a conjugal relationship outside marriage, if the two persons,

(i) have cohabited for at least one year,

(ii) are together the parents of a child, or

(iii) have together entered into a cohabitation agreement under section 53 of the Family Law Act. R.S.O. 1990, c. H.20, s. 5 (1); 1999, c. 6, s. 29 (1); 2005, c. 5, s. 70 (1, 2).

Consent by spouse, etc., for use of body after death

(2)  Where a person who has not given or cannot give a consent under section 4 dies, or in the opinion of a physician is incapable of giving a consent by reason of injury or disease and the person’s death is imminent,

(a) the person’s spouse; or

(b) if none or if the spouse is not readily available, any one of the person’s children; or

(c) if none or if none is readily available, either one of the person’s parents; or

(d) if none or if neither is readily available, any one of the person’s brothers or sisters; or

(e) if none or if none is readily available, any other of the person’s next of kin; or

(f) if none or if none is readily available, the person lawfully in possession of the body other than, where the person died in hospital, the administrative head of the hospital,

may consent,

(g) in a writing signed by the spouse, relative or other person; or

(h) orally by the spouse, relative or other person in the presence of at least two witnesses; or

(i) by the telegraphic, recorded telephonic, or other recorded message of the spouse, relative or other person,

to the body or the part or parts thereof specified in the consent being used after death for therapeutic purposes, medical education or scientific research. R.S.O. 1990, c. H.20, s. 5 (2); 1999, c. 6, s. 29 (2); 2005, c. 5, s. 70 (3); 2016, c. 23, s. 73; 2021, c. 4, Sched. 11, s. 39.

Prohibition

(3)  No person shall give a consent under this section if the person has reason to believe that the person who died or whose death is imminent would have objected. R.S.O. 1990, c. H.20, s. 5 (3).

Consent is full authority, exceptions

(4)  Upon the death of a person in respect of whom a consent was given under this section the consent is binding and is, subject to section 6, full authority for the use of the body or for the removal and use of the specified part or parts for the purpose specified except that no person shall act on a consent given under this section if the person has actual knowledge of an objection thereto by the person in respect of whom the consent was given or by a person of the same or closer relationship to the person in respect of whom the consent was given than the person who gave the consent. R.S.O. 1990, c. H.20, s. 5 (4).

Consent is full authority, personal information

(4.1)  The authority to give consent under this section includes the authority to consent to the collection, use or disclosure of personal information that is necessary for, or ancillary to, a decision about the gift. 2004, c. 3, Sched. A, s. 98 (2).

Person lawfully in possession of body, exceptions

(5)  In subsection (2), person lawfully in possession of the body does not include,

(a) the Chief Coroner or a coroner in possession of the body for the purposes of the Coroners Act;

(b) the Public Guardian and Trustee in possession of the body for the purpose of its burial under the Crown Administration of Estates Act;

(c) an embalmer or funeral director in possession of the body for the purpose of its burial, cremation or other disposition; or

(d) the superintendent of a crematorium in possession of the body for the purpose of its cremation. R.S.O. 1990, c. H.20, s. 5 (5).

**Section Amendments with date in force (d/m/y)**

1999, c. 6, s. 29 (1, 2) - 01/03/2000

[2004, c. 3, Sched. A, s. 98 (2)](http://www.ontario.ca/laws/statute/S04003" \l "schedas98s2) - 01/11/2004

[2005, c. 5, s. 70 (1-3)](http://www.ontario.ca/laws/statute/S05005" \l "s70s1) - 09/03/2005

[CTS 30 AU 10 - 1](https://www.ontario.ca/laws/consolidated-statutes-change-notices)

[2016, c. 23, s. 73](http://www.ontario.ca/laws/statute/S16023" \l "s73) - 05/12/2016

[2021, c. 4, Sched. 11, s. 39 (1, 2)](http://www.ontario.ca/laws/statute/S21004" \l "sched11s39s1) - 19/04/2021

Coroner’s direction

**6** Where, in the opinion of a physician, the death of a person is imminent by reason of injury or disease and the physician has reason to believe that section 10 of the Coroners Act may apply when death does occur and a consent under this Part has been obtained for a post mortem transplant of tissue from the body, a coroner having jurisdiction, despite the fact that death has not yet occurred, may give such directions as the coroner thinks proper respecting the removal of such tissue after the death of the person, and every such direction has the same force and effect as if it had been made after death under section 11 of the Coroners Act. R.S.O. 1990, c. H.20, s. 6.

Determination of death

**7** (1)  For the purposes of a post mortem transplant, the fact of death shall be determined by at least two physicians in accordance with accepted medical practice. R.S.O. 1990, c. H.20, s. 7 (1).

Prohibition

(2)  No physician who has had any association with the proposed recipient that might influence the physician’s judgment shall take any part in the determination of the fact of death of the donor. R.S.O. 1990, c. H.20, s. 7 (2); 2000, c. 39, s. 3.

Idem

(3)  No physician who took any part in the determination of the fact of death of the donor shall participate in any way in the transplant procedures. R.S.O. 1990, c. H.20, s. 7 (3).

Exception

(4)  Nothing in this section in any way affects a physician in the removal of eyes for cornea transplants. R.S.O. 1990, c. H.20, s. 7 (4).

**Section Amendments with date in force (d/m/y)**

[2000, c. 39, s. 3](http://www.ontario.ca/laws/statute/S00039" \l "s3) - 27/02/2001

Where specified use fails

**8** Where a gift under this Part cannot for any reason be used for any of the purposes specified in the consent, the subject-matter of the gift and the body to which it belongs shall be dealt with and disposed of as if no consent had been given. R.S.O. 1990, c. H.20, s. 8.

PArt II.1  
Designated Facilities – Routine Notification and Required Consent

Notice of death, imminent death

**8.1** (1)  A designated facility shall notify the Agency as soon as possible when a patient at the facility has died or a physician is of the opinion that the death of a patient at the facility is imminent by reason of injury or disease. 2000, c. 39, s. 4; 2019, c. 5, Sched. 3, s. 25 (4).

Exception

(2)  Despite subsection (1), a designated facility is not required to notify the Agency if the Agency has established requirements that set out circumstances in which notice is not required and those circumstances exist. 2000, c. 39, s. 4; 2019, c. 5, Sched. 3, s. 25 (4).

Information in notice

(3)  The designated facility shall give a notice in accordance with such requirements as may be established by the Agency and the notice must include the information required by the Agency. 2000, c. 39, s. 4; 2019, c. 5, Sched. 3, s. 25 (4).

Determination

(4)  When the designated facility gives notice to the Agency, the Agency shall determine whether the facility is required to contact the patient or the patient’s substitute concerning consent for tissue donation, and shall make the determination in consultation with the facility. 2000, c. 39, s. 4; 2019, c. 5, Sched. 3, s. 25 (4).

Query about consent

(5)  If the Agency advises the designated facility that it is required to contact the patient or the patient’s substitute, the facility shall make reasonable efforts to ensure that,

(a) the patient or the patient’s substitute is contacted to determine whether he or she consents to the removal of tissue from the body of the patient for transplant; and

(b) the contact is made in a manner that meets the requirements of the Agency and by a person who meets such requirements as may be prescribed by the Minister. 2000, c. 39, s. 4; 2019, c. 5, Sched. 3, s. 25 (4).

Information exchange

(6)  The person who contacts the patient or the patient’s substitute shall give to the patient or substitute the information required by the Agency and shall make reasonable efforts to obtain from him or her the information required by the Agency. 2000, c. 39, s. 4; 2019, c. 5, Sched. 3, s. 25 (4).

(7)  Spent: 2000, c. 39, s. 4.

**Section Amendments with date in force (d/m/y)**

[2000, c. 39, s. 4](http://www.ontario.ca/laws/statute/S00039" \l "s4) - 09/01/2006

[2019, c. 5, Sched. 3, s. 25 (4)](http://www.ontario.ca/laws/statute/S19005" \l "sched3s25s4) - 02/04/2021

Classes of facilities

**8.2** (1)  The Minister may prescribe classes of facilities for the purposes of this Act. 2000, c. 39, s. 4.

Members of class

(2)  The Minister may, by regulation, designate any of the following entities as a member of a prescribed class of facilities:

1. A hospital.

2. A health facility.

3. Another entity engaged in activities related to tissue donations or transplants. 2000, c. 39, s. 4.

Confidentiality agreement

(3)  Each designated facility, other than a hospital, is required to enter into an agreement with the Minister governing the confidentiality of personal information that is collected, used or disclosed by the facility for the purposes of this Act. 2000, c. 39, s. 4.

**Section Amendments with date in force (d/m/y)**

[2000, c. 39, s. 4](http://www.ontario.ca/laws/statute/S00039" \l "s4) - 09/01/2006

Designated facilities: committees and officials

Committees, designated facilities

**8.3** (1)  A designated facility shall establish such committees as may be prescribed by the Minister, and the duties of the committees shall include such matters as the Minister may prescribe. 2000, c. 39, s. 4.

Officials

(2)  A designated facility shall designate such persons to perform such duties as may be required by the Agency. 2000, c. 39, s. 4; 2019, c. 5, Sched. 3, s. 25 (4).

Eligibility

(3)  A person is not eligible to be designated under subsection (2) unless he or she meets such requirements as may be established by the Agency. 2000, c. 39, s. 4; 2019, c. 5, Sched. 3, s. 25 (4).

**Section Amendments with date in force (d/m/y)**

[2000, c. 39, s. 4](http://www.ontario.ca/laws/statute/S00039" \l "s4) - 09/01/2006

[2019, c. 5, Sched. 3, s. 25 (4)](http://www.ontario.ca/laws/statute/S19005" \l "sched3s25s4) - 02/04/2021

Policies and procedures

**8.4** (1)  Every designated facility shall establish such policies and procedures as may be required by the Agency, and they must meet the requirements established by the Agency. 2000, c. 39, s. 4; 2019, c. 5, Sched. 3, s. 25 (4).

Public inspection

(2)  Every designated facility shall make the policies and procedures it establishes under this Act available for public inspection. 2000, c. 39, s. 4.

Compliance

(3)  Every designated facility shall make reasonable efforts to ensure that it follows the policies and procedures it establishes under this Act. 2000, c. 39, s. 4.

**Section Amendments with date in force (d/m/y)**

[2000, c. 39, s. 4](http://www.ontario.ca/laws/statute/S00039" \l "s4) - 09/01/2006

[2019, c. 5, Sched. 3, s. 25 (4)](http://www.ontario.ca/laws/statute/S19005" \l "sched3s25s4) - 02/04/2021

Agency requirements

**8.5**(1)  The Agency may establish requirements that one or more designated facilities are required to comply with for the purposes of this Act. 2019, c. 5, Sched. 3, s. 25 (6).

Compliance with requirements

(2)  Every designated facility shall make reasonable efforts to ensure that it follows such requirements that apply to it as may be established by the Agency. 2019, c. 5, Sched. 3, s. 25 (6).

Public inspection

(3)  The Agency shall make details of its requirements established under this Act available for public inspection. 2019, c. 5, Sched. 3, s. 25 (6).

**Section Amendments with date in force (d/m/y)**

[2000, c. 39, s. 4](http://www.ontario.ca/laws/statute/S00039" \l "s4) - 09/01/2006

[2019, c. 5, Sched. 3, s. 25 (6)](http://www.ontario.ca/laws/statute/S19005" \l "sched3s25s6) - 02/04/2021

Minister’s directions

**8.6** (1)  The Minister may issue directions to a designated facility on matters relating to the exercise of the facility’s rights and powers and the performance of its duties under this Act. 2000, c. 39, s. 4.

Compliance, directions

(2)  A designated facility that receives a direction under subsection (1) shall comply with the direction. 2000, c. 39, s. 4.

**Section Amendments with date in force (d/m/y)**

[2000, c. 39, s. 4](http://www.ontario.ca/laws/statute/S00039" \l "s4) - 09/01/2006

Part II.2 (s. 8.7-8.16) Repealed: 2019, c. 5, Sched. 3, s. 25 (8)

**8.7** Repealed: 2019, c. 5, Sched. 3, s. 25 (8).

**Section Amendments with date in force (d/m/y)**

[2000, c. 39, s. 5](http://www.ontario.ca/laws/statute/S00039" \l "s5) - 27/02/2001

[2010, c. 15, s. 246 (1)](http://www.ontario.ca/laws/statute/S10015" \l "s246s1) - no effect - see [2019, c. 5, Sched. 3, s. 27](http://www.ontario.ca/laws/statute/S19005" \l "sched3s27) - 18/04/2019

[2019, c. 5, Sched. 3, s. 25 (8)](http://www.ontario.ca/laws/statute/S19005" \l "sched3s25s8) - 02/04/2021

**8.8, 8.9** Repealed: 2019, c. 5, Sched. 3, s. 25 (8).

**Section Amendments with date in force (d/m/y)**

[2000, c. 39, s. 5](http://www.ontario.ca/laws/statute/S00039" \l "s5) - 27/02/2001

[2019, c. 5, Sched. 3, s. 25 (8)](http://www.ontario.ca/laws/statute/S19005" \l "sched3s25s8) - 02/04/2021

**8.10** Repealed: 2019, c. 5, Sched. 3, s. 25 (8).

**Section Amendments with date in force (d/m/y)**

[2000, c. 39, s. 5](http://www.ontario.ca/laws/statute/S00039" \l "s5) - 27/02/2001

[2019, c. 5, Sched. 3, s. 25 (7)](http://www.ontario.ca/laws/statute/S19005" \l "sched3s25s7) - 18/04/2019; [2019, c. 5, Sched. 3, s. 25 (8)](http://www.ontario.ca/laws/statute/S19005" \l "sched3s25s8) - 02/04/2021

**8.11** Repealed: 2019, c. 5, Sched. 3, s. 25 (8).

**Section Amendments with date in force (d/m/y)**

[2000, c. 39, s. 5](http://www.ontario.ca/laws/statute/S00039" \l "s5) - 27/02/2001

[2019, c. 5, Sched. 3, s. 25 (8)](http://www.ontario.ca/laws/statute/S19005" \l "sched3s25s8) - 02/04/2021

**8.12** Repealed: 2019, c. 5, Sched. 3, s. 25 (8).

**Section Amendments with date in force (d/m/y)**

[2000, c. 39, s. 5](http://www.ontario.ca/laws/statute/S00039" \l "s5) - 27/02/2001

[2006, c. 21, Sched. F, s. 136 (1)](http://www.ontario.ca/laws/statute/S06021" \l "schedfs136s1) - 25/07/2007

[2019, c. 5, Sched. 3, s. 25 (8)](http://www.ontario.ca/laws/statute/S19005" \l "sched3s25s8) - 02/04/2021

**8.13** Repealed: 2019, c. 5, Sched. 3, s. 25 (8).

**Section Amendments with date in force (d/m/y)**

[2000, c. 39, s. 5](http://www.ontario.ca/laws/statute/S00039" \l "s5) - 27/02/2001

[2019, c. 5, Sched. 3, s. 25 (8)](http://www.ontario.ca/laws/statute/S19005" \l "sched3s25s8) - 02/04/2021

**8.14** Repealed: 2019, c. 5, Sched. 3, s. 25 (8).

**Section Amendments with date in force (d/m/y)**

[2000, c. 39, s. 5](http://www.ontario.ca/laws/statute/S00039" \l "s5) - 27/02/2001

[2004, c. 8, s. 46, Table](http://www.ontario.ca/laws/statute/S04008" \l "s46s1) -1/11/2005

[2019, c. 5, Sched. 3, s. 25 (8)](http://www.ontario.ca/laws/statute/S19005" \l "sched3s25s8) - 02/04/2021

**8.15** Repealed: 2019, c. 5, Sched. 3, s. 25 (8).

**Section Amendments with date in force (d/m/y)**

[2000, c. 39, s. 5](http://www.ontario.ca/laws/statute/S00039" \l "s5) - 27/02/2001

[2017, c. 34, Sched. 46, s. 54](http://www.ontario.ca/laws/statute/S17034" \l "sched46s54) - 01/01/2018

[2019, c. 5, Sched. 3, s. 25 (8)](http://www.ontario.ca/laws/statute/S19005" \l "sched3s25s8) - 02/04/2021

**8.15.1** Repealed: 2019, c. 5, Sched. 3, s. 25 (8).

**Section Amendments with date in force (d/m/y)**

[2017, c. 34, Sched. 46, s. 54](http://www.ontario.ca/laws/statute/S17034" \l "sched46s54) - 01/01/2018

[2019, c. 5, Sched. 3, s. 25 (8)](http://www.ontario.ca/laws/statute/S19005" \l "sched3s25s8) - 02/04/2021

**8.16** Repealed: 2019, c. 5, Sched. 3, s. 25 (8).

**Section Amendments with date in force (d/m/y)**

[2000, c. 39, s. 5](http://www.ontario.ca/laws/statute/S00039" \l "s5) - 27/02/2001

[2004, c. 3, Sched. A, s. 98 (3)](http://www.ontario.ca/laws/statute/S04003" \l "schedas98s3) - 01/11/2004

[2019, c. 5, Sched. 3, s. 25 (8)](http://www.ontario.ca/laws/statute/S19005" \l "sched3s25s8) - 02/04/2021

PART II.3  
aDMINISTRATION

Reports

**8.17** (1)  The Minister may request the Agency, a designated facility or another person to submit such reports and information that relate to tissue donations and transplants as the Minister may require for purposes relating to tissue donations and transplants. 2000, c. 39, s. 6; 2019, c. 5, Sched. 3, s. 25 (4).

Compliance

(2)  A person who receives a request from the Minister for information shall comply with the request within the time specified by the Minister and shall submit the report or information to the Ministry or to such other person as may be requested by the Minister. 2000, c. 39, s. 6.

**Section Amendments with date in force (d/m/y)**

[2000, c. 39, s. 6](http://www.ontario.ca/laws/statute/S00039" \l "s6) - 27/02/2001

[2019, c. 5, Sched. 3, s. 25 (4)](http://www.ontario.ca/laws/statute/S19005" \l "sched3s25s4) - 02/04/2021

Inspectors and inspection

Inspectors

**8.18** (1)  The Minister may appoint inspectors for the purposes of determining compliance with this Act. 2000, c. 39, s. 6.

Inspection

(2)  For the purpose of determining compliance with this Act, an inspector may, without a warrant, enter and inspect the premises of designated facilities and the Agency. 2000, c. 39, s. 6; 2019, c. 5, Sched. 3, s. 25 (4).

Restrictions

(3)  In an appointment, the Minister may restrict the inspector’s powers of entry and inspection to specified premises. 2000, c. 39, s. 6.

Time of entry

(4)  The power to enter and inspect a place without a warrant may be exercised only during the regular business hours of the premises or, during daylight hours if there are no regular business hours. 2000, c. 39, s. 6.

Identification

(5)  An inspector conducting an inspection shall produce, on request, evidence of his or her appointment. 2000, c. 39, s. 6.

Powers of inspector

(6)  An inspector conducting an inspection may,

(a) examine a record or other thing that is relevant to the inspection;

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

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

(d) 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 on the premises; and

(e) question a person on matters relevant to the inspection. 2000, c. 39, s. 6.

Written demand

(7)  A demand that a record or other thing be produced for inspection must be in writing and must include a statement of the nature of the record or thing required. 2000, c. 39, s. 6.

Obligation to produce and assist

(8)  If an inspector demands that a record or other thing be produced for inspection, 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. 2000, c. 39, s. 6.

Records and things removed from place

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

(a) shall be made available to the person from whom it was removed, for review and copying, 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. 2000, c. 39, s. 6.

Copy admissible in evidence

(10)  A copy of a record 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. 2000, c. 39, s. 6.

Obstruction

(11)  No person shall 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 information, on matters relevant to the inspection, that the person knows to be false or misleading. 2000, c. 39, s. 6.

Report to the Minister

(12)  An inspector shall report to the Minister on the results of each inspection. 2000, c. 39, s. 6.

Personal information

(13)  Any personal information acquired by any person in the course of an inspection is the property of the Ministry and shall be deemed to be under the control of the Ministry for the purposes of the Freedom of Information and Protection of Privacy Act or the Personal Health Information Protection Act, 2004. 2000, c. 39, s. 6; 2004, c. 3, Sched. A, s. 98 (4).

**Section Amendments with date in force (d/m/y)**

[2000, c. 39, s. 6](http://www.ontario.ca/laws/statute/S00039" \l "s6) - 27/02/2001

[2004, c. 3, Sched. A, s. 98 (4)](http://www.ontario.ca/laws/statute/S04003" \l "schedas98s4) - 01/11/2004

[2019, c. 5, Sched. 3, s. 25 (4)](http://www.ontario.ca/laws/statute/S19005" \l "sched3s25s4) - 02/04/2021

Personal information

**8.19** (1)  Subject to such conditions as may be prescribed by the Minister, the Minister, the General Manager and the Agency may directly or indirectly collect personal information about individuals for a purpose related to tissue donations or transplants. 2000, c. 39, s. 6; 2019, c. 5, Sched. 3, s. 25 (4).

Use of information

(2)  Subject to such conditions as may be prescribed by the Minister, the Minister, the General Manager and the Agency may use personal information that is in his, her or its custody or under his, her or its control for a purpose related to tissue donations or transplants. 2000, c. 39, s. 6; 2019, c. 5, Sched. 3, s. 25 (4).

Purpose for which information obtained

(3)  For the purposes of the Freedom of Information and Protection of Privacy Act, personal information used by the Minister, the General Manager or the Agency for a purpose related to tissue donations or transplants shall be deemed to have been obtained or compiled for that purpose or for a consistent purpose. 2000, c. 39, s. 6; 2019, c. 5, Sched. 3, s. 25 (4).

Disclosure by designated facility

(4)  A designated facility shall disclose personal information about an individual to the Agency, the Minister or the General Manager, as the case may be, if the designated facility is of the opinion that the disclosure is necessary for a purpose related to tissue donations or transplants and shall not disclose the information if the facility is of the opinion that the disclosure is not necessary for that purpose. 2000, c. 39, s. 6; 2019, c. 5, Sched. 3, s. 25 (4).

Same

(5)  Despite subsection (4), a designated facility shall disclose personal information about an individual to the Agency, the Minister or the General Manager, as the case may be, if,

(a) the disclosure is required by the Agency, the Minister or the General Manager, as the case may be, for a purpose the Agency, the Minister or the General Manager, as the case may be, considers related to tissue donations or transplants; or

(b) the disclosure is required by the Agency as part of the information included in a notice under subsection 8.1 (3). 2000, c. 39, s. 6; 2019, c. 5, Sched. 3, s. 25 (4).

Disclosure by Agency, etc.

(6)  Subject to subsection (7), the Agency or a person prescribed by the Minister shall disclose personal information about an individual to any of the following persons for a purpose related to tissue donations or transplants:

1. A designated facility.

2. An employee of the Ministry.

3. A physician.

4. A person or class of persons prescribed by the Minister. 2000, c. 39, s. 6; 2019, c. 5, Sched. 3, s. 25 (4).

Conditions

(7)  A disclosure under subsection (6) shall be made only if,

(a) such conditions as may be prescribed by the Minister have been met; and

(b) the person making the disclosure is of the opinion that the disclosure is necessary for a purpose related to tissue donations or transplants. 2000, c. 39, s. 6.

Exception

(8)  No disclosure shall be made under subsection (6) if the person who would otherwise make the disclosure is of the opinion that the disclosure is not necessary for a purpose related to tissue donations or transplants. 2000, c. 39, s. 6.

Disclosure to Minister, etc.

(9)  Despite subsections (7) and (8), the Agency or a person prescribed by the Minister shall disclose personal information about an individual to the Minister or to the General Manager if the Minister or the General Manager, as the case may be, requires the personal information for a purpose he or she considers to be related to tissue donations or transplants. 2000, c. 39, s. 6; 2019, c. 5, Sched. 3, s. 25 (4).

Disclosure by Minister, General Manager

(10)  The Minister or the General Manager, as the case may be, shall disclose personal information to a person described in paragraph 1, 2, 3 or 4 of subsection (6) or to the Agency if, in the opinion of the Minister or the General Manager, as the case may be, the disclosure is necessary for a purpose related to tissue donations or transplants and if all of the conditions prescribed by the Minister have been met. 2000, c. 39, s. 6; 2019, c. 5, Sched. 3, s. 25 (4).

Restriction

(11)  Despite subsection (10), the Minister or the General Manager shall not disclose the information referred to in that subsection if, in the opinion of the Minister or the General Manager, as the case may be, the disclosure is not necessary for such a purpose. 2000, c. 39, s. 6.

**Section Amendments with date in force (d/m/y)**

[2000, c. 39, s. 6](http://www.ontario.ca/laws/statute/S00039" \l "s6) - 27/02/2001

[2019, c. 5, Sched. 3, s. 25 (4)](http://www.ontario.ca/laws/statute/S19005" \l "sched3s25s4) - 02/04/2021

Agreements

**8.20** (1)  The Agency, the Minister or the General Manager may enter into agreements with other persons to collect, use or disclose personal information for any purpose related to tissue donations or transplants. 2000, c. 39, s. 6; 2019, c. 5, Sched. 3, s. 25 (4).

Confidentiality

(2)  An agreement under subsection (1) shall provide that personal information collected, used or disclosed under it is confidential and shall establish mechanisms for maintaining the confidentiality of the information. 2000, c. 39, s. 6.

**Section Amendments with date in force (d/m/y)**

[2000, c. 39, s. 6](http://www.ontario.ca/laws/statute/S00039" \l "s6) - 27/02/2001

[2019, c. 5, Sched. 3, s. 25 (4)](http://www.ontario.ca/laws/statute/S19005" \l "sched3s25s4) - 02/04/2021

Deletion of names, etc.

**8.21** Before disclosing personal information about an individual that is obtained under this Act or under an agreement, the person who obtained it shall delete from it all names and identifying numbers, symbols or other particulars assigned to individuals unless disclosure of the names or other identifying information,

(a) is necessary for a purpose related to tissue donations or transplants;

(b) is authorized under the Freedom of Information and Protection of Privacy Act; or

(c) is otherwise authorized at law. 2000, c. 39, s. 6.

**Section Amendments with date in force (d/m/y)**

[2000, c. 39, s. 6](http://www.ontario.ca/laws/statute/S00039" \l "s6) - 27/02/2001

PART III  
GENERAL

Immunity

**9** (1)  No action or other proceeding for damages or otherwise shall be instituted against any of the following individuals for any act done or performed in good faith in the performance or intended performance of any duty or function or in the exercise or intended exercise of any power or authority under this Act or for any neglect, default or omission in the performance or execution in good faith of any duty, function, power or authority under this Act:

1. A member of the medical or other staff of a designated facility.

2. Any other person employed in a designated facility.

3. Repealed: 2019, c. 5, Sched. 3, s. 25 (9).

2002, c. 18, Sched. I, s. 20; 2019, c. 5, Sched. 3, s. 25 (9).

(2)  Repealed: 2019, c. 5, Sched. 3, s. 25 (10).

**Section Amendments with date in force (d/m/y)**

[2000, c. 39, s. 7](http://www.ontario.ca/laws/statute/S00039" \l "s7) - 27/02/2001

[2002, c. 18, Sched. I, s. 20](http://www.ontario.ca/laws/statute/S02018" \l "schedis20) - 26/11/2002

[2019, c. 5, Sched. 3, s. 25 (9, 10)](http://www.ontario.ca/laws/statute/S19005" \l "sched3s25s9) - 02/04/2021; [2019, c. 7, Sched. 17, s. 168](http://www.ontario.ca/laws/statute/S19007" \l "sched17s168) - 01/07/2019

Sale, etc., of tissue prohibited

**10** (1)  No person shall buy, sell or otherwise deal in, directly or indirectly, for a valuable consideration, any tissue for a transplant, or any body or part or parts thereof, for therapeutic purposes, medical education or scientific research, and any such dealing is invalid as being contrary to public policy. R.S.O. 1990, c. H.20, s. 10; 2014, c. 14, Sched. 1, s. 15 (1).

Blood

(2)  Despite anything else in this Act or the regulations, blood and blood constituents shall not be considered to be tissue or part of a body for the purposes of subsection (1). 2014, c. 14, Sched. 1, s. 15 (2).

Voluntary Blood Donations Act, 2014

(3)  Subsection (2) shall not be construed as authorizing anything that is prohibited by the Voluntary Blood Donations Act, 2014. 2014, c. 14, Sched. 1, s. 15 (2).

**Section Amendments with date in force (d/m/y)**

[2014, c. 14, Sched. 1, s. 15 (1, 2)](http://www.ontario.ca/laws/statute/S14014" \l "sched1s15s1) - 11/12/2014

Disclosure of information

**11** (1)  Except where legally required, no person shall disclose or give to any other person any information or document whereby the identity of any person,

(a) who has given or refused to give a consent;

(b) with respect to whom a consent has been given; or

(c) into whose body tissue has been, is being or may be transplanted,

may become known publicly. R.S.O. 1990, c. H.20, s. 11 (1).

Exception

(2)  Where the information or document disclosed or given pertains only to the person who disclosed or gave the information or document, subsection (1) does not apply. R.S.O. 1990, c. H.20, s. 11 (2).

Offence

**12** Every person who knowingly contravenes any provision of this Act is guilty of an offence and on conviction is liable to a fine of not more than $1,000 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1990, c. H.20, s. 12.

*Coroners Act* not affected

**13** Except as provided in section 6, nothing in this Act affects the operation of the Coroners Act. R.S.O. 1990, c. H.20, s. 13.

Regulations, Lieutenant Governor in Council

**14** The Lieutenant Governor in Council may make regulations,

(a) prescribing persons for the purposes of the definition of a “physician” in section 1;

(b) providing that the definition of “tissue” in section 1 includes one or more of the following: bone marrow, spermatozoa, an ovum, an embryo, a foetus, blood or blood constituents. 2023, c. 4, Sched. 2, s. 3 (2).

**Section Amendments with date in force (d/m/y)**

[2000, c. 39, s. 8](http://www.ontario.ca/laws/statute/S00039" \l "s8) - 27/02/2001

[2023, c. 4, Sched. 2, s. 3 (2)](http://www.ontario.ca/laws/statute/S23004" \l "sched2s3s2) - 24/07/2023

Regulations, Minister

**15** (1)  The Minister may make regulations,

(a) prescribing those things that are required or permitted to be prescribed by the Minister or to be done by the Minister by regulation;

(b) prescribing limitations or restrictions on the rights, powers and privileges of the Agency under this Act. 2000, c. 39, s. 8; 2019, c. 5, Sched. 3, s. 25 (11).

Classes

(2)  A regulation may establish different entitlements, requirements or conditions relating to each prescribed class of facilities. 2000, c. 39, s. 8.

Exemptions

(3)  A regulation may exempt a designated facility or a class of facilities from the application of a specified provision of this Act or a specified provision of a regulation. 2000, c. 39, s. 8.

Restriction, person who contacts a patient or substitute

(4)  The Minister shall consult with the Agency before prescribing requirements for the purposes of clause 8.1 (5) (b). 2000, c. 39, s. 8; 2019, c. 5, Sched. 3, s. 25 (4).

**Section Amendments with date in force (d/m/y)**

[2000, c. 39, s. 8](http://www.ontario.ca/laws/statute/S00039" \l "s8) - 27/02/2001

[2010, c. 15, s. 246 (2)](http://www.ontario.ca/laws/statute/S10015" \l "s246s2) - no effect - see [2019, c. 5, Sched. 3, s. 27](http://www.ontario.ca/laws/statute/S19005" \l "sched3s27) - 18/04/2019

[2019, c. 5, Sched. 3, s. 25 (4, 11)](http://www.ontario.ca/laws/statute/S19005" \l "sched3s25s11) - 02/04/2021

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