

C-123.

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

THE HOUSE OF COMMONS OF CANADA.

BILL C-123.

An Act to amend the Criminal Code
(Birth Control).

First reading, May 30, 1967.

Mr. WAHN.

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

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An Act to amend the Criminal Code
(Birth Control).

1953-54, cc. 51,
52;
1955, cc. 2, 45;
1956, c. 48,
ss. 19, 20;
1957-58, c. 28;
1958, c. 18;
1959, cc. 40,
41;
1960, c. 37;
c. 45, s. 21;
1960-61, cc.
21, 42, 43, 44;
1962-63, c. 4;
1963, c. 8;
1964-65, c. 22,
s. 10, cc. 35,
53; 1966-67,
c. 23,
c. 25, s. 45.

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

1. The *Criminal Code* is amended by adding thereto, immediately after section 45, the following:

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Protection in certain cases of birth control.

“45A. No person shall be convicted of an offence under sections 209, 237 or 238 of this Act for terminating, or attempting or permitting or assisting in the termination of, a pregnancy or supplying or procuring anything for that purpose, if the pregnant woman requests termination of her pregnancy and the termination of such pregnancy is desirable in order to preserve the life or the mental or physical health of the pregnant woman and it takes place in an active treatment public hospital by or under the supervision of a duly qualified medical practitioner after consultation with and approval of the abortion committee established in such hospital, if such a committee has been established, or, if no such committee has been established, after consultation with and approval of at least one other qualified medical practitioner; provided, however, that if such pregnant woman is married, the consent of her husband shall be obtained, if he is reasonably available to give consent, and provided that if such pregnant woman is unmarried but is under the age of eighteen years, the consent of one of her parents or a guardian shall be obtained, if any such parent or guardian is reasonably available to give consent.

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2. Paragraph (c) of subsection (2) of section 150 of the said Act is repealed and the following substituted therefor:

“(c) advertises or publishes an advertisement (otherwise than in a publication primarily intended for circulation among members of the medical or nursing professions) of any means, instructions, medicine, drug or article intended or represented as a method of causing abortion or miscarriage, or”

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EXPLANATORY NOTES.

The purpose of this bill is to exclude criminal liability, in circumstances where there is no serious danger to the public interest, in respect of acts of birth control which more properly should be left to the individual conscience and to ecclesiastical and moral laws and not made the subject of criminal legislation.

Clause 1: This clause excludes criminal liability if a pregnancy is terminated for the purpose of preserving the life or the physical or mental health of the pregnant woman, subject to compliance with carefully prescribed safeguards.

Termination of pregnancy in such circumstances has been recommended in a Report to the Council of the Ontario Medical Association made by its Committee on Therapeutic Abortion which report has been approved by the Council of the Ontario Medical Association.

Clause 2: This clause repeals the prohibition on the distribution of birth control information or devices, but retains the prohibition against advertising (otherwise than in medical journals) articles designed to cause abortions or miscarriages.