

Mandatory Blood Testing Act -UPDATE

Changes to the [Mandatory Blood Testing Act](#) (MBTA) took effect on July 1, 2023 and include the following:

1. Improved process timelines
 - Shorten the time from when the Consent and Capacity Board (CCB) receives the application to the CCB's hearing from 7 days to 5 business days.
 - Shorten the time for respondents to comply with the CCB order from 7 to 2 business days.
 - Lengthened the time from exposure to application from 7 to 30 calendar days to allow applicants more time to decide whether to file an MBTA application.
2. Stricter enforcement
 - Mandatory 2-day voluntary process removed, though PHUs should still attempt to contact the respondent to see if they would voluntarily provide a blood sample (or other evidence of seropositivity).
 - Immediate referral of an application to the CCB.
 - Increased maximum penalties to \$10,000 for every day on which the offence occurs (up from \$5,000 per day) and added a term of up to 6 months imprisonment.
 - Provided express authority to the Superior Court to order police assistance in enforcing a testing order (e.g., police officer present during blood draw).
3. Improved applicant and respondent experience
 - Additional options for fulfilling identification requirements to provide a blood sample (e.g., for those unable to provide photo ID).
 - Option to use electronic notifications instead of courier (e.g., to notify applicants if a blood sample was not taken or if the sample was not analysed etc.).
 - Use of unique file numbers to more easily track application progress.
 - More inclusive language.
4. Forms have been updated and are now bilingual, electronic and AODA compliant
 - [Form 1 – Physician Report](#)
 - [Form 2 - Applicant Report](#)

What do these changes mean for the Applicant?

1. Timeline to submit a MBTA application has been extended to 30 days post-exposure
2. If all requirements are met, the application will be referred to the CCB immediately (note: applications received after-hours will be processed on the next business day)
3. Applications may not be accepted if submitted on an old form, ensure updated forms are used (see links above)