

Infectious Diseases (Amendment) Bill

Bill No. 5/2008.

Read the first time on 28th February 2008.

A BILL

intituled

An Act to amend the Infectious Diseases Act (Chapter 137 of the 2003 Revised Edition) and to make related amendments to the Biological Agents and Toxins Act (Chapter 24A of the 2006 Revised Edition) and the Requisition of Resources Act (Chapter 273 of the 1985 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Infectious Diseases (Amendment) Act 2008 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of section 2

2. Section 2 of the Infectious Diseases Act (referred to in this Act as the principal Act) is amended —

- (a) by deleting the words “and an Assistant Director of Medical Services” in the definition of “Director”;
- 10 (b) by deleting the definitions of “food establishment” and “Health Officer” and substituting the following definition:

“ “Health Officer” means a Health Officer appointed by the Director-General or the Director under section 4;”;
- (c) by deleting the word “germs” in the definition of “infected” and substituting the words “micro-organism or agent”;
- 15 (d) by deleting the words “19, 47, 55 and 73(1)(g)” in paragraph (b) of the definition of “infectious disease” and substituting the words “17, 17A, 19, 55, 57A and 59A”;
- (e) by deleting the words “19(2), 21(3), 25(1)(k), 26, 47, 52, 54 and 58(1)” in paragraph (a) of the definition of “Minister” and substituting the words “17A, 19(7) and (8), 21(6) and (7), 25(1)(k), 26, 47, 52, 54, 57A, 58(1) and 59A(1)(b)”;
- 20 (f) by inserting, immediately after the words “the environment” in paragraph (b) of the definition of “Minister”, the words “and water resources”; and
- 25 (g) by inserting, immediately after the definition of “Minister”, the following definition:

“ “minor” means a person who is below the age of 21 years;”.

30 Repeal and re-enactment of section 4

3. Section 4 of the principal Act is repealed and the following section substituted therefor:

“Health Officers

35 4.—(1) The Director-General or the Director may, subject to such conditions or restrictions as he thinks fit, appoint any —

- (a) public officer;
- (b) officer of any statutory body; or
- (c) employee of a prescribed institution,

to be a Health Officer for the purposes of this Act or any particular provision of this Act.

(2) The Director-General or the Director may, subject to such conditions or restrictions as he thinks fit, delegate to any Health Officer all or any of the powers conferred on him by this Act.”.

Repeal and re-enactment of section 7

4. Section 7 of the principal Act is repealed and the following section substituted therefor:

“Public health surveillance programmes, etc.

7.—(1) The Director may, from time to time, institute public health surveillance programmes or undertake epidemiological investigations or surveys of people, animals or vectors in order to determine the existence, prevalence or incidence, or to determine the likelihood of a possible outbreak, of —

- (a) any infectious disease; or
- (b) any other disease which the Minister, by notification in the *Gazette*, declares to be a disease to which this section applies.

(2) For the purpose of any public health surveillance programme, epidemiological investigation or survey under subsection (1), the Director may require any person —

- (a) to furnish him, within such time as he may specify, with —
 - (i) such information as he may require; and
 - (ii) any sample of any substance or matter in the possession or control of that person, whether taken pursuant to this Act or otherwise, as he may consider necessary or appropriate; and
- (b) to submit to such medical examination as he thinks fit.

(3) If a person who is required by the Director under subsection (2) to furnish the Director with any information or sample, or to submit to any medical examination, fails, without reasonable excuse, to do so, he shall be guilty of an offence.

(4) The Director may send any sample obtained under subsection (2)(a)(ii) for such test, examination or analysis as he may consider necessary or expedient.”.

Repeal and re-enactment of section 8

5 **5.** Section 8 of the principal Act is repealed and the following section substituted therefor:

“Medical examination and treatment

10 **8.**—(1) The Director may require any person who is, or is suspected to be, a case or carrier or contact of an infectious disease to submit to medical examination or medical treatment within or at such time, and at such place, as the Director may determine.

(2) For the purpose of subsection (1), the medical examination may include X-rays and the taking of the person’s blood and other body samples for testing and analysis.

15 (3) Where the person who is, or is suspected to be, a case or carrier or contact of an infectious disease is a minor, the Director may require the parent or guardian of the minor to have the minor medically examined or treated at such times and at such hospital or other place as the Director may determine.

20 (4) Any person who fails, without reasonable excuse, to comply with the requirement of the Director under this section shall be guilty of an offence.”.

Amendment of section 10

6. Section 10 of the principal Act is amended —

25 (a) by deleting the words “medical practitioner” in subsections (1)(a) and (b), (3) and (4) and substituting in each case the words “healthcare professional”;

(b) by deleting subsection (5) and substituting the following subsection:

30 “(5) In this section —

“clinical laboratory”, “healthcare establishment” and “medical clinic” have the same meanings as in the Private Hospitals and Medical Clinics Act (Cap. 248);

“healthcare professional” means —

35 (a) a medical practitioner;

- (b) a dentist registered under the Dental Registration Act (Cap. 76);
 - (c) a registered nurse or an enrolled nurse, or a registered midwife, within the meaning of the Nurses and Midwives Act (Cap. 209);
 - (d) a pharmacist registered under the Pharmacists Registration Act 2007 (Act 48 of 2007);
 - (e) a person registered under section 14 of the Traditional Chinese Medicine Practitioners Act (Cap. 333A) for the carrying out of any practice of traditional Chinese medicine prescribed under that Act; or
 - (f) any other person providing any other healthcare service in Singapore.”; and
- (c) by deleting the words “medical practitioners” in the section heading and substituting the words “healthcare professionals”.

Amendment of section 12

- 7.** Section 12(3) of the principal Act is amended by inserting, immediately after the words “the Director may”, the words “, without warrant and with such force as may be necessary,”.

Amendment of section 13

- 8.** The principal Act is amended by renumbering section 13 as subsection (1) of that section, and by inserting immediately thereafter the following subsections:

“(2) Any person who fails to comply with an order made by the Director under subsection (1) shall be guilty of an offence.

(3) Without prejudice to any proceedings under subsection (2), where an order made by the Director under subsection (1) has not been complied with, the Director, a Health Officer or a police officer may —

- (a) without warrant and with such force as may be necessary, enter the premises where the animal, food or water (as the case may be) is to be found; and
- (b) take or cause to be taken such measures as have been specified in the order for the destruction of the animal or the disposal of the food or water.

(4) The costs and expenses incurred by the Director or a Health Officer under subsection (3) shall be paid by the person in default and may be recovered as a debt due to the Government.”.

Amendment of section 15

5 **9.** Section 15 of the principal Act is amended by deleting subsection (3) and substituting the following subsections:

“(3) Where the person who is to be isolated under subsection (1) or (2) is a minor, the Director may order the parent or guardian of the minor —

- 10 (a) to take the minor, within the time specified in the order, to the place in which he is to be isolated; or
- (b) to ensure that the minor remains in isolation in his own dwelling place,

for such period of time and subject to such conditions as may be specified by the Director.

15 (4) Any person against whom an order under subsection (1) or (2) is made shall be guilty of an offence if he —

- 20 (a) fails, without reasonable excuse, to proceed to the place in which he is to be isolated within the time specified in the order;
- (b) without the permission of the Director, leaves or attempts to leave the place in which he is being isolated; or
- (c) fails, without reasonable excuse, to comply with any condition to which he is subject.

25 (5) Any person, being the parent or guardian of a minor, who fails, without reasonable excuse, to comply with an order of the Director under subsection (3) shall be guilty of an offence.”.

Amendment of section 16

30 **10.** Section 16 of the principal Act is amended by deleting subsection (2) and substituting the following subsections:

“(2) Where the person who is to undergo surveillance under subsection (1) is a minor, the Director may order the parent or guardian of the minor to have the minor undergo surveillance for such period of time and subject to such conditions as the Director thinks fit.

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(3) Any person subjected to surveillance by the Director under subsection (1) who fails, without reasonable excuse, to comply with any condition relating to his surveillance imposed by the Director shall be guilty of an offence.

5 (4) Any person, being the parent or guardian of a minor, who fails, without reasonable excuse, to comply with an order of the Director under subsection (2) shall be guilty of an offence.”.

Amendment of section 17

10 **11.** Section 17 of the principal Act is amended by deleting subsection (4) and substituting the following subsection:

“(4) A Health Officer or a police officer may take any action that is necessary to give effect to an order under subsection (3).”.

New section 17A

15 **12.** The principal Act is amended by inserting, immediately after section 17, the following section:

“Restricted zones during public health emergency

20 **17A.**—(1) If the Minister is satisfied that there is an outbreak or imminent outbreak of an infectious disease that poses a substantial risk of a significant number of human fatalities or incidents of serious disability in Singapore, he may, by order, declare a public health emergency.

25 (2) The Minister may, if it appears necessary or expedient for the securing of public health or safety during a public health emergency, by order declare the whole of or such area in Singapore to be a restricted zone and may in such order prohibit or restrict, subject to such conditions as he may think fit —

(a) the entry and stay of persons in any place, building or other premises (whether public or private) within the restricted zone; and

30 (b) the holding of, or the attendance of persons at, any public meeting, reception, procession or other gathering within the restricted zone.

35 (3) Subject to subsection (4), every order made under subsection (1) or (2) shall remain in force until it is revoked by the Minister or upon the expiration of 14 days from the date upon which it was made, whichever is the earlier.

(4) An order made under subsection (1) or (2) may be renewed by declaration of the Minister from time to time for such period, not exceeding 14 days at a time, as may be specified in the declaration.

5 (5) An order made under subsection (1) or (2) and a declaration of renewal made under subsection (4) shall be published in such manner as the Minister thinks necessary for bringing it to the notice of all persons who in his opinion ought to have notice thereof and shall have effect as soon as such notice has been given, without publication in the *Gazette*.

10 (6) A copy of every order made under subsection (1) or (2) and of every declaration of renewal made under subsection (4) shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after it has been made and if a resolution is passed by Parliament annulling the order or declaration, it shall cease to have effect, notwithstanding subsection (3) or (4) (whichever is applicable), but without prejudice to anything previously done by virtue thereof.

15 (7) Where an order referred to in subsection (2)(b) is in force, any public officer or officer of any statutory body who is authorised in writing by the Director (hereinafter referred to as an authorised person) or any police officer may direct the persons at any public meeting, reception, procession or other gathering within the restricted zone to disperse and it shall thereupon be the duty of the persons so directed to disperse accordingly.

20 (8) Any person who refuses or fails, without reasonable excuse, to comply with an order made under subsection (2) or with any direction given by an authorised person or a police officer under subsection (7) —

(a) shall be guilty of an offence; and

30 (b) may, without prejudice to any proceedings which may be taken against him, be arrested without warrant, and may be removed by an authorised person or a police officer from the place in respect of which the order or direction applies.”.

Amendment of section 18

35 **13.** Section 18 of the principal Act is amended by deleting subsection (2) and substituting the following subsections:

“(2) Any owner or occupier who fails to comply with a notice given to him by the Director under subsection (1) shall be guilty of an offence.

5 (3) When a building or any part thereof has been directed to be closed under subsection (1), any person who enters the building or any part thereof without the permission of the Director shall be guilty of an offence.

10 (4) Without prejudice to any proceedings under subsection (2), where a notice issued by the Director under subsection (1) has not been complied with, the Director, a Health Officer or a police officer may, without warrant and with such force as may be necessary, enter the building and take or cause to be taken such measures as are necessary to abate the overcrowding or to close the building or any part thereof, as specified in the notice.

15 (5) The costs and expenses incurred by the Director or a Health Officer under subsection (4) shall be paid by the owner or occupier in default and may be recovered as a debt due to the Government.

20 (6) Any person who is aggrieved by any direction of the Director as contained in a notice given to him under subsection (1) may, within 7 days from the date of the notice, appeal to the Minister whose decision shall be final.

25 (7) Notwithstanding that any appeal under subsection (6) is pending, a notice issued by the Director under subsection (1) shall take effect from the date specified by the Director, unless the Minister otherwise directs.”.

Repeal and re-enactment of section 19

14. Section 19 of the principal Act is repealed and the following section substituted therefor:

“Closure and disinfection of premises

30 **19.**—(1) If the Director has reason to believe that there exist on any premises conditions that are likely to lead to the outbreak or spread of any infectious disease, he may, by notice in writing —

(a) order the closure of the premises for a period not exceeding 14 days; or

35 (b) prohibit the sale or distribution of food or water in the premises for such period as may be specified in the notice,

and may require the owner or occupier of the premises to —

- (i) cleanse or disinfect the premises in the manner and within the time specified in the notice; or
- (ii) carry out such additional measures as the Director may require in the manner and within the time specified in the notice.

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(2) A notice under subsection (1)(a) directing the owner or the occupier of the premises to close the premises may be renewed by the Director from time to time for such period, not exceeding 14 days, as the Director may, by notice in writing, specify.

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(3) Subject to subsection (7), any person who fails to comply with a notice given to him by the Director under subsection (1) shall be guilty of an offence.

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(4) When any premises have been ordered to be closed under subsection (1)(a), any person who enters those premises without the permission of the Director shall be guilty of an offence.

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(5) Without prejudice to any proceedings under subsection (3), where a notice issued by the Director under subsection (1) has not been complied with, the Director, a Health Officer or a police officer may, without warrant and with such force as may be necessary, enter the premises to which the notice relates and close the premises or take or cause to be taken such measures as have been specified in the notice.

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(6) The costs and expenses incurred by the Director or a Health Officer under subsection (5) shall be paid by the person in default and may be recovered as a debt due to the Government.

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(7) Any person who is aggrieved by any order or requirement of the Director as contained in a notice given to him under subsection (1) may, within 7 days from the date of the notice, appeal to the Minister whose decision shall be final.

(8) Notwithstanding that any appeal under subsection (7) is pending, a notice issued by the Director under subsection (1) shall take effect from the date specified by the Director, unless the Minister otherwise directs.”.

Amendment of section 20

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15. Section 20 of the principal Act is amended —

- (a) by deleting the word “prohibit” in subsection (1) and substituting the words “by order prohibit or restrict, subject to such

conditions as he may think fit, for a period not exceeding 14 days.”;

(b) by inserting, immediately after subsection (1), the following subsection:

5 “(1A) An order under subsection (1) may be renewed by the Director from time to time for such period, not exceeding 14 days, as the Director may, by notice in writing, specify.”;

(c) by deleting the words “a prohibition” in subsection (2) and substituting the words “an order”;

10 (d) by inserting, immediately after subsection (2), the following subsections:

 “(3) A Health Officer or a police officer may take any action that is necessary to give effect to an order under subsection (1).

15 (4) Any person who is aggrieved by any order of the Director under subsection (1) may, within 7 days from the date of the order, appeal to the Minister whose decision shall be final.

 (5) Notwithstanding that any appeal under subsection (4) is pending, an order made by the Director under subsection (1) shall take effect from the date specified by the Director, unless
20 the Minister otherwise directs.”; and

(e) by inserting, immediately after the word “Prohibition” in the section heading, the words “or restriction”.

Amendment of section 21

25 **16.** Section 21 of the principal Act is amended by deleting subsections (3) and (4) and substituting the following subsections:

 “(3) Any person who fails to comply with an order made by the Director under subsection (1) or (2) shall be guilty of an offence.

30 (4) Without prejudice to any proceedings under subsection (3), where an order made by the Director under subsection (1) or (2) prohibiting any person from carrying on any occupation, trade or business has not been complied with by that person, the Director, a Health Officer or a police officer may, without warrant and with such force as may be necessary, enter the premises on which the occupation, trade or business is being carried out and take or cause to
35 be taken such measures as are necessary to close the premises.

(5) The costs and expenses incurred by the Director or a Health Officer under subsection (4) shall be paid by the person in default and may be recovered as a debt due to the Government.

5 (6) Any person who is aggrieved by any order or requirement of the Director as contained in an order made by the Director under subsection (1) or (2) may, within 7 days from the date of the order, appeal to the Minister whose decision shall be final.

10 (7) Notwithstanding that any appeal under subsection (6) is pending, an order made by the Director under subsection (1) or (2) shall take effect from the date specified by the Director, unless the Minister otherwise directs.”.

Amendment of section 22

15 **17.** Section 22(1) of the principal Act is amended by deleting the words “by a registered medical practitioner” in paragraph (a) and substituting the words “at such time and at such hospital or other place as the Director may determine”.

Repeal and re-enactment of section 23

18. Section 23 of the principal Act is repealed and the following section substituted therefor:

20 **“Sexual activity by person with AIDS or HIV Infection**

23.—(1) A person who knows that he has AIDS or HIV Infection shall not engage in any sexual activity with another person unless, before the sexual activity takes place —

25 (a) he has informed that other person of the risk of contracting AIDS or HIV Infection from him; and

(b) that other person has voluntarily agreed to accept that risk.

30 (2) A person who does not know that he has AIDS or HIV Infection, but who has reason to believe that he has, or has been exposed to a significant risk of contracting, AIDS or HIV Infection shall not engage in any sexual activity with another person unless —

(a) before the sexual activity takes place he informs that other person of the risk of contracting AIDS or HIV Infection from him and that other person voluntarily agrees to accept that risk;

(b) he has undergone the necessary serological or other test and has ascertained that he does not have AIDS or HIV Infection at the time of the sexual activity; or

5 (c) during the sexual activity, he takes reasonable precautions to ensure that he does not expose that other person to the risk of contracting AIDS or HIV Infection.

(3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding
10 10 years or to both.

(4) For the purposes of this section, a person shall not, only by reason of age, be presumed incapable of engaging in sexual activity.

(5) For the purposes of this section, a person shall be deemed to know that he has AIDS or HIV Infection if a serological test or other
15 test for the purpose of ascertaining the presence of HIV Infection carried out on him has given a positive result and the result has been communicated to him.

(6) No prosecution shall be instituted for an offence under subsection (2) except with the written consent of the Attorney-
20 General, but a person charged with such an offence may be arrested and be remanded in custody or released on bail notwithstanding that the consent of the Attorney-General to the institution of a prosecution for the offence has not been obtained, except that the case shall not be further prosecuted until that consent of the Attorney-General has been
25 obtained.

(7) In this section, “sexual activity” means —

(a) sexual activity occasioned by the introduction into the vagina, anus or mouth of any person of any part of the penis of another person; or

30 (b) cunnilingus.”.

Amendment of section 24

19. Section 24 of the principal Act is amended —

(a) by inserting, immediately after subsection (1), the following subsection:

35 “(1A) For the purposes of this section, a person shall be deemed to know that he has AIDS or HIV Infection if a serological test or other test for the purpose of ascertaining the

presence of HIV Infection carried out on him has given a positive result and the result has been communicated to him.”; and

- (b) by deleting the words “2 years” in subsection (2) and substituting the words “10 years”.

Amendment of section 25

20. Section 25 of the principal Act is amended —

- (a) by inserting, immediately after paragraph (b) of subsection (1), the following paragraph:

“(ba) when it is necessary to do so in connection with the provision of information to a police officer under section 22 or 121 of the Criminal Procedure Code (Cap. 68);”;

- (b) by inserting, immediately after the words “caring for” in subsection (1)(d), the words “, or counselling,”; and

- (c) by deleting “\$2,000” in subsection (2) and substituting “\$10,000”.

Amendment of section 31

21. Section 31 of the principal Act is amended —

- (a) by deleting the words “have been vaccinated” in subsection (1)(a) and substituting the words “have undergone vaccination or other prophylaxis”;

- (b) by inserting, immediately after the word “vaccination” in subsection (1)(b), the words “or other prophylaxis”;

- (c) by deleting the words “to be vaccinated” in subsection (2) and substituting the words “to undergo vaccination or other prophylaxis”; and

- (d) by inserting, immediately after the word “Vaccination” in the section heading, the words “and other prophylaxis”.

Amendment of heading to Part VI

22. Part VI of the principal Act is amended by inserting, immediately after the word “VACCINATION” in the Part heading, the words “AND OTHER PROPHYLAXIS”.

Amendment of section 46

23. Section 46(2) of the principal Act is amended by deleting the words “in the prescribed form”.

Amendment of section 47

5 24. Section 47 of the principal Act is amended —

- (a) by deleting the words “to be vaccinated” in subsections (1) and (2) and substituting in each case the words “to undergo vaccination or other prophylaxis”;
- 10 (b) by inserting, immediately after the word “vaccination” in subsection (3), the words “or other prophylaxis”; and
- (c) by deleting the section heading and substituting the following section heading:

“Power to order certain persons to undergo vaccination or other prophylaxis”.

15 **Amendment of section 48**

25. Section 48 of the principal Act is amended —

- (a) by deleting the words “or intradermal test” wherever they appear in subsections (1) and (2)(b);
- 20 (b) by inserting, immediately after the words “a nurse” in subsection (1), the words “or any other suitably trained person”; and
- (c) by deleting the words “and intradermal tests” in subsection (2)(a) and in the section heading.

Repeal of section 53

25 26. Section 53 of the principal Act is repealed.

Amendment of section 54

27. Section 54 of the principal Act is amended —

- (a) by deleting the words “intradermal test” and substituting the words “other prophylaxis”; and
- 30 (b) by deleting the words “intradermal tests” in the section heading and substituting the words “other prophylaxis”.

Amendment of section 55

28. Section 55 of the principal Act is amended —

(a) by deleting the words “the spread of any such infectious disease” in subsection (1) and substituting the words “a possible outbreak or the spread of an infectious disease”;

(b) by deleting paragraph (e) of subsection (1) and substituting the following paragraph:

“(e) require any person —

(i) to furnish any information within his knowledge;
or

(ii) to produce any book, document or other record which may be in his custody or possession for inspection by the Director or Health Officer and the making of copies thereof, or to provide the Director or Health Officer with copies of such book, document or other record,

and may, if necessary, further require such person to attend at a specified time and place for the purposes of complying with sub-paragraph (i) or (ii);”;

(c) by deleting the words “within the time specified in such notice” in subsection (1)(f) and substituting the words “within or at such time, and at such place, as may be specified in such notice”;

(d) by inserting, immediately after the words “suspected outbreak” in subsection (1)(g), the words “, or the transmission or suspected transmission, of an infectious disease”; and

(e) by inserting, immediately after subsection (8), the following subsection:

“(9) For the purposes of subsection (1)(e), where any document or record required by the Director or a Health Officer is kept in electronic form, then —

(a) the power of the Director or Health Officer to require such document or record to be produced for inspection includes the power to require a copy of the document or record to be made available for inspection in legible form; and

(b) the power of the Director or Health Officer to inspect such document or record includes the power to

require any person on the premises in question to give the Director or Health Officer such assistance as the Director or Health Officer may reasonably require to enable him to inspect and make copies of the document or record in legible form or to make records of the information contained therein.”.

New section 55A

29. The principal Act is amended by inserting, immediately after section 55, the following section:

“Powers of investigation

55A.—(1) For the purposes of an investigation into an offence punishable under this Act, any police officer, or any Health Officer who is authorised in writing in that behalf by the Director-General or the Director, may —

(a) require any person —

(i) to furnish any information within his knowledge; or

(ii) to produce any book, document or other record which may be in his custody or possession for inspection by the police officer or Health Officer and the making of copies thereof, or to provide the police officer or Health Officer with copies of such book, document or other record,

and may, if necessary, further require such person to attend at a specified time and place for the purposes of complying with sub-paragraph (i) or (ii); and

(b) at any time without warrant and with such force as may be necessary stop, board, enter, inspect and search any premises or conveyance, as the case may be, and take samples of or seize any substance or matter found on the premises or conveyance.

(2) A statement made by any person giving evidence under subsection (1)(a) —

(a) shall be reduced to writing and read over to him; and

(b) shall, after correction (if any), be signed by him.

(3) Any person who, without reasonable excuse —

(a) refuses or fails to comply with any requirement of a police officer or Health Officer under subsection (1); or

(b) refuses to answer or gives a false answer to any question put to him by a police officer or Health Officer,

shall be guilty of an offence.

(4) For the purposes of subsection (3), it is a reasonable excuse for a person to refuse or fail to furnish any information, produce any book, document or other record or answer any question if doing so might tend to incriminate him.

(5) For the purposes of subsection (1)(a)(i), where any document or record required by a police officer or Health Officer is kept in electronic form, then —

(a) the power of the police officer or Health Officer to require such document or record to be produced for inspection includes the power to require a copy of the document or record to be made available for inspection in legible form; and

(b) the power of the police officer or Health Officer to inspect such document or record includes the power to require any person on the premises in question to give the police officer or Health Officer such assistance as the police officer or Health Officer may reasonably require to enable him to inspect and make copies of the document or record in legible form or to make records of the information contained therein.”.

Repeal of sections 56 and 56A and re-enactment of section 56

30. Sections 56 and 56A of the principal Act are repealed and the following section substituted therefor:

“Powers of arrest

56.—(1) Any police officer, or any Health Officer authorised in writing in that behalf by the Director, may arrest without warrant any person committing or who he has reason to believe has committed any offence under section 11(1), 20(2), 21A(4), 23(3), 24(2) or 55(8).

(2) Subject to subsection (1), any police officer, or any Health Officer authorised in writing in that behalf by the Director-General or the Director, may arrest without warrant any person committing or

who he has reason to believe has committed any offence under this Act if —

- (a) the name and address of the person are unknown to him;
- (b) the person declines to give his name and address;
- 5 (c) the person gives an address outside Singapore; or
- (d) there is reason to doubt the accuracy of the name and address if given.

(3) Subject to subsection (7), any police officer, or any Health Officer authorised in writing in that behalf by the Director, may arrest
10 without warrant any person who —

- (a) being required to be isolated in any place under the provisions of this Act, has failed to proceed to that place or has left or attempted to leave that place; or
- 15 (b) being required to undergo or submit to any surveillance, medical examination or medical treatment under the provisions of this Act, has failed to undergo or submit to such surveillance, examination or treatment or comply with any condition relating to his surveillance.

(4) Any person arrested under subsection (2) shall, within 24 hours
20 from the arrest or immediately in the case of a person who gives his address as a place outside Singapore, be taken before a Magistrate's Court, unless before that time his true name and residence are ascertained, in which case he shall be immediately released on his executing a bond with or without sureties before a police officer not
25 below the rank of inspector for his appearance before a Magistrate's Court, if so required.

(5) Without prejudice to subsection (4), no person arrested shall be detained longer than is necessary for bringing him before a court unless the order of a court for his detention is obtained.

30 (6) The Director may issue any order under this Act for the isolation, surveillance, medical examination or medical treatment of a person arrested under subsection (3).

(7) Where a person who has failed to comply with any of the requirements referred to in subsection (3)(a) or (b) is unable to do so
35 by reason of his age or any infirmity of body or mind, the police officer or Health Officer may, instead of arresting that person, take such measures as he thinks fit —

- (a) in a case where that person is to be isolated —
- (i) to cause that person to be taken to the place where he is to be isolated; or
 - (ii) to ensure that the person remains in isolation in his own dwelling place,
- for such period of time and subject to such conditions as the Director thinks necessary for the protection of the public;
- (b) in a case where that person is to undergo surveillance, to cause that person to undergo surveillance for such period of time and subject to such conditions as the Director thinks necessary for the protection of the public; or
- (c) in a case where that person is to undergo medical examination or medical treatment, to cause that person to be medically examined or treated.
- (8) The measures referred to in subsection (7) may extend to —
- (a) the entry into any premises without a warrant; and
 - (b) the use of such force as may be necessary.”.

Repeal and re-enactment of section 57A

31. Section 57A of the principal Act is repealed and the following section substituted therefor:

“Disclosure of information to prevent spread or possible outbreak of infectious disease, etc.

57A.—(1) Subject to subsection (2), the Director may disclose any information obtained by him under this Act which identifies any person who is, or is suspected to be, a case or carrier or contact of an infectious disease —

- (a) to any person if such disclosure is necessary to enable that person to take the necessary measures to prevent the spread or possible outbreak of an infectious disease where —
 - (i) the infectious disease is one of the diseases set out in the Sixth Schedule; or
 - (ii) the Minister, having regard to the circumstances of the case, thinks that such disclosure is necessary and has given his approval in writing for the disclosure to be made; or

(b) to the World Health Organisation or a State Party to the World Health Organisation if such disclosure is necessary to comply with an international obligation of Singapore.

5 (2) The Director may, in disclosing any information to any person under subsection (1)(a)(i), impose such conditions as he thinks fit and the person to whom the information is disclosed shall comply with such conditions.

10 (3) The Minister may, in giving his approval for the disclosure of any information under subsection (1)(a)(ii), impose such conditions as he thinks fit and the person to whom the information is disclosed shall comply with such conditions.

15 (4) A person to whom the Director has disclosed any information under subsection (1)(a) may only disclose or use such information to the extent necessary for implementing any measure permitted by the Director for the purpose of preventing the spread or possible outbreak of that infectious disease, but not otherwise.

(5) Any person who —

(a) fails to comply with any condition imposed under subsection (2) or (3); or

20 (b) contravenes subsection (4),

shall be guilty of an offence.

(6) This section shall apply without prejudice to any other right of disclosure under this Act or any other written law or rule of law.”.

New Part VIIA

25 **32.** The principal Act is amended by inserting, immediately after section 59, the following Part:

“PART VIIA

NATIONAL PUBLIC HEALTH RESEARCH

National public health research

30 **59A.**—(1) The Director may, if he considers it to be in the public interest, from time to time undertake or facilitate such public health research as he thinks necessary to increase or acquire new knowledge on, or to discover or create new or improved materials, devices, processes or products for the detection, prevention or treatment of —

- (a) any infectious disease; or
- (b) any other disease which is, or which the Minister suspects to be, of an infectious nature, and which the Minister, by notification in the *Gazette*, declares to be a disease to which this section applies.

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(2) In deciding whether to undertake or facilitate any public health research under subsection (1), the Director shall consider —

- (a) whether there is an outbreak or a significant likelihood of an outbreak in Singapore of the disease to which the research relates;
- (b) whether the disease to which the research relates poses a substantial risk of a significant number of human fatalities or incidents of serious disability in Singapore; and
- (c) whether the new knowledge that may be acquired or the new or improved materials, devices, processes or products that may be discovered or created as a result of the research will result in any significant public health benefit to Singapore.

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(3) For the purposes of any research under subsection (1), the Director may —

- (a) require any person to furnish him, within such time as the Director may specify, with —
 - (i) such information in the possession or control of that person as the Director may consider necessary or appropriate; and
 - (ii) any sample (including any human sample) in the possession or control of that person, whether taken pursuant to this Act or otherwise, as the Director may consider necessary or appropriate; and
- (b) require any medical practitioner, over such period as the Director may specify, to obtain, with the requisite consent, such information or samples (including human samples) as the Director may consider necessary or appropriate from the patients under his care, and to furnish such information or samples to the Director.

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(4) Where any person is required by the Director to furnish any information or human sample under subsection (3), he shall cause the information or human sample to be anonymised before it is furnished to the Director.

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(5) For the purpose of subsection (1), the Director may, subject to such conditions as he thinks fit to impose —

(a) send any anonymised information or human sample received by him under subsection (3) to a third party to carry out such test, examination or analysis as the Director may consider necessary; or

(b) provide any anonymised information or human sample received by him under subsection (3) to a third party who is engaged in any research concerning an infectious disease.

(6) It shall be an offence for any person —

(a) without reasonable excuse, to refuse to furnish any information or sample when required to do so by the Director under subsection (3);

(b) to deliberately identify or attempt to identify, from any anonymised information or human sample received by him from the Director pursuant to subsection (3), the identity of the person to whom the information relates or from whom the human sample was obtained; or

(c) to breach any condition imposed under subsection (5).

(7) In this section —

“anonymised”, in relation to any information or human sample, means the removal of identifying details from the information or sample so that the identity of the person from whom the information or sample was obtained cannot be readily discovered or ascertained by the recipient of the information or sample;

“human sample” means a specimen of any substance or matter obtained from any person;

“requisite consent” means —

(a) the consent, given in the prescribed form and manner, of the person from whom any information or sample is to be obtained under subsection (3)(b); or

(b) where the person referred to in paragraph (a) is unable to give his own consent because of his age, infirmity of mind or body or any other cause, the consent, given in the prescribed form and manner, of such other person who is authorised by the regulations to give such consent for and on his behalf.”.

Amendment of section 67

5 **33.** Section 67 of the principal Act is amended by deleting the words “or any other person” and substituting the words “, the Director-General, the Director, any Health Officer, any police officer or any authorised person referred to in section 17A(7)”.

Amendment of section 73

34. Section 73(2) of the principal Act is amended by deleting paragraph (g) and substituting the following paragraph:

10 “(g) the prohibition and regulation of vaccinations and other prophylaxis and the issuance of certificates relating thereto;”.

Related amendments to Biological Agents and Toxins Act

35. Section 52(1) of the Biological Agents and Toxins Act (Cap. 24A) is amended —

15 (a) by deleting sub-paragraph (v) of paragraph (c) and substituting the following sub-paragraph:

“(v) the source of any biological agent or toxin that has been or is being used in the carrying out of any activity on any premises, or which is found on any conveyance,
20 and may further require such person to attend at a specified time and place for the purposes of complying with this paragraph;”;

(b) by deleting sub-paragraph (v) of paragraph (d) and substituting the following sub-paragraph:

25 “(v) the source of any biological agent or toxin that has been or is being used in the carrying out of any activity on any premises, or which is found on any conveyance,
and may further require such person to attend at a specified time and place for the purposes of complying with this
30 paragraph;”;

(c) by deleting the words “for inspection” in paragraph (e); and

35 (d) by deleting the words “and retain, make or cause to be made copies of, or extracts from, any such book or document” in paragraph (e) and substituting the words “for inspection, retention or the making of copies thereof by the Director or any enforcement officer, or to provide the Director or any

enforcement officer with copies of such book or document; and may further require such person to attend at a specified time and place for the purposes of complying with this paragraph”.

Related amendments to Requisition of Resources Act

- 5 **36.** The Requisition of Resources Act (Cap. 273) is amended —
- (a) by inserting, immediately after the definition of “property” in section 3, the following definitions:
- 10 ““public health emergency” means a public health emergency declared under section 17A(1) of the Infectious Diseases Act (Cap. 137) by the Minister charged with the responsibility for health;
- “public safety” includes the safety of human life and health in the event of a public health emergency;”;
- (b) by inserting, immediately after the words “for the defence of the country” in section 8(1) and (4) (6th line), the words “, for the
- 15 securing of public safety”;
- (c) by inserting, immediately after the word “disaster” in section 17(1), the words “or public health emergency”;
- (d) by inserting, immediately after the words “for the defence of the country” in section 38(1), the words “or for the securing of
- 20 public safety”;
- (e) by inserting, immediately after the words “for defence” in section 39(1), the words “or public safety”; and
- (f) by deleting the marginal note to section 39 and inserting the
- 25 following section heading:

“Modifications to vehicles, vessels or aircraft for defence and public safety purposes”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Infectious Diseases Act (Cap. 137) and to make related amendments to the Biological Agents and Toxins Act (Cap. 24A) and the Requisition of Resources Act (Cap. 273).

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2 —

- (a) to remove from the definition of “Director” the reference to an Assistant Director of Medical Services as such an appointment is no longer relevant operationally;
- (b) to delete the definition of “food establishment”, which will no longer be relevant upon the amendment of section 19 by clause 14;
- (c) to align the definition of “Health Officer” with the new section 4 (see clause 3);
- (d) to make some technical additions to the definition of “infected”;
- (e) to make the wider meaning of “infectious disease” (as contained in paragraph (b) of the definition of that expression) applicable to sections 17, 17A, 57A and 59A (in addition to the sections already specified) but inapplicable to sections 47 and 73(1)(g);
- (f) to amend the definition of “Minister” so as to make it clear which provisions of the Act fall under the respective purviews of the Minister for Health and the Minister for the Environment and Water Resources; and
- (g) to insert a new definition of “minor”.

Clause 3 repeals and re-enacts section 4 to provide for the appointment of public officers, officers of statutory bodies and employees of prescribed institutions as Health Officers for the purposes of the Act or any particular provision thereof. The clause also empowers the Director-General of Public Health (the Director-General) or the Director of Medical Services (the Director) to delegate certain powers to any Health Officer.

Clause 4 repeals and re-enacts section 7 to empower the Director to institute public health surveillance programmes or undertake epidemiological investigations or surveys in order to determine the existence, prevalence or incidence, or to determine the likelihood of a possible outbreak, of an infectious disease or any other disease prescribed by the Minister for the purpose.

Clause 5 repeals and re-enacts section 8 to empower the Director to require any person who is, or is suspected to be, a case or carrier or contact of an infectious disease to submit to medical examination or medical treatment within or at such time, and at such place, as the Director may determine. The medical examination may include X-rays and the taking of the person’s blood and other body samples for testing and analysis.

The clause also empowers the Director to require the parent or guardian of a minor who is, or is suspected to be, a case or carrier or contact of an infectious disease to have the minor medically examined or treated.

Clause 6 amends section 10 to substitute the expression “medical practitioner” with the expression “healthcare professional”, so that the Director may prescribe orders under that section for the compliance of other healthcare professionals in addition to medical practitioners.

Clause 7 amends section 12(3) to make it clear that where a notice issued by the Director for the disinfection of any premises or vessel has not been complied with, a person authorised by the Director to enforce the section may, without warrant and with such force as may be necessary, enter the premises or vessel in order to take the measures required by the notice to be taken.

Clause 8 amends section 13 —

- (a) to make it an offence for any person to fail to comply with an order made by the Director for the destruction of any animal, or the disposal of any food or water; and
- (b) to empower the Director, a Health Officer or a police officer to undertake such destruction or disposal in the event of any non-compliance with such order.

Clause 9 amends section 15 to empower the Director to require the parent or guardian of a minor who is, or is suspected to be, a case or carrier or contact of an infectious disease, to have the minor isolated or to ensure that the minor remains in isolation.

Clause 10 amends section 16 to empower the Director to require the parent or guardian of a minor who is, or is suspected to be, a case or carrier or contact of an infectious disease, to have the minor undergo surveillance.

Clause 11 makes a drafting amendment to section 17(4) to enhance the clarity of the provision.

Clause 12 inserts a new section 17A to empower the Minister to declare a public health emergency in Singapore in certain circumstances and to declare the whole of or any area in Singapore to be a restricted zone in order to secure public health or safety during such a public health emergency. The clause also empowers the Minister to prohibit or restrict the entry and stay of persons as well as the holding of and attendance of persons at certain events, in such restricted zone.

Clause 13 amends section 18 to empower the Director, a Health Officer or a police officer to enter a building and take such measures as are necessary to abate any overcrowding therein or to close the building or any part thereof in the event of the non-compliance by the owner or occupier of the building with a notice to do so as given to him by the Director.

Clause 14 repeals and re-enacts section 19 to empower the Director, for the purpose of preventing the outbreak or spread of an infectious disease, to order the closure or disinfection of any premises or to prohibit the sale or distribution of food or water in such premises.

Clause 15 amends section 20 to empower the Director to restrict (in addition to prohibiting) by order, whether conditionally or unconditionally, the holding of any meeting, gathering or any public entertainment which is likely to increase the spread of any infectious disease. The clause also empowers a Health Officer or a police officer to take any action that is necessary to give effect to the Director’s order.

Clause 16 amends section 21 to empower the Director, a Health Officer or a police officer to enter and close any premises in the event of the non-compliance with an order prohibiting the carrying on of any occupation, trade or business on those premises that is likely to cause the spread of any infectious disease.

Clause 17 amends section 22(1) to make a minor procedural change in relation to the counselling of persons who have been diagnosed as having AIDS or HIV Infection.

Clause 18 repeals and re-enacts section 23 to impose certain obligations on a person who knows he has AIDS or HIV Infection, or who does not know, but has reason to believe that he has, or has been exposed to a significant risk of contracting, AIDS or HIV Infection, when such person engages in any sexual activity with another person.

Clause 19 amends section 24(2) to increase the maximum term of imprisonment that may be imposed for an offence under that section from 2 years to 10 years. The clause also inserts a new subsection (1A) to stipulate when a person is deemed to know that he has AIDS or HIV Infection.

Clause 20 amends section 25(1) to allow for the disclosure of the identity of a person who has AIDS or HIV Infection or who is suffering from a sexually transmitted disease when such disclosure is necessary in connection with the provision of information to a police officer under section 22 or 121 of the Criminal Procedure Code (Cap. 68).

The clause also increases the maximum fine that may be imposed for an offence under section 25 from \$2,000 to \$10,000.

Clause 21 amends section 31 to provide that a person on an international voyage may be required to undergo prophylaxis as an alternative to vaccination against the diseases set out in the Third Schedule.

Clause 22 amends the heading to Part VI to include a reference to prophylaxis.

Clause 23 amends section 46(2) so that the form of the notice to be issued by the Registrar of Births and Deaths under that section need not be prescribed by regulations.

Clause 24 amends section 47 to empower the Minister, in the event of the outbreak of an infectious disease in any area in Singapore, to order any person or class of persons to undergo prophylaxis as an alternative to vaccination against that disease.

Clause 25 amends section 48 to delete the obsolete references to intradermal tests, and to allow for vaccinations to be carried out by certain suitably trained persons.

Clause 26 repeals section 53 which is no longer necessary as regulations will be made to prescribe the requirements in respect of international certificates of vaccination.

Clause 27 amends section 54 to substitute the references to intradermal tests with references to prophylaxis.

Clause 28 amends section 55 to enhance the powers of the Director and Health Officers when dealing with outbreaks and suspected outbreaks of infectious diseases.

Clause 29 inserts a new section 55A which sets out the powers that may be exercised by any police officer or any duly authorised Health Officer when investigating into any offence punishable under the Act.

Clause 30 repeals sections 56 and 56A and re-enacts a new section 56 which sets out the circumstances under which a person who commits or who is reasonably believed to have committed an offence under the Act may be arrested without warrant.

Clause 31 repeals and re-enacts section 57A to empower the Director to disclose information obtained by him under the Act which may identify a person who is, or is suspected to be, a case or carrier or contact of an infectious disease —

- (a) to any person for the purpose of preventing the spread or possible outbreak of the infectious disease in certain circumstances; or
- (b) to the World Health Organisation or a State Party to the World Health Organisation for the purpose of complying with any international obligation of Singapore.

Clause 32 inserts a new Part VIIA, consisting of the new section 59A, to empower the Director to undertake or facilitate national public health research relating to the detection, prevention or treatment of any infectious disease in the public interest.

Clause 33 amends section 67 to restrict the immunity conferred under that section from the Government, the National Environment Agency or any other person, to only the Government, the National Environment Agency, the Director-General, the Director, any Health Officer, any police officer or any authorised person referred to in section 17A(7) when exercising a power or performing a duty or function in good faith under the Act.

Clause 34 amends section 73(2) to empower the Minister for Health to make regulations concerning the prohibition and regulation of vaccination and other prophylaxis and the issuance of certificates relating thereto.

Clause 35 makes related amendments to the Biological Agents and Toxins Act (Cap. 24A) to allow the Director or an enforcement officer to require a person to attend at a specified time and place for the purposes of an investigation under that Act.

Clause 36 makes related amendments to the Requisition of Resources Act (Cap. 273) to allow for the powers pertaining to the requisitioning of land, property and services under that Act to be exercised during a public health emergency.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
