

# **Infectious Diseases (Amendment) Bill**

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**Bill No. 52/2018.**

*Read the first time on 19 November 2018.*

A BILL

*intituled*

An Act to amend the Infectious Diseases Act (Chapter 137 of the 2003 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 is the Infectious Diseases (Amendment) Act 2019 and comes into operation on a date that the Minister charged with the responsibility for regulation of diseases and disease control appoints by notification in the *Gazette*.

### Amendment of section 2

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

(a) by deleting the definition of “AIDS” and substituting the following definition:

““appropriate Minister” means —

(a) in the following cases, the Minister charged with the responsibility for health and sanitary measures in relation to vessels, aircraft, vehicles and persons entering or leaving Singapore:

(i) the establishment of any advisory committee for the purpose of giving advice to the Director-General under section 5;

(ii) any purpose relating to sections 28, 29 and 33 to 45, including the making of subsidiary legislation in relation to any of those sections; or

(b) in any other case, the Minister charged with the responsibility for regulation of diseases and disease control;”;

(b) by inserting, immediately after the definition of “contact”, the following definition:

““contact tracing measure” means any measure to facilitate the tracing of contacts of an infectious disease;”;

(c) by inserting, immediately after the definition of “HIV Infection”, the following definition: 5

““individually-identifiable”, when used to describe information or samples pertaining to a person, means that the identity of that person can be readily discovered or ascertained from that information or sample;”;

(d) by inserting, immediately after the definition of “master”, the following definition:

““medical examination” includes the carrying out by a person (called the examiner) of any of the measures mentioned in paragraphs (a) to (f), with a view to ascertaining a person’s state of health, whether or not the examiner is present with the person being examined: 15

(a) physical examination of the person;

(b) obtaining the person’s bodily samples; 20

(c) obtaining images of, or measuring, the person’s physiology;

(d) measuring or monitoring the person’s physiological signs; 25

(e) obtaining the clinical history of the person;

(f) a measure to facilitate the carrying out of anything in paragraphs (a) to (e);”;

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(e) by deleting the definition of “Minister”; and

(f) by deleting the definition of “surveillance” and substituting the following definition:

5 “surveillance” means subjecting a person or persons to medical examinations or observations carried out over a period of time (whether or not continuously) and includes carrying out any measures to facilitate those medical examinations or observations;”.

### **Amendment of section 3**

3. Section 3 of the principal Act is amended —

- 10 (a) by deleting the word “Minister” in subsections (1) and (2) and substituting in each case the words “appropriate Minister”;
- 15 (b) by deleting the words “and VI” in subsection (1) and substituting the words “, VI and VIIA and sections 26, 27, 31, 32, 45A and 45B”;
- (c) by inserting, immediately after the words “Part V” in subsection (2), the words “, except sections 26, 27, 31, 32, 45A and 45B”; and
- 20 (d) by inserting, immediately after subsection (4), the following subsection:
- “(5) To avoid doubt, Part V does not prevent the exercise of any power conferred by another Part in relation to any vessel, person or article to which Part V applies.”.

### **Amendment of section 6**

4. Section 6 of the principal Act is amended —

- 25 (a) by deleting the words “an infectious disease” in subsections (1), (2) and (6) and substituting in each case the words “a prescribed infectious disease”;
- 30 (b) by deleting subsection (3) and substituting the following subsection:

“(3) A person in a prescribed class, who is aware or suspects that —

- (a) another person is suffering from, or is a carrier of, a prescribed infectious disease; or
- (b) another person has died whilst suffering from, or being a carrier of, a prescribed infectious disease,

must notify the Director, within the prescribed time and in such form or manner as the Director may require, of the fact in paragraph (a) or (b), as the case may be.”; and

- (c) by inserting, immediately after the words “Notification of” in the section heading, the word “prescribed”.

#### **Amendment of section 7**

5. Section 7(2) of the principal Act is amended by deleting paragraphs (a) and (b) and substituting the following paragraphs:

- “(a) to furnish the Director, within or at the times and in the form or manner the Director specifies, with any of the following where the Director requires:
  - (i) any information (known to the person at those times);
  - (ii) any sample of any substance or matter in the possession or control of that person at those times, whether obtained under this Act or otherwise; and
- (b) to submit to a medical examination at the times the Director specifies.”.

### **Amendment of section 17**

6. Section 17 of the principal Act is amended —

- (a) by deleting the word “Minister” in subsections (1) and (2) and substituting in each case the words “appropriate Minister”; and
- (b) by deleting the words “outbreak or spread” in subsection (1) and substituting the words “spread or possible outbreak”.

### **New section 19A**

7. The principal Act is amended by inserting, immediately after section 19, the following section:

#### **“Surveillance and contact tracing measures at premises**

**19A.**—(1) If the Director is satisfied that any surveillance or contact tracing measure is necessary to prevent the spread or possible outbreak of any infectious disease at or in the vicinity of any premises, the Director may, by written notice, direct any person in charge of the premises to —

- (a) conduct any surveillance or contact tracing measure at the premises as specified in the notice;
- (b) allow any Health Officer, or any person authorised by a Health Officer, to conduct any surveillance or contact tracing measure at the premises as specified in the notice; or
- (c) facilitate the conduct of the surveillance or contact tracing measure by any Health Officer or person authorised by a Health Officer mentioned in paragraph (b).

(2) Any person in charge of the premises who, without reasonable excuse, fails to comply with any direction to the person in a written notice under subsection (1) shall be guilty of an offence.

(3) Without limiting subsection (2), where any direction in a written notice under subsection (1) has not been complied with in relation to any premises, the Director or a Health Officer may, after giving reasonable notice, and without warrant and using such force as may be necessary, do all or any of the following: 5

- (a) enter the premises;
- (b) take or cause to be taken such measures at the premises as specified in the written notice.

(4) The costs and expenses reasonably incurred by the Director or a Health Officer under subsection (3) may be recovered as a debt due to the Government from the person in default. 10

(5) In this section, “person in charge of the premises” includes —

- (a) any occupier, lessee or person who is responsible for the management of the premises; or 15
- (b) any manager, assistant manager or supervisor of the premises or any person holding an analogous appointment.”.

## **Repeal and re-enactment of section 21** 20

8. Section 21 of the principal Act is repealed and the following section substituted therefor:

### **“Control of occupation, trade or business**

**21.—(1)** The Director may give a direction to —

- (a) any person who is a case or carrier of an infectious disease and is carrying on or may carry on any occupation, trade or business; or 25
- (b) any person carrying on any occupation, trade or business in a manner as is likely to cause the spread of any infectious disease, 30

about the taking of preventative action that the Director reasonably believes is necessary to prevent the possible

outbreak or prevent or reduce the spread of the infectious disease.

(2) Without limiting subsection (1), “preventative action”, in the case of a direction given to a person carrying on or who may carry on any occupation, trade or business, includes requiring the person to do any one or more of the following:

(a) to stop carrying on, or not carry on, the occupation, trade or business during a period of time specified in the direction;

(b) take specified steps within a period of time specified in the direction, to ensure that the occupation, trade or business is conducted in compliance with conditions specified in the direction;

(c) until the action in paragraphs (a) and (b) are complied with, to ensure —

(i) the premises at which the occupation, trade or business is or may be conducted is, for the period of time that is specified in the direction, not used for any activity;

(ii) any vehicle, plant, article, machinery or equipment on those premises is, for the period of time that is specified in the direction, not used, moved, sold or otherwise handled; or

(iii) any vehicle, plant, article, machinery or equipment on those premises and specified in the direction is, for the period of time that is specified in the direction, not removed from those premises, for any purpose or in any circumstances specified in the direction.

(3) If a person refuses or fails to comply with any requirement of a direction given to that person under subsection (1), the Director may —

(a) take any steps reasonably necessary to ensure control of the premises at which an occupation, trade or



business is or may be conducted or any vehicle, plant, article, machinery or equipment on those premises, including entry to a place or vehicle without warrant and with the use of necessary force; and

(b) carry out the requirement, and recover the costs and expenses reasonably incurred in carrying out the requirement as a debt due from that person. 5

(4) A person who, without reasonable excuse, fails to comply with any requirement of a direction given to that person under subsection (1) shall be guilty of an offence. 10

(5) A person given a direction under subsection (1) may, within 7 days after the direction is given, appeal against the direction to the appropriate Minister, whose decision is final.

(6) A direction under subsection (1) takes effect despite any appeal under subsection (5), unless the appropriate Minister otherwise directs.”. 15

### **Amendment of section 21A**

**9.** Section 21A of the principal Act is amended —

(a) by deleting the words “Fifth Schedule” in subsections (1), (2), (3) and (6) and substituting in each case the words “Second Schedule”; 20

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

“(5) In proceedings for an offence under subsection (4) for contravening subsection (1) or (2), it is a defence for the accused to prove, on a balance of probabilities, that the accused’s presence or conduct in the place mentioned in subsection (1) or (2), as the case may be — 25

(a) was necessary for the purpose of obtaining medical treatment; or 30

(b) was authorised by the Director.”; and

(c) by deleting the words “subsection (5)” in subsection (6) and substituting the words “subsection (5)(a)”.

### **New section 21B**

5 **10.** The principal Act is amended by inserting, immediately after section 21A, the following section:

#### **“Order to disseminate health advisory**

10 **21B.**—(1) The appropriate Minister may, for the purpose of preventing the spread or possible outbreak of any infectious disease in Singapore, or the spread of any infectious disease into Singapore or from Singapore to outside Singapore, by written order, direct any relevant operator —

(a) to disseminate any health advisory, in such form and manner as the Director may require, to any relevant person specified in the order;

15 (b) to provide any information, in the possession or control of the relevant operator, to the Director to facilitate the Director or any other person in the dissemination of a health advisory to a relevant person; or

20 (c) to provide any information, in the possession or control of the relevant operator, to another relevant operator who is required to disseminate a health advisory under paragraph (a), to facilitate in the dissemination of the health advisory.

25 (2) The Director may disclose any information obtained from a relevant operator under subsection (1)(b) to another relevant operator who is required to disseminate a health advisory under subsection (1)(a), to facilitate in the dissemination of the health advisory.

30 (3) The Director may impose conditions as to the use of any information provided or disclosed to any relevant operator under subsection (1)(c) or (2).

(4) Any relevant operator who, without reasonable excuse, refuses or fails to comply with —

- (a) an order under subsection (1); or
- (b) a condition under subsection (3),

shall be guilty of an offence.

(5) This section does not affect any other right of disclosure a relevant operator may have under any written law or rule of law.”. 5

### **Deletion and substitution of heading to Part V**

11. Part V of the principal Act is amended by deleting the Part heading and substituting the following Part heading:

“PREVENTION OF INTERNATIONAL SPREAD OF  
INFECTIOUS DISEASES”. 10

### **Repeal of section 30**

12. Section 30 of the principal Act is repealed.

### **Amendment of section 31**

13. Section 31(3) of the principal Act is amended by deleting the words “who refuses or fails to comply with subsection (2)” and substituting the words “who arrives in Singapore in contravention of subsection (1)”. 15

### **Amendment of section 45**

14. Section 45(1) of the principal Act is amended by deleting the word “medical” in paragraph (a). 20

### **New sections 45A and 45B**

15. The principal Act is amended by inserting, immediately after section 45, the following sections:

**“Medical examination of persons arriving in Singapore” 25**

**45A.—**(1) The Director may, for the purpose of preventing the spread or possible outbreak of any infectious disease in Singapore, by written order, require all or any persons arriving in Singapore to undergo any medical examination specified in the order. 30

(2) Any person given an order under subsection (1) who, without reasonable excuse, refuses or fails to comply with the order shall be guilty of an offence.

**Medical examination of persons leaving Singapore during public health emergency**

**45B.**—(1) During a public health emergency relating to an outbreak of an infectious disease declared under section 17A(1), the appropriate Minister may, for the purpose of preventing the spread of that infectious disease out of Singapore, by written order, require all or any persons leaving Singapore to undergo any medical examination specified in the order.

(2) Any person given an order under subsection (1) who, without reasonable excuse, refuses or fails to comply with the order shall be guilty of an offence.

(3) Notice of the appropriate Minister’s written order must be published in the *Gazette* for general information.”.

**Amendment of section 47**

**16.** Section 47 of the principal Act is amended —

- (a) by inserting, immediately after the words “an outbreak” in subsection (1), the words “or a suspected outbreak”; and
- (b) by deleting the word “Minister” wherever it appears in subsections (1), (2) and (4) and substituting in each case the word “Director”.

**Amendment of section 55**

**17.** Section 55(1) of the principal Act is amended —

- (a) by deleting the words “a possible outbreak or the spread” and substituting the words “the spread or possible outbreak”;
- (b) by deleting the words “and may” in paragraph (e) and substituting the words “within such time and in such form or manner as the Director or Health Officer may specify and may”; and

- (c) by inserting, immediately after the word “spread” in paragraph (h)(ii), the words “or possible outbreak”.

### **Amendment of section 55A**

**18.** Section 55A(1) of the principal Act is amended —

- (a) by deleting the word “and” at the end of paragraph (a); and 5
- (b) by deleting paragraph (b) and substituting the following paragraphs:
- “(b) at any time without warrant and with such force as may be necessary, stop, board, enter, inspect and search any premises or conveyance; 10
- (c) take samples of or seize any substance or matter found in any premises or conveyance mentioned in paragraph (b); and 15
- (d) seize any book, document or record produced under paragraph (a) or found in any premises or conveyance mentioned in paragraph (b).”.

### **New section 55B**

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

#### **“Disposal of document, substance or matter**

**55B.**—(1) Any book, document, record, sample, substance or matter (called in this section the document, substance or matter) produced, taken or seized under this Act must — 25

- (a) where the document, substance or matter is produced in any criminal trial, be dealt with in accordance with section 364(1) of the Criminal Procedure Code (Cap. 68); 30
- (b) where the owner of the document, substance or matter consents to its disposal, be deemed to be forfeited; or

(c) in any other case, be returned to the owner or reported to a Magistrate's Court.

(2) Where a document, substance or matter is reported to a Magistrate's Court under subsection (1)(c), the Magistrate's Court may order the document, substance or matter —

(a) to be forfeited; or

(b) to be disposed of in such manner as the Magistrate's Court thinks fit.

(3) Subject to any order to the contrary by the Magistrate's Court, if the document, substance or matter is forfeited or deemed to be forfeited under this section, the document, substance or matter must be delivered to the Director and must be disposed of in such manner as the Director thinks fit.

(4) This section does not affect any right to retain or dispose of property which may exist in law apart from this section.”.

### **Amendment of section 56**

**20.** Section 56 of the principal Act is amended —

(a) by deleting the word “or” at the end of subsection (3)(a);

(b) by deleting the full-stop at the end of paragraph (b) of subsection (3) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

“(c) being required to comply with any requirement mentioned in paragraph (a) or (b), attempts to leave Singapore without the approval of the Director.”;

(c) by inserting, immediately after subsection (3), the following subsection:

“(3A) Any person who, being required to comply with any requirement mentioned in subsection (3)(a) or (b), attempts to leave Singapore without the approval of the Director shall be guilty of an offence.”; and

- (d) by deleting the words “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 by reason of his age or any infirmity of body or mind, the police officer or Health Officer may, instead of arresting that person” in subsection (7) and substituting the words “A police officer or Health Officer may, instead of arresting a person mentioned in subsection (3)”.

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### **Amendment of section 57A**

**21.** Section 57A of the principal Act is amended —

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- (a) by deleting paragraph (a) of subsection (1) and substituting the following paragraph:

“(a) to any person if the disclosure is necessary for the person to take measures to prevent the spread or possible outbreak of the infectious disease; or”;

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- (b) by deleting the words “subsection (1)(a)(i)” in subsection (2) and substituting the words “subsection (1)(a)”;

- (c) by deleting subsection (3);

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- (d) by deleting the words “or (3)” in subsection (5)(a); and

- (e) by inserting, immediately after the word “information” in the section heading, the words “by Director”.

### **New section 57B**

**22.** The principal Act is amended by inserting, immediately after section 57A, the following section:

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**“Disclosure of information to prevent spread or possible outbreak of infectious disease, etc., as authorised by Director**

**57B.**—(1) The Director may, by written notice, authorise a healthcare provider to disclose to a specified recipient information, which identifies any person as —

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(a) a case or carrier or contact of an infectious disease (called in this section the affected person); or

(b) being suspected to be an affected person,

5 to enable the specified recipient to take the necessary measures to prevent the spread or possible outbreak of the infectious disease.

10 (2) The Director may, in authorising the disclosure of any information under subsection (1) by a healthcare provider, impose such conditions on the healthcare provider or the specified recipient of that information, and the healthcare provider or specified recipient (as the case may be) must comply with such conditions.

15 (3) A specified recipient of information provided under subsection (1) may disclose that information to another person providing a prescribed healthcare service to an affected person on behalf of the specified recipient, or use that information, only to the extent necessary to take the necessary measures to prevent the spread or possible outbreak of that infectious disease, but not otherwise.

20 (4) Any person who, without reasonable excuse —

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

(b) contravenes subsection (3),

shall be guilty of an offence.

25 (5) This section does not affect any other right of disclosure under any written law or rule of law.

(6) In this section —

“healthcare provider” means any person that provides a prescribed healthcare service;

30 “prescribed healthcare service” means any healthcare service prescribed for the purposes of this section;

“specified recipient” means any person that provides a prescribed healthcare service to an affected person.”.



### **Amendment of section 59A**

**23.** Section 59A of the principal Act is amended —

- (a) by deleting the words “such public health research as he thinks” in subsection (1) and substituting the words “any research that the Director thinks is”; 5
- (b) by deleting the word “Minister” wherever it appears in subsection (1)(b) and substituting in each case the words “appropriate Minister”;
- (c) by deleting the words “public health research under subsection (1), the Director shall consider —” in subsection (2) and substituting the words “research under subsection (1), the Director must consider the extent to which all or any of the following factors exist:”; 10
- (d) by deleting the word “and” at the end of subsection (2)(b);
- (e) by deleting the words “research under subsection (1)” in subsection (3) and substituting the words “national public health research”; 15
- (f) by deleting the word “and” at the end of subsection (3)(a)(ii);
- (g) by deleting the full-stop at the end of paragraph (b) of subsection (3) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph: 20
  - “(c) use any other information or samples obtained by the Director under this Act.”;
- (h) by inserting, immediately after the words “to the Director” in subsection (4), the words “, unless the Director directs otherwise”; 25
- (i) by deleting subsection (5) and substituting the following subsections: 30
  - “(5) For the purpose of any national public health research, the Director may do all or any of the following:

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

(b) provide any information or sample received by the Director under this Act to a third party who is engaged in any national public health research;

(c) impose such conditions as the Director thinks fit on the third party mentioned in paragraph (a) or (b).

(5A) If the Director is satisfied that any national public health research can be carried out only if any individually-identifiable information or individually-identifiable human sample is provided under this section, the Director may require, use, send or provide that individually-identifiable information or individually-identifiable human sample under this section for the purposes of the national public health research.”; and

(j) by inserting, immediately after the definition of “human sample” in subsection (7), the following definition:

““national public health research” means any research that the Director decides to undertake or facilitate under subsection (1);”.

### **Repeal and re-enactment of section 67**

**24.** Section 67 of the principal Act is repealed and the following section substituted therefor:

#### **“Protection from personal liability**

**67.** No liability shall lie personally against the Director, the Director-General, any Health Officer, any Port Health Officer, any police officer or any authorised person mentioned in section 17A(7) who, acting in good faith and with reasonable

care, does or omits to do anything in the execution or purported execution of this Act.”.

### **New sections 67A, 67B and 67C**

**25.** The principal Act is amended by inserting, immediately after section 67, the following sections:

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#### **“Immunity from liability for disclosure**

**67A.** No person commits an offence under any written law or any breach of confidence, incurs any civil liability or is liable to any disciplinary action by a professional body, by virtue merely of disclosing any information or providing any thing, in good faith and with reasonable care —

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(a) in accordance with any requirement under this Act; or

(b) as authorised by the Director under section 57B.

#### **Offences by corporations**

**67B.—(1)** Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that —

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(a) an officer, employee or agent of the corporation engaged in that conduct within the scope of his actual or apparent authority; and

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(b) the officer, employee or agent had that state of mind,

is evidence that the corporation had that state of mind.

(2) Where a corporation commits an offence under this Act, a person —

(a) who is —

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(i) an officer of the corporation, or a member of a corporation (in the case where the affairs of the corporation are managed by its members); or

(ii) an individual involved in the management of the corporation and in a position to influence the

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conduct of the corporation in relation to the commission of the offence; and

(b) who —

(i) consented or connived, or conspired with others, to effect the commission of the offence;

(ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the corporation; or

(iii) knew or ought reasonably to have known that the offence by the corporation (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of that same offence as is the corporation, and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the corporation if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the corporation would bear.

(4) To avoid doubt, this section does not affect the application of —

(a) Chapters V and VA of the Penal Code (Cap. 224); or

(b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of the corporation for an offence under this Act, and applies whether or not the corporation is convicted of the offence.

(6) In this section —

“corporation” includes a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);

“officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes any person purporting to act in any such capacity;

“state of mind” of a person includes —

(a) the knowledge, intention, opinion, belief or purpose of the person; and

(b) the person’s reasons for the intention, opinion, belief or purpose.

### **Offences by unincorporated associations or partnerships**

**67C.**—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

(a) an employee or agent of the unincorporated association or the partnership engaged in that conduct within the scope of his actual or apparent authority; and

(b) the employee or agent had that state of mind,

is evidence that the unincorporated association or partnership had that state of mind.

(2) Where an unincorporated association or a partnership commits an offence under this Act, a person —

(a) who is —

(i) an officer of the unincorporated association or a member of its governing body;

(ii) a partner in the partnership; or

(iii) an individual involved in the management of the unincorporated association or partnership and in a position to influence the conduct of the unincorporated association or partnership (as the case may be) in relation to the commission of the offence; and

(b) who —

(i) consented or connived, or conspired with others, to effect the commission of the offence;

(ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or partnership; or

(iii) knew or ought reasonably to have known that the offence by the unincorporated association or partnership (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of the same offence as is that unincorporated association or partnership, and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or partnership if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear.

(4) To avoid doubt, this section does not affect the application of —

(a) Chapters V and VA of the Penal Code; or

(b) the Evidence Act or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of an unincorporated association or a partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence.

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(6) In this section —

“officer”, in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, and includes —

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(a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and

(b) any person purporting to act in any such capacity;

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“partner” includes a person purporting to act as a partner;

“state of mind” of a person includes —

(a) the knowledge, intention, opinion, belief or purpose of the person; and

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(b) the person’s reasons for the intention, opinion, belief or purpose.”.

## **Repeal and re-enactment of section 68**

**26.** Section 68 of the principal Act is repealed and the following section substituted therefor:

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### **“Composition of offences**

**68.—**(1) The Director may compound any offence under this Act that is not mentioned in subsection (2) but is prescribed as a compoundable offence by the appropriate Minister under section 73, by collecting from a person reasonably suspected of having committed the offence a sum described in subsection (3).

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(2) The Director-General may compound any offence under sections 28, 29 and 33 to 45 and that is prescribed as a compoundable offence by the appropriate Minister under section 73, by collecting from a person reasonably suspected of having committed the offence a sum described in subsection (3).

(3) The composition sum for the purposes of compounding a compoundable offence under subsection (1) or (2) is a sum not exceeding the lower of the following:

- (a) one half of the amount of the maximum fine that is prescribed for the offence;
- (b) \$5,000.

(4) On payment of such sum of money, no further proceedings are to be taken against that person in respect of the offence.

(5) All sums collected under this section must be paid into the Consolidated Fund.”.

### **Amendment of section 73**

**27.** Section 73 of the principal Act is amended by inserting, immediately after subsection (3), the following subsection:

“(4) The appropriate Minister may, in making regulations, specify —

- (a) different prescribed times and prescribed infectious diseases in relation to different classes of persons who are required to notify the Director under section 6; and
- (b) for the purposes of section 21B —
  - (i) the relevant operators;
  - (ii) the classes of relevant persons to whom a relevant operator may be required to disseminate any health advisory; and
  - (iii) the types of information that may be obtained from different classes of relevant operators.”.



## Repeal and re-enactment of Second Schedule

**28.** The Second Schedule to the principal Act is repealed and the following Schedule substituted therefor:

### “SECOND SCHEDULE

Sections 2 and 21A

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#### DANGEROUS INFECTIOUS DISEASES

1. Ebola.
2. Middle East Respiratory Syndrome Coronavirus Infection (MERS-CoV).
3. Plague. 10
4. Severe Acute Respiratory Syndrome (SARS).
5. Yellow fever.”.

## Repeal of Fifth and Sixth Schedules

**29.** The Fifth and Sixth Schedules to the principal Act are repealed.

## Miscellaneous amendments

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**30.** The principal Act is amended —

- (a) by deleting the words “the Minister” in section 5 and substituting the words “the appropriate Minister”;
- (b) by deleting the word “Minister” in the following sections and substituting in each case the words “appropriate Minister”: 20
  - (i) section 7(1)(b);
  - (ii) section 10(1)(b);
  - (iii) section 17A(1), (2), (3), (4) and (5);
  - (iv) section 18(6) and (7); 25
  - (v) section 19(7) and (8);
  - (vi) section 20(4) and (5);
  - (vii) section 25(1)(k);
  - (viii) section 26(1) and (2);

- (ix) section 52(1) and (2);
  - (x) section 54;
  - (xi) section 58(1);
- 5 (c) by inserting, immediately after the word “spread” in sections 9(b), 10(1) and 73(2)(h), the words “or possible outbreak”;
- (d) by deleting the words “notice in writing” in the following provisions and substituting in each case the words “written notice”:
- 10 (i) section 12(1);
- (ii) section 18(1);
- (iii) section 19(1) and (2);
- (iv) section 20(1A);
- (v) section 55(1)(f) and (2)(a);
- 15 (e) by deleting the words “AIDS AND” in the heading of Part IV;
- (f) by deleting the words “AIDS or” wherever they appear in the following provisions:
- (i) section 22(1);
- 20 (ii) section 23(1), (2) and (5);
- (iii) section 24(1) and (1A);
- (iv) section 25(1);
- (v) section 25A(1), (3), (7) and (10);
- (vi) the section headings of sections 22, 23 and 24; and
- 25 (g) by deleting the word “AIDS,” in the section heading of section 25.

### **Saving and transitional provision**

30 **31.** For a period of 2 years after the date of commencement of any provision of this Act, the Minister charged with the responsibility for regulation of diseases and disease control may, by regulations,

prescribe such provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

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## EXPLANATORY STATEMENT

This Bill seeks to amend the Infectious Diseases Act (Cap. 137) to strengthen the surveillance, prevention and control of infectious diseases and to facilitate national public health research.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2 to define the terms “contact tracing measure”, “individually-identifiable”, “medical examination” (to clarify that a medical examination may be carried out remotely, without the person carrying out the examination being present with the person being examined) and “surveillance” (to clarify that surveillance may be carried out over a period of time, whether or not continuously, and includes any measures to facilitate medical examinations or observations of a person). The definition of “Minister” is replaced by the definition of “appropriate Minister”. The definition of “AIDS” is deleted as a consequence of clause 30(e), (f) and (g).

Clause 3 amends section 3 to clarify the division of the responsibilities of the Director of Medical Services (the Director) and the Director-General of the Public Health (the Director-General) for the administration of the Act.

Clause 4 amends section 6 by deleting and substituting subsection (3) to require a person in a prescribed class who is aware or suspects that another person is suffering from, or is a carrier of, a prescribed infectious disease or has died whilst suffering from, or being a carrier of, a prescribed infectious disease, to notify the Director of those facts.

Clause 5 amends section 7 to clarify that the Director may specify the times within which or at which, and the form and manner in which, information or samples are to be furnished to the Director under subsection (2)(a), and the times at which a person must submit to a medical examination under subsection (2)(b).

Clause 6 amends section 17 to make a consequential amendment to refer to the “appropriate Minister”, and to clarify that the power under subsection (1) applies for the purpose of preventing the spread or possible outbreak of an infectious disease.

Clause 7 inserts a new section 19A to allow the Director, if satisfied that any surveillance or contact tracing measure is necessary to prevent the spread or possible outbreak of any infectious disease, to direct (by written notice) any

person in charge of any premises to conduct surveillance or contact tracing measures at the premises, to allow a Health Officer or a person authorised by the Health Officer to conduct the surveillance or contact tracing measures at the premises, or to facilitate that conduct by a Health Officer or a person authorised by the Health Officer. It is an offence to fail to comply with the direction without reasonable excuse. In addition, the Director or a Health Officer may (after giving reasonable notice, and without warrant and using such force as is necessary) enter the premises and take any measures that have not been complied with, and recover the reasonable costs and expenses so incurred from the person in default.

Clause 8 repeals and re-enacts section 21 to allow the Director to direct the following persons to take preventative action that the Director reasonably believes is necessary to prevent the possible outbreak or prevent or reduce the spread of the infectious disease:

- (a) any person who is a case or carrier of an infectious disease and is carrying on or may carry on any occupation, trade or business;
- (b) any person carrying on any occupation, trade or business in a manner as is likely to cause the spread of any infectious disease.

The “preventative action” includes the following:

- (a) to stop carrying on, or not to carry on, the occupation, trade or business during a period of time specified in the direction;
- (b) to take specified steps within a period of time specified in the direction;
- (c) until the action in paragraphs (a) and (b) are complied with, not to use premises at which the occupation, trade or business is or may be conducted for any activity, or to use or otherwise handle any vehicle, plant, article, machinery or equipment on those premises for the period specified in the direction.

A person who, without reasonable excuse, fails to comply with any requirement of a direction given to that person under subsection (1) commits an offence. Where a person refuses or fails to comply with any requirement of such a direction, the Director may also take steps necessary for the control of the premises and any vehicle, plant, article, machinery or equipment on those premises, and recover the costs and expenses reasonably incurred in doing so.

Clause 9 amends section 21A to provide a defence to an offence for contravening section 21A(1) or (2) where the accused proves, on a balance of probabilities, that the accused’s presence or conduct in the place mentioned in section 21A(1) or (2) was necessary for the purpose of obtaining medical treatment, or was authorised by the Director. Section 21A now applies to the dangerous infectious diseases listed in the Second Schedule.

Clause 10 inserts a new section 21B to allow the appropriate Minister, by written order, to direct any relevant operator to disseminate a health advisory to a relevant person for the purpose of preventing the spread or possible outbreak of any infectious disease in Singapore or the spread of any infectious disease into Singapore or from Singapore to outside Singapore.

The new section 21B also allows the appropriate Minister, by written order, to direct a relevant operator to provide information (in the possession or control of the relevant operator) to the Director to facilitate the Director or any other person in the dissemination of a health advisory, or to another relevant operator to facilitate that other relevant operator in the dissemination of a health advisory which that other relevant operator is required to disseminate.

The Director may disclose the information obtained from a relevant operator to another relevant operator to facilitate that other relevant operator in the dissemination of a health advisory which that other relevant operator is required to disseminate, and impose conditions on a relevant operator to whom information is so provided.

It is an offence for the relevant operator to refuse or fail to comply with the appropriate Minister's order or any condition imposed by the Director. The appropriate Minister may prescribe the relevant operators, and the classes of relevant persons and types of information in relation to each class of relevant operators under new section 73(4) (see clause 27). The new section 21B does not affect any other right of disclosure of the relevant operator under any written law or rule of law.

Clause 11 substitutes a new heading for Part V (Prevention of International Spread of Infectious Diseases) to reflect the expanded scope of that Part.

Clause 12 repeals section 30 (Undertaking to report to Port Health Officer) as it is obsolete.

Clause 13 amends section 31 to allow the Port Health Officer to return a person (not being a citizen of Singapore, who arrives in Singapore without having undergone a vaccination or prophylaxis in accordance with the requirements in the Third Schedule or who fails to produce a valid international certificate of vaccination or other prophylaxis to the Port Health Officer in contravention of section 31(1)) to the person's place of origin or embarkation at the expense of the owner or agent of the vessel by which the person arrived in Singapore. The existing power applies only if the person refuses or fails to comply when a Port Health Officer requires that person to undergo vaccination or prophylaxis or isolation or surveillance under subsection (2). The amendment allows the Port Health Officer to exercise the power under subsection (3), without first requiring any vaccination or prophylaxis or isolation or surveillance under subsection (2).

Clause 14 amends section 45(1) by deleting the word "medical" as section 2 defines "surveillance", rather than "medical surveillance".

Clause 15 inserts new sections 45A and 45B.

The new section 45A allows the Director, for the purpose of preventing the spread or possible outbreak of any infectious disease in Singapore, to require by written order all or any persons arriving in Singapore to undergo any medical examination.

The new section 45B empowers the appropriate Minister, during a public health emergency relating to an outbreak of an infectious disease declared under section 17A(1), to require (by written order in the *Gazette* for general information) all or any persons leaving Singapore to undergo any medical examination.

Any person given an order under the new section 45A(1) or 45B(1) who, without reasonable excuse, refuses or fails to comply with the order is guilty of an offence.

Clause 16 amends section 47 to confer the existing power to order certain persons to undergo vaccination or prophylaxis on the Director (instead of the Minister). The power may be exercised in an outbreak or a suspected outbreak of an infectious disease in any area in Singapore, or where it appears to the Director that a possible outbreak of an infectious disease in any area in Singapore is imminent and it is necessary or expedient to do so for the securing of public safety.

Clause 17 amends section 55(1) to clarify that the Director or Health Officer may specify the time within, and the form and manner in which the requirement to furnish information or to produce a book, document or record under paragraph (e) of that section is to be complied with, and to refer to “the spread or possible outbreak” of an infectious disease for consistency.

Clause 18 amends section 55A(1) by re-enacting the existing paragraph (b) as the new paragraphs (b) and (c), and by adding the new paragraph (d) to confer the power to seize any book, document or record produced under paragraph (a) or found in any premises or conveyance mentioned in the new paragraph (b).

Clause 19 inserts a new section 55B to provide for the disposal of any document, substance or matter produced, taken or seized under the Act. If the document, substance or matter is produced in a criminal trial, it must be dealt with in accordance with section 364(1) of the Criminal Procedure Code (Cap. 68). If the owner agrees to the disposal of the document, substance or matter, it is deemed to be forfeited and must be delivered to the Director to be disposed of in such manner as the Director thinks fit. In any other case, the document, substance or matter must be returned to the owner. Section 55B does not affect any other right to retain or dispose of property under the law.

Clause 20 amends section 56 to apply the power of arrest under subsection (3) to a person who attempts to leave Singapore, while being required to comply with a requirement mentioned in subsection (3)(a) or (b) (namely, a requirement to be isolated, or to undergo or submit to any surveillance, medical examination or

medical treatment, under the Act), without the approval of the Director. The clause also inserts a new subsection (3A) which provides that such a person is guilty of an offence. Subsection (7) is amended to allow the existing powers under that subsection to be exercised against any person who has failed to comply with any requirement mentioned in subsection (3)(a) or (b) (not only persons who are unable to comply with the requirement by reason of age or infirmity of body or mind), instead of arresting that person.

Clause 21 amends section 57A to allow the Director to disclose information obtained under the Act which identifies any person who is, or is suspected to be, a case or carrier or contact of an infectious disease to any person, if the disclosure is necessary for that person to take measures to prevent the spread or possible outbreak of any infectious disease (subsection (1)(a) as amended by the clause). A person to whom information is disclosed under subsection (1)(a) must comply with any conditions imposed by the Director in disclosing the information to that person. The existing subsection (4) permits the person to whom information is disclosed to disclose or use that information only to the extent necessary for implementing any measure permitted by the Director for the purposes of preventing the spread or possible outbreak of that infectious disease. Any person who fails to comply with a condition imposed by the Director or who contravenes subsection (4) is guilty of an offence.

Clause 22 inserts a new section 57B to allow the Director to authorise (by written notice) a healthcare provider to disclose information to a specified recipient, which identifies any person as a case or carrier or contact of an infectious disease (called the affected person) or as being suspected to be an affected person, in order to enable the specified recipient to take the necessary measures to prevent the spread or possible outbreak of any infectious disease. A healthcare provider or specified person must comply with conditions imposed by the Director in authorising such disclosure. Subsection (3) permits a specified recipient to disclose that information to another person providing a prescribed healthcare service to the affected person, or to use that information, only to the extent necessary to prevent the spread or possible outbreak of that infectious disease. Any person who fails to comply with a condition imposed by the Director or who contravenes subsection (3) is guilty of an offence.

The new section 57B does not affect any other right of disclosure under any written law or rule of law. A “healthcare provider” or “specified recipient” must be a person who provides a prescribed healthcare service. The prescribed healthcare services will be prescribed by regulations made under section 73 of the Act.

Clause 23 amends section 59A to clarify that “national public health research” includes any research that the Director decides to undertake or facilitate under subsection (1). This may include research that the Director thinks necessary to increase or acquire new knowledge on, or to discover or create new or improved materials, devices or products for the detection, prevention or treatment of

infectious diseases or other disease declared under subsection (1)(b) to be a disease to which the section applies. The new subsection (3)(c) allows the Director to use other information or samples obtained under the Act (not only under subsection (3)(a) or (b)) for national public health research. A person, who is required to furnish any information or human sample to the Director under subsection (3), may do so without first anonymising the information or sample, if the Director so directs. Under the new subsection (5A), the Director may also require, use, send or provide individually-identifiable information or individually-identifiable human samples for the purposes of national public health research, if the Director is satisfied that research can be carried out only if individually-identifiable information or individually-identifiable human samples are provided. The Director may impose conditions on third parties to whom any information or human sample is sent or provided under subsection (5). It is an offence, under the existing subsection (6), for any person to deliberately identify or attempt to identify, from any anonymised information or human sample received pursuant to subsection (3), the identity of the person to whom the information relates or from whom the sample was obtained, or to breach any condition imposed under subsection (5). A consequential amendment is made to subsection (1)(b) to refer to the “appropriate Minister”.

Clause 24 repeals and re-enacts section 67 (Protection from personal liability) for consistency with the standard provision found in other Acts.

Clause 25 inserts new sections 67A, 67B and 67C.

The new section 67A confers immunity from liability arising by virtue merely of disclosing information or providing any thing, in good faith and with reasonable care, in accordance with any requirement under the Act or as authorised by the Director under section 57B.

The new sections 67B (Offences by corporations) and 67C (Offences by unincorporated associations or partnerships) are consistent with the standard provisions found in other Acts.

Clause 26 repeals and re-enacts section 68 (Composition of offences) for consistency with the standard provision found in other Acts.

Clause 27 amends section 73 to provide that the appropriate Minister may, in making regulations, specify certain matters for the purposes of sections 6 and 21B.

Clause 28 repeals and re-enacts the Second Schedule which specifies “dangerous infectious diseases” (as defined in section 2) and for the purposes of section 21A.

Clause 29 repeals the Fifth Schedule and Sixth Schedule which are no longer required.

Clause 30 makes miscellaneous amendments to certain sections.



Clause 30(*a*) and (*b*) makes consequential amendments to refer to the “appropriate Minister” (as defined in section 2).

Clause 30(*c*) clarifies that sections 9(*b*), 10(1) and 73(2)(*h*) also apply to a possible outbreak of an infectious disease.

Clause 30(*d*) replaces the words “notice in writing” with the words “written notice” in certain provisions in the Act for brevity.

Clause 30(*e*), (*f*) and (*g*) deletes all references to “AIDS” in the Act as “HIV Infection” includes AIDS.

Clause 31 empowers the Minister charged with the responsibility for regulation of diseases and disease control to make regulations of a saving and transitional nature.

## EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.

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