

SAINT LUCIA

No. 19 of 2019

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I Assent

[L.S.]

NEVILLE CENAC,
Governor-General.

July 2, 2019.

SAINT LUCIA

No. 19 of 2019

AN ACT to amend the Public Health Act, Cap. 11.01 and for related matters.

[3rd July, 2019]

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same as follows:

Short title

1. This Act may be cited as the Public Health (Amendment) Act, 2019.

Interpretation

2. In this Act, “principal Act” means the Public Health Act, Cap. 11.01.

Amendment of section 2

3. Section 2 of the principal Act is amended by —

- (a) deleting the definition of the words “public health inspector”;
- (b) in the definition of the word “officer”, deleting the words “public health inspector” and substituting the words “environmental health officer”;
- (c) inserting the following definitions in the correct alphabetical sequence —

““environmental health officer” means a public officer appointed under section 7;

“public health hazard” means —

- (a) a condition of premises;
- (b) a substance, thing, plant, animal or organism other than a human;
- (c) a solid, liquid or gas;
- (d) radiation, noise, vibration or heat; or
- (e) an activity,

that presents or may present a threat to the public health;

“public officer” has the meaning assigned to it under section 124(1) of the Constitution of Saint Lucia, Cap. 1.01;”.

Insertion of new section 2A

4. The principal Act is amended by inserting immediately after section 2 the following new section 2A —

“Act binds the Crown

2A. This Act binds the Crown.”.

Amendment of section 4

5. Section 4 of the principal Act is amended —

(a) by deleting the designation “(1)”;

(b) by deleting paragraph (a) and by substituting the following—

“(a) the prevention, treatment, limitation and suppression of a disease or a public health hazard, including the conduct of an investigation and inquiry to determine whether there is a risk to human health;”;

(c) by deleting the designation “(c)” that appears immediately after paragraph (d) and substituting the designation “(e)”.

Amendment of section 5

6. Section 5 of the principal Act is amended by inserting immediately after subsection (3), the following new subsections (4) and (5) —

“(4) The members of the Board must be paid remuneration, fees or allowances as Cabinet determines.

(5) The Minister shall cause to be published in the *Gazette* the names of members appointed to the Board and every change in the membership of the Board and the termination of an appointment.”.

Amendment of section 7

7. Section 7 of the principal Act is amended by deleting the words “public health inspectors” appearing in the section and by substituting the words “environmental health officers”.

Amendment of section 8

8. Section 8 of the principal Act is amended, in subsection (1), by deleting the words “public health inspector of” and by substituting the words “environmental health officer or”.

Amendment of section 9

9. Section 9 of the principal Act is amended in subsection (1) —

(a) in paragraph (i), by inserting immediately after the word “businesses” the words —

“including —

(i) a beauty and wellness centre,

(ii) a spa,

(iii) a massage parlour,

(iv) a body art facility;”;

(b) by deleting paragraph (n) and by substituting the following paragraph (n) —

“(n) for the control and destruction of mosquitoes and other insects, rodents, and other vectors capable of transmitting or causing disease or a public health hazard;”;

(c) by deleting the full stop appearing in paragraph (x) and substituting a semi-colon;

(d) by inserting immediately after paragraph (x) the following new paragraphs (y), (z) and (aa) —

“(y) providing for the prevention and control of a public health hazard;

(z) in relation to —

(i) a vaccination and inoculation,

(ii) air and soil pollution,

(iii) the collection and publication of epidemiological and other data pertaining to public health,

- (iv) an occupational disease and employment health hazard, and
 - (v) fees in respect of an examination, a certificate, a licence or other matter under this Act;
- (aa) in the case of tobacco —
- (i) prohibiting or restricting smoke from tobacco and tobacco products and the smoke of other products and substances in a work place and a public place, such as of a public conveyance, tourist establishment, another public place of public entertainment or recreation or a place specified in the Regulations, including in —
 - (A) an aircraft, a ship or other vessel, a public motor vehicle, or a vehicle used for the carriage of members of the public for reward other than a public motor vehicle;
 - (B) a health facility or part of a health facility at a distance of ten metres from its immediate surroundings;
 - (C) an educational institution or part of an educational institution and a child care institution, at a distance of ten metres from its immediate surroundings;
 - (D) a building to which the public has access, as of right or with the permission of the owner or occupier of the building, and which belongs to, or is in the occupation of the Crown, a Ministry or Department or a body established under an enactment;
 - (E) a cinema, theatre, concert hall, casino or other place for public entertainment, whether for temporary or permanent use, partially or fully enclosed;
 - (F) a workplace or part of a workplace; and

- (G) another premises or place or part of another premises or place,
- (ii) prohibiting the sale of tobacco and tobacco products —
 - (A) to and by minors;
 - (B) in or around a health facility, educational institution, child care facility or sports facility.”;
- (e) by inserting immediately after subsection (1) the following new subsection (2) —
 - “(2) Regulations made under subsection (1)(i)(iv) may —
 - (a) designate the type or class of body art facility;
 - (b) provide for the exemption from this Act or the Regulations, of a person, a class of persons, a body art facility or a type or class of body art facility;
 - (c) prescribe the terms and conditions of the exemption under paragraph (b);
 - (d) prescribe the manner of using a device and the device to be used in a body art facility;
 - (e) prescribe the equipment to be provided and maintained at a body art facility and the manner of operating a body art facility;
 - (f) provide for the cleaning and sanitation of a body art facility;
 - (g) require and govern the disposal of waste at a body art facility;
 - (h) prescribe the records to be made and kept at a body art facility;
 - (i) in the case of a licence —
 - (i) provide for the issue, renewal, suspension or revocation of the licence,

- (ii) prescribe the fees payable for the licence and conditions to which licensees may be subject;
- (j) provide for the inspection of a body art facility;
- (k) provide for the keeping of a register of licenses and for the inspection of the register by a person;
- (l) provide standards for a type or class of body art facility;
- (m) establish the circumstances under which a person who has a prescribed disease or condition may participate in a body art service;
- (n) incorporate or adopt by reference, in whole or in part, a written standard, rule, regulation, guideline, code or document on a prescribed date or as it is amended.”.

Amendment of section 11

10. Section 11 of the principal Act is amended by inserting immediately after subsection (2) the following new subsections (3) and (4) —

- “(3) In examining and inspecting premises under subsection (1)(d), the Chief Medical Officer, a medical officer of health, the Minister or a person authorized by a document signed by any of them in that behalf may —
- (a) request a substance, thing, solid, liquid, gas, plant, animal or other organism to be produced for testing or analysis;
 - (b) seize or take a sample of a substance, thing, solid, liquid, gas, plant, animal or other organism, other than samples of human bodily substances;
 - (c) request a person to —
 - (i) provide information, including personal information, personal health information, proprietary or confidential business information,

- (ii) produce a document or record, including a document or record containing personal information, personal health information or proprietary or confidential business information, and copy or extract the information, document or record or take it to copy or retain as evidence;
 - (d) take a photograph or videotape of premises, or a condition, process, substance, thing, solid, liquid, gas, plant, animal or other organism located in or on the premises;
 - (e) bring machinery, equipment or other thing into or onto the premises;
 - (f) use machinery, equipment or other thing located in or on the premises; or
 - (g) request that machinery, equipment or other thing be operated, used or dismantled in or on the premises under specified conditions.
- (4) A person is not entitled to receive a fee or charge in relation to the exercise of a power under subsection (3) by the Chief Medical Officer, a medical officer of health, the Minister or a person authorized by a document signed by any of them in that behalf.
- (5) If a document or record is removed from the premises, the document or record must be returned to the occupier as soon as possible after the copy or extract has been certified by a Justice of the Peace or an officer authorized by the Minister or the Chief Medical Officer.”.

Amendment of section 15

11. Section 15 of the principal Act is amended —

- (a) in subsection (1) —
 - (i) by deleting the words “\$250” and by substituting the words “fifty thousand dollars”,
 - (ii) by deleting the words “3 months” and by substituting the words “six years”;

- (b) in subsection (2), by deleting the words “\$25” and by substituting the words “five hundred dollars”; and
- (c) in subsection (3) —
 - (i) by deleting the words “\$250” and by substituting the words “fifty thousand dollars”,
 - (ii) by deleting the words “3 months” and by substituting the words “six years”.

Insertion of new sections 24 and 25

12. The principal Act is amended by inserting immediately after section 23 the following new sections 24 and 25 —

“Use of force

24. The Chief Medical Officer, a medical officer of health, the Minister or a person authorized by a document signed by any of them in that behalf may use force as is reasonably necessary to do an act, matter or thing that he or she is empowered, authorized or required under this Act or Regulations herein.

Amendment of Schedule

25. The Minister may by Order published in the *Gazette* amend the Schedule.”.

Passed in the House of Assembly this 11th day of June, 2019.

ANDY G. DANIEL,
Speaker of the House of Assembly.

Passed in the Senate this 13th day of June, 2019.

JEANNINE GIRAUDY-MCINTYRE,
President of the Senate.