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**HEALTH SERVICES (COVID 19)(PREVENTION
AND MANAGEMENT OF COMMUNITY SPREAD)
(AMENDMENT) RULES, 2021**

Arrangement of Rules

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MINISTRY OF HEALTH AND WELLNESS

S.I. No. 121 of 2021

**HEALTH SERVICES ACT
(CHAPTER 231)**

**HEALTH SERVICES (COVID 19)(PREVENTION
AND MANAGEMENT OF COMMUNITY SPREAD)
(AMENDMENT) RULES, 2021**

The Minister, in exercise of the powers conferred by section 29 of the Health Services Act (*Ch. 231*) makes the following rules —

1. Citation.

These Rules may be cited as the Health Services (Covid 19)(Prevention and Management of Community Spread) (Amendment) Rules, 2021.

2. Amendment of rule 4 of the principal Rules.

Rule 4 of the principal Rules is amended by —

- (a) the insertion in the appropriate alphabetical order of the following

—
“**contact tracing**” means the process of identifying all people with whom a Covid-19 positive patient has come into contact, within three days prior to the patient testing positive or exhibiting symptoms;

“**health clearance letter**” means a letter issued —

- (a) in respect of a person traveling into The Bahamas from another jurisdiction, by a person authorised in that jurisdiction to practise medicine; or
(b) in respect of a person in The Bahamas, by the Surveillance Unit,

certifying that the person has clinically recovered from Covid-19 but remains positive on subsequent testing;”;

- (b) the deletion of the definition of the terms “**Covid 19 test**” and “**fully vaccinated**”, and the substitution therefor, in the appropriate alphabetical order, of —

“**Covid 19 test**” —

- (a) means any molecular test methods utilising nucleic acid amplification (“NAAT”) as —
(i) recommended by the World Health Organisation for the diagnosis or identification of acute infection with SARS-CoV-2 by detecting unique

gene targets of one or more of specific proteins of the SARS – COV-2 virus; and

- (ii) approved by the Ministry; and
- (b) includes a rapid antigen test or a RTPCR test;

“fully vaccinated” in relation to a person means that two weeks have elapsed since the person has received the required doses of a vaccine —

- (a) authorised by the World Health Organisation or by a Stringent Regulatory Authority as defined by the Caribbean Public Health Agency; or
- (b) which has received an emergency use license (EUL) from the World Health Organisation; or
- (c) which has received an emergency use authorisation (EUA) from the Food and Drug Administration (FDA);”.

3. Revocation and replacement of rule 5 of the principal Rules.

Rule 5 of the principal Rules is revoked and replaced as follows —

“5. Entry requirements for citizens, legal residents and visitors.

- (1) Except as otherwise provided in this Part —
 - (a) a citizen or legal resident of The Bahamas who complies with paragraph (2);
 - (b) a visitor who —
 - (i) presents a travel health visa issued in accordance with rule 6; and
 - (ii) complies with all other legal requirements for entry pursuant to the provisions of the Immigration Act (*Ch. 191*),shall be permitted to enter The Bahamas.
- (2) For the purposes of paragraph (1)(a), a citizen or legal resident, age two or older, shall be required to present to the operator of an aircraft or vessel —
 - (a) if fully vaccinated, documentary evidence of his vaccination and a valid negative Covid 19 test result; or
 - (b) if not fully vaccinated, a valid negative RTPCR test result; or
 - (c) a valid health clearance letter.

- (3) The parent or guardian of a person referred to in paragraph (2) and (5) who is a minor shall present or cause to be presented, to the operator of an aircraft or vessel, the valid negative results of the Covid 19 test or a valid health clearance letter.
- (4) Paragraph (2) shall expire at the commencement of paragraph (5).
- (5) Effective 12:00 am on Friday the 7th day of January, 2022, for the purposes of paragraph (1)(a), a citizen or legal resident, aged two or older, shall be required to present to the operator of an aircraft or vessel —
 - (a) if fully vaccinated, documentary evidence of his vaccination; and
 - (b) a valid negative RTPCR test result; or
 - (c) a valid health clearance letter.”.

4. Revocation and replacement of rule 6 of the principal Rules.

Rule 6 of the principal Rules is revoked and replaced as follows —

“6. Requirement for travel health visa.

- (1) An applicant for a travel health visa who is aged two or older shall —
 - (a) if fully vaccinated against Covid 19, submit via the travel health website —
 - (i) documentary evidence that he is fully vaccinated against Covid 19;
 - (ii) a valid negative Covid 19 test result; or
 - (iii) a valid health clearance letter; and
 - (iv) his contact and other required information.
 - (b) if not fully vaccinated against Covid 19 submit via the travel health website —
 - (i) a valid negative RTPCR test result; or
 - (ii) a valid health clearance letter; and
 - (iii) his contact and other required information;
- (2) The parent or guardian of an applicant who is a minor shall submit or cause to be submitted, to the travel health website, results of the Covid 19 test or the valid health clearance letter, together with the parent or guardian's contact and other required information.
- (3) An applicant who is approved for a travel health visa, shall pay the fee as set out in the *First Schedule*.

- (4) A travel health visa issued to a person referred to in this rule, shall be valid for travel into The Bahamas for the period of validity of the Covid 19 test taken to obtain the travel health visa in accordance with rule 10.
- (5) The holder of a valid travel health visa shall not be required to undergo a further Covid 19 test to embark upon inter island travel where the test submitted to obtain the travel health visa is still valid at embarkation for the inter island travel.
- (6) Paragraph (1) shall expire at the commencement of paragraph (7).
- (7) Effective 12:00 am on Friday the 7th day of January, 2022, an applicant for a travel health visa shall —
 - (a) if fully vaccinated against Covid 19, submit via the travel health website documentary evidence that he is fully vaccinated against Covid 19; and
 - (b) if age two or older, submit or cause to be submitted to the via the travel health website, a valid negative RTPCR test result together with his contact and other required information; or
 - (c) submit a health clearance letter via the travel health website.”.

5. Revocation and replacement of rule 7 of the principal Rules.

Rule 7 of the principal Rules is revoked and replaced as follows —

“7. Cruise ships.

- (1) A cruise ship which is on a passenger voyage shall not be permitted to enter a port in The Bahamas (including a private stop) unless —
 - (a) the captain or master of the cruise ship transmits a crew and passenger manifest to the medical officer of health present at that port, which discloses the vaccination status of all persons prior to arriving at the port;
 - (b) all passengers who are twelve years and older were fully vaccinated prior to embarking on the cruise ship at the start of the voyage; and
 - (c) the health protocols, previously submitted by its cruise line to the Minister and approved by the Minister, has been complied with.

- (2) Paragraph (1)(b) shall not apply to —
 - (a) the crew, contractors and any non-revenue passenger of that cruise ship and all protocols that were previously agreed to between the Government of The Bahamas and each cruise line in relation to its crew, contractors and non-revenue passenger shall remain in effect;
 - (b) a cruise ship attempting to call at a port in an emergency, or in other exigent circumstances approved by the Government of The Bahamas;
 - (c) an unvaccinated passenger who is ineligible for the COVID 19 vaccination due to documented medical contraindications.
- (3) Notwithstanding rule 14, a person entering The Bahamas on a cruise ship, will be subjected to the testing requirements mandated by the cruise line and approved by the Minister.”.

6. Revocation and replacement of rule 9 of the principal Rules.

Rule 9 of the principal Rules is revoked and replaced as follows —

“9. Inter island travel.

- (1) A person age two or older who travels inter island as a passenger in any aircraft or vessel, from an island listed in the *Second Schedule*, shall at the point of embarkation, produce to the operator of the aircraft or vessel —
 - (a) if he is fully vaccinated, the negative results of a rapid antigen test or RTPCR test or a health clearance letter;
 - (b) if he is not fully vaccinated, the negative results of his RTPCR test or a health clearance letter; or
 - (c) proof of his exemption from the requirement to undergo a Covid 19 test in accordance with rules 11, 12 or 13.
- (2) A person referred to in paragraph (1) —
 - (a) who is the operator of a private aircraft or vessel on which he is travelling, shall produce the negative result of his Covid 19 test or health clearance letter to the officer in command of the port of entry;
 - (b) shall, when asked to do so, produce the negative result of his Covid 19 test or health clearance letter to an officer of the Royal Bahamas Police Force, the Royal

Bahamas Defence Force or the Covid 19 Enforcement Unit.

- (3) A person referred to in this rule who does not comply with —
 - (a) the Covid 19 protocols as specified in the Health Services (Covid 19)(General) Rules, 2021;
 - (b) paragraphs (1) or (2);
 - (c) a request made pursuant to paragraph (2)(b), commits an offence and is liable upon summary conviction to a fine not exceeding one thousand dollars.
- (4) A person who travels inter island from any island not listed in the *Second Schedule*, shall not be required to undergo a Covid 19 test.
- (5) Where the Minister makes an order restricting travel to or from any island under rule 5(2) of the Health Services (Covid 19)(General) Rules, 2021, every operator of an aircraft or vessel shall comply with that order unless exempted under rule 12.”.

7. Revocation and replacement of rule 10 of the principal Rules.

Rules 10 of the principal Rules is revoked and replaced as follows —

“10. Validity of Covid 19 test results.

- (1) Subject to rule 36B, the results of a Covid 19 test administered —
 - (a) by a diagnostic facility in The Bahamas;
 - (b) by an accredited lab outside of The Bahamas, for the purpose of satisfying a requirement of entry into The Bahamas,shall be valid for a period of three days from and inclusive of the date on which the sample was taken.
- (2) A person whose journey into The Bahamas extends beyond the period of validity of the Covid 19 test results submitted, shall be permitted to enter The Bahamas provided the captain of the aircraft or vessel can prove at the point of entry into The Bahamas that —
 - (a) the aircraft or vessel's travel to The Bahamas commenced prior to the expiration of the Covid 19 test results; and
 - (b) the travel to The Bahamas was direct with no prior stops to any other ports of call.

- (3) The negative results of a Covid 19 test taken for any purpose may be used to satisfy any requirement of these Rules for a negative Covid 19 test result provided the test results are still valid in accordance with paragraph (1).”.

8. Insertion of a new rule 10A into the principal Rules.

The principal Rules are amended by the insertion immediately after rule 10 of the following new rule —

“10A. Validity of health clearance letter.

A health clearance letter shall be valid for a period of fourteen days from the date of issue.”.

9. Revocation and replacement of rule 11 of the principal Rules.

Rule 11 of the principal Rules is revoked and replaced as follows —

“11. Exemption where re-entry is within twenty-four hours of departure.

- (1) Where a person travels from The Bahamas and returns within a period of twenty-four hours, the person shall not be required to undergo a new Covid 19 test to re-enter The Bahamas.
- (2) Where a person travels inter island —
 - (a) from an island listed in the *Second Schedule* to any other island in The Bahamas and returns to the originating island within a period of twenty-four hours, the person shall not be required to undergo a new Covid 19 test;
 - (b) from an island not listed in the *Second Schedule* to an island listed in the *Second Schedule* and returns to the originating island within a period of twenty-four hours, the person shall not be required to undergo a Covid 19 test.”.

10. Revocation and replacement of rule 12 of the principal Rules.

Rule 12 of the principal Rules is revoked and replaced as follows —

“12. Exemption for emergency travel from Second Schedule islands.

Where a person travels inter island from an island listed in the *Second Schedule* —

- (a) for an emergency, evidenced by written confirmation from a medical officer of health, the Minister, the Commissioner of

Police or an officer designated by the Commissioner of Police or a Family Island Administrator stating that the person has an emergency that requires inter island travel; or

- (b) as an employee of an operator of an aircraft or a vessel transporting freight or passengers in an emergency, he shall not be required to undergo a Covid 19 test.”.

11. Revocation and replacement of rule 13 of the principal Rules.

Rule 13 of the principal Rules is revoked and replaced as follows —

“13. Exemption for specified categories of persons.

Notwithstanding rules 5, 6 or 9 —

- (a) a person who is a pilot or crew member of a commercial air operator who is required to spend not more than one night in The Bahamas shall not be required to undergo a Covid 19 test for entry into The Bahamas or travel inter island;
- (b) the Minister may in writing exempt a person travelling on urgent government business from the requirement to undergo a Covid 19 test for entry into The Bahamas or travel inter island.”.

12. Revocation and replacement of rule 14 of the principal Rules.

Rule 14 of the principal Rules is revoked and replaced as follows —

“14. Mandatory requirement for secondary testing.

- (1) A holder of a travel health visa who —
 - (a) enters The Bahamas; or
 - (b) travels inter island from a *Second Schedule*,shall on the fifth day of his stay, be required to undergo a rapid antigen test and submit the result to the Ministry's via its travel health website.
- (2) A person referred to in paragraph (1), who is out to sea on the fifth day of his stay, shall be required to undergo a rapid antigen test at the first port of call and submit the result to the Ministry via its travel health website.
- (3) Where the rapid antigen test indicates a positive result, that person shall be required to undergo a RTPCR test and submit to mandatory isolation in accordance with rule 21.
- (4) A person who fails to undergo a Covid 19 test in accordance with this rule commits an offence and is liable to a fine not exceeding one thousand dollars or to a term not exceeding one month's imprisonment.”.

13. Revocation and replacement of rule 15 of the principal Rules.

Rule 15 of the principal Rules is revoked and replaced as follows —

“15. Mandatory requirement for screening and testing of symptomatic persons.

- (1) Any person who has travelled to or is in The Bahamas and is symptomatic, shall forthwith —
 - (a) undergo screening and a rapid antigen test; and
 - (b) submit to quarantine in accordance with rule 18, if ordered by a medical officer of health.
- (2) A person who refuses to undergo screening and a rapid antigen test in accordance with this rule commits an offence and is liable to a fine not exceeding one thousand dollars.”.

14. Revocation and replacement of rule 19 of the principal Rules.

Rule 19 of the principal Rules is revoked and replaced as follows —

“19. Imposition of screening and other restrictions and requirements.

- (1) Where a person has been quarantined pursuant to rule 18, the medical officer shall —
 - (a) in writing, impose, one or more screening requirements to determine whether such person presents or could present a risk of infecting others;
 - (b) carry out an assessment in relation to that person based on the result of the screening;
 - (c) based on the outcome of the assessment, in writing —
 - (i) impose the continuation of the quarantine;
 - (ii) release the person from quarantine; or
 - (iii) transfer the person from quarantine to isolation.
- (2) A restriction or requirement imposed under paragraph (1) shall —
 - (a) be made where the medical officer considers the restriction or requirement appropriate;
 - (b) be varied, orally or in writing, by the medical officer.
- (3) Where a restriction or requirement under paragraph (1)(c) is imposed on or in relation to a child or any person who is mentally or intellectually incapacitated, a person who is a responsible adult in relation to the aforementioned person shall —

- (a) ensure that there is compliance with the restriction or requirement, insofar as that person is reasonably able to do so;
- (b) be provided with a written notification of the restriction or requirement imposed or varied as soon as reasonably practicable.”.

15. Revocation and replacement of rule 29 of the principal Rules.

Rule 29 of the principal Rules is revoked and replaced as follows —

“29. Restaurants.

- (1) A restaurant may operate provided that —
 - (a) the Covid 19 protocols are adhered to;
 - (b) tables, chairs and other implements used by patrons are sanitised after each use; and
 - (c) masks are worn by patrons when dining, at all times except when eating or drinking.
- (2) Notwithstanding paragraph (1), a restaurant on an island listed in the *Second Schedule* may operate provided that —
 - (a) the Covid 19 protocols are adhered to;
 - (b) tables, chairs and other implements used by patrons are sanitised after each use; and
 - (c) in the case of indoor dining —
 - (i) all patrons are fully vaccinated or have a valid negative rapid antigen test result;
 - (ii) the maximum seating shall be fifty percent of the seating capacity of that restaurant; and
 - (iii) masks are worn by patrons when dining, at all times except when eating or drinking.”.

16. Revocation and replacement of rule 30 of the principal Rules.

Rule 30 of the principal Rules is revoked and replaced as follows —

“30. Public transportation.

- (1) Notwithstanding rule 8 of the Health Services (Covid 19) (General) Rules, 2021 —
 - (a) a tour or charter bus may operate at more than fifty percent of its normal seating capacity where the occupants are a part of a group travelling together on a journey determined by the group;

- (b) a taxi service may operate at more than fifty percent of its normal seating capacity where the occupants are members of the same household or are travelling together as a group on a journey to the same location.
- (2) The operation of a public bus, tour or charter or taxi service shall be subject to the Covid 19 protocols and other guidelines issued or approved by the Ministry.”.

17. Revocation and replacement of rule 33 of the principal Rules.

Rule 33 of the principal Rules is revoked and replaced as follows —

“33. Social gatherings.

- (1) A person may host or attend a social gathering indoors at —
 - (a) a private residence, with not more than twenty persons; or
 - (b) a facility,provided that —
 - (i) all attendees are either fully vaccinated or present a valid negative Covid 19 test result; and
 - (ii) all Covid 19 protocols are adhered to.
- (2) A person may host or attend a social gathering held outdoors with not more than thirty persons provided that —
 - (a) all attendees are either fully vaccinated or present a negative Covid 19 test;
 - (b) all Covid 19 protocols are adhered to.
- (3) For the purposes of this rule, a “facility” means any venue that is not a private residence or a restaurant and includes a hotel, convention hall, ballroom, meeting room, or other space, utilised for the hosting of a social gathering.
- (4) A person who hosts or attends a social gathering contrary to this rule commits an offence and is liable upon summary conviction —
 - (a) in the case of a host, to a fine not exceeding two thousand dollars and to a fine not exceeding three hundred dollars for each person in attendance; and
 - (b) in the case of an attendee, to a fine not exceeding three hundred dollars.”.

18. Revocation and replacement of rule 34 of the principal Rules.

Rule 34 of the principal Rules is revoked and replaced as follows —

“34. Group exercise.

A person may engage in indoor group exercise subject to rule 9(4)(a) of the Health Services (Covid 19)(General) Rules, 2021, provided that the group is limited to not more than twenty persons.

34A. Recreational activity and competitive sporting event.

- (1) A group recreational activity and competitive sporting event may be held provided that —
 - (a) persons engaged in active participation of the activity or event and coaches and persons officiating the sporting activity or event are either fully vaccinated or present a valid negative Covid 19 result prior to the activity or event;
 - (b) the number of persons intended to engage in active participation in any team sport, is limited to the number of persons necessary for team play in that sport; and
 - (c) all persons, including team members, staff and officials who are not engaged in active participation, wear face masks at all times, remain physically distanced and hand sanitise in accordance with the Covid 19 protocols.
- (2) A sports association or federation may oversee the training and conditioning of an athlete provided that —
 - (a) such training and conditioning is carried out in accordance with the Covid 19 protocols and any guidelines issued or approved by the Ministry; and
 - (b) every athlete, coach or other person participating in or conducting the training or conditioning presents to the association or federation, a valid negative Covid 19 test result.

34B. Sporting activity promoted by educational institution.

A sporting activity promoted by an educational institution shall be conducted in accordance with guidelines or protocols as issued or approved by the Ministry pursuant to rule 25 of the Health Services (Covid 19)(General) Rules, 2021.”.

19. Insertion of new rules 36A and 36B into the principal Rules.

The principal Rules are amended by the insertion immediately after rule 36 of the following new rules —

“36A. Other activities.

- (1) A person who is desirous of hosting or promoting any event specified in Part A of the *Third Schedule* shall apply in writing to the Advisory Committee for approval no less than two weeks prior to the anticipated date of the event.
- (2) An application referred to in paragraph (1) shall contain —
 - (a) the number and demographics of persons expected to attend;
 - (b) information on the size and layout of the venue;
 - (c) proposed measures to mitigate the spread of Covid 19;
 - (d) a declaration of intention to comply with the Covid 19 protocols;
 - (e) the duration of the event;
 - (f) the names and contact information of—
 - (i) the hosts or promoters of the event;
 - (ii) the persons responsible for setting up and securing the event; and
 - (iii) a person designated as the contact for any query by the Ministry.
- (3) Upon review of an application, the Advisory Committee shall —
 - (a) approve the application, with or without conditions;
 - (b) deny the application; or
 - (c) defer the application, pending the receipt of further information as may be requested by the Advisory Committee, for a period not exceeding seven days after which a decision to approve or deny the application must be made.
- (4) The Permanent Secretary to the Minister shall notify the applicant in writing forthwith of the decision.

36B. Modification of validity of Covid 19 test results.

- (1) Notwithstanding rule 10, the Advisory Committee may recommend in respect of an event specified in Part A of the *Third Schedule*, a modification of the period of validity of a Covid 19 test result required for entry into and participation in such an event.

- (2) The Minister shall by notice published in the *Gazette*, modify the period of validity of a Covid 19 test result as recommended pursuant to paragraph (1).

36C. Revocation of approval.

- (1) The Advisory Committee may, where it considers it necessary in the interest of public health, recommend the revocation of any approval granted under rule 36A.
- (2) The Permanent Secretary to the Minister shall notify the applicant in writing forthwith of the decision.

36D. Appeal of decision.

- (1) An applicant whose application has been denied, deferred or revoked may appeal to the Appeals Committee in writing.
- (2) The Appeals Committee shall —
 - (a) comprise the persons specified in Part B of the *Third Schedule*;
 - (b) review the recommendation of the Advisory Committee and finally determine the application; and
 - (c) inform the applicant in writing of its determination.”.

20. Revocation and replacement of rules 41 and 42 of the principal Rules.

Rules 41 and 42 of the principal Rules are revoked and replaced as follows —

“41. Requirement to prove vaccination or present a negative test result.

- (1) A person who is required to present documentary evidence that he is fully vaccinated or a valid negative Covid 19 test result, to enter a place, aircraft or vessel, shall present such documentary evidence to the respective authority.
- (2) The respective authority shall only allow entry of a person where he is satisfied on the presentation of documentary evidence that the person —
 - (a) is fully vaccinated; or
 - (b) has a valid negative Covid 19 test result.
- (3) A person referred to in paragraph (1) who enters a place, aircraft or vessel in contravention of paragraph (1), commits an offence and is liable upon summary conviction to a fine not exceeding three hundred dollars.

- (4) The respective authority who allows the entry of a person in contravention of paragraph (2), commits an offence and is liable upon summary conviction to a fine not exceeding two thousand dollars and to a fine not exceeding three hundred dollars for each person whose attendance is in contravention thereof.
- (5) For the purposes of this rule —
- “documentary evidence”** in relation to —
- (a) the vaccination of a person, includes vaccination documentation issued by an approved authority in the jurisdiction in which that person has been vaccinated and such documentation may be in electronic format or in hard copy; and
 - (b) a negative Covid 19 test result, includes a report issued by a diagnostic facility in the jurisdiction in which that person has been tested and such documentation may be in electronic format or in hard copy;
- “respective authority”** means, in relation to —
- (a) a social gathering, the host of the social gathering;
 - (b) an aircraft or vessel, the operator of the aircraft or vessel;
 - (c) a restaurant, the manager of that restaurant or his designate;
 - (d) a recreational activity and competitive sporting event, the host of that activity or the promoter of that event or his designate.”.

21. Revocation and replacement of the First Schedule and Second Schedule to the principal Rules.

The principal Rules are amended by the revocation and replacement of the First Schedule and the Second Schedule as follows —

“

FIRST SCHEDULE

(rule 6)

Fees For Travel Health Visa

For Fully Vaccinated Persons

Visitor from North America (USA and Canada)	\$40.00
Visitor from any other country	\$50.00

For Unvaccinated Persons

Visitor from North America (under 5 days' stay)	\$40.00
Visitor from North America (over 5 days' stay)	\$60.00
Visitor from any other country	\$70.00

Note: No fee is payable for a travel health visa for a child 11 years or younger or for the pilot or crew of a commercial air operator.

SECOND SCHEDULE

(rules, 9, 11(2), 12, 29, 31 and 33)

Islands

- Grand Bahama
- Eleuthera
- Inagua
- New Providence

THIRD SCHEDULE

(rule 36A)

PART A

List of Events

- Concerts
- Recitals
- Regattas
- Plays (Not hosted by educational or religious institution)
- Fetes
- Carnivals or fairs
- Junkanoo or Carnival parades (inclusive of practice)

In person conferences, meetings, seminars or workshops

Rallies

Expos, craft markets or trade shows

Non-drive thru cook-outs

PART B

Appeals Committee

The Appeals Committee shall comprise —

- (a) the Director of Environmental Health Services;
- (b) the President of the Medical Association of The Bahamas;
- (c) the President of the Nurses' Association of The Bahamas;
- (d) a member of civil society nominated by Civil Society Bahamas; and
- (e) a representative nominated by the Attorney-General.”.

Made this 22nd day of December, 2021

Signed

MICHAEL DARVILLE

Minister Responsible for Public Health

HEALTH SERVICES (COVID 19)(GENERAL) (AMENDMENT) RULES, 2021

Arrangement of Rules

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**HEALTH SERVICES ACT
(CHAPTER 231)**

**HEALTH SERVICES (COVID 19)(GENERAL)
(AMENDMENT) RULES, 2021**

The Minister, in exercise of the powers conferred by section 29 of the Health Services Act (*Ch. 231*) makes the following rules —

1. Citation.

These Rules may be cited as the Health Services (Covid 19)(General) (Amendment) Rules, 2021.

2. Amendment of rule 4 of the principal Rules.

Rule 4 of the principal Rules is amended by the deletion of the terms “Covid 19 test”, “facility” and “fully vaccinated” and the substitution of the following —

“**Covid 19 test**” –

- (a) means any molecular test methods utilising nucleic acid amplification (“NAAT”) as —
 - (i) recommended by the World Health Organisation for the diagnosis or identification of acute infection with SARS-CoV-2 by detecting unique gene targets of one or more of specific proteins of the SARS-CoV-2 virus; and
 - (ii) approved by the Ministry; and
- (b) includes a rapid antigen test or a RTPCR test;

“**facility**” includes —

- (a) a diagnostic facility as registered and licensed by the Hospital and Health Care Facilities Licensing Board; and
- (b) a collection site that is —
 - (i) authorised by the Hospital and Health Care Facilities Licensing Board to operate as a remote collection site;
 - (ii) approved by the Ministry to operate as a remote collection site on a Family Island;

“**fully vaccinated**” in relation to a person means that two weeks have elapsed since the person has received the required doses of a vaccine —

- (a) authorised by the World Health Organisation or by a Stringent Regulatory Authority as defined by the Caribbean Public Health Agency; or
- (b) which has received an emergency use license (EUL) from the World Health Organisation; or
- (c) which has received an emergency use authorisation (EUA) from the Food and Drug Administration (FDA);”.

3. Revocation and replacement of rule 6 of the principal Rules.

Rule 6 of the principal Rules is revoked and replaced as follows —

“6. Appointment and functions of Advisory Committee.

- (1) The Minister shall appoint an advisory committee comprising of —
 - (a) persons with the following expertise —
 - (i) epidemiology;
 - (ii) supplies management and logistics;
 - (iii) health services administration at the primary and tertiary levels;
 - (iv) public health;
 - (v) management of infectious diseases;
 - (vi) laboratory management and pharmaceutical management; and
 - (b) such other medical or other professionals as the Minister may deem necessary.
- (2) The functions of the Committee are —
 - (a) to advise the Minister on —
 - (i) the current epidemiological status inclusive of key indicators of the outbreak of Covid 19;
 - (ii) the implementation of measures to guard against the spread or recurrence of Covid 19;
 - (iii) the implementation of measures to manage the Covid 19 pandemic;
 - (iv) the modification or discontinuation of measures in place pursuant to paragraphs (b) and (c);
 - (v) the sufficiency of hospital, medicinal and pharmaceutical supplies and testing capacity; and

- (vi) the sufficiency of personal protective equipment, human and technological resources
- (b) to review and decide an application made pursuant to rule 36A of the Health Services (Covid 19) (Prevention and Management of Community Spread) Rules, 2021.
- (3) The Committee may make such recommendations to the Minister as it considers necessary.”.

4. Revocation and replacement of rule 8 of the principal Rules.

Rule 8 of the principal Rules is revoked and replaced —

“8. Physical distancing protocols.

- (1) Every person shall practice physical distancing of not less than six feet between himself and others who are not of the same household whenever he is away from his residence.
- (2) Every business shall —
 - (a) ensure that all customers and staff maintain physical distancing between themselves and others of not less than six feet while inside or awaiting entry outside the business;
 - (b) determine the number of persons permitted in the business at any one time on the basis of one person for every thirty square feet of floor space which is unoccupied by furnishings, fixtures or machinery and is accessible to the public;
 - (c) have distance markers six feet apart, indicating where each customer is to stand on a line awaiting entry or check out.
- (3) Notwithstanding paragraph (1) —
 - (a) every educational institution shall ensure there is spacing of at least three feet between persons in a classroom or a distribution of a minimum of one student per seven to twelve square feet of the student occupied surface area of the classroom;
 - (b) a taxi, private or public bus service shall operate provided such service is operated at fifty percent of normal seating capacity of the taxi or bus;
 - (c) every restaurant shall ensure that seating is arranged so that there is spacing of at least —
 - (i) for indoor dining, six feet between each dining party; or

- (ii) for outdoor dining, three feet between each dining party.”.

5. Revocation and replacement of rule 12 of the principal Rules.

Rule 12 of the principal Rules is revoked and replaced as follows —

“12. Responsibility of airline and vessel operators.

- (1) The operator of an aircraft or vessel, whether commercial or private, shall not permit any person to board that aircraft or vessel without the passenger first presenting —
 - (a) where the travel originates outside of The Bahamas and the person is a —
 - (i) citizen or legal resident, the documents required by rule 5(2) of the Health Services (Covid 19) (Prevention and Management of Community Spread) Rules, 2021;
 - (ii) a visitor, a travel health visa issued in accordance with rule 6 of the Health Services (Covid 19)(Prevention and Management of Community Spread) Rules, 2021;
 - (b) where the Health Services (Covid 19)(Prevention and Management of Community Spread) Rules, 2021 requires a negative result of a Covid 19 test for travel, a copy of that result;
 - (c) where applicable, written confirmation that the person is exempted from the requirement to undergo testing or to obtain a travel health visa in accordance with the Health Services (Covid 19)(Prevention and Management of Community Spread) Rules, 2021.
- (2) The operator of an aircraft or vessel, whether commercial or private, shall ensure —
 - (a) that a passenger continues to wear his face mask throughout the journey; and
 - (b) proper and timely sanitisation of the aircraft or vessel.
- (3) An operator of an aircraft or vessel who permits a person to travel contrary to paragraph (1), commits an offence and is liable upon summary conviction to a fine not exceeding two thousand dollars, and a fine not exceeding three hundred dollars in respect of each passenger carried in violation thereof.

- (4) The operator or owner of an aircraft or vessel transporting persons into The Bahamas shall report to the Surveillance Unit as soon as practicable but no later than upon arrival in The Bahamas, the details of any passenger exhibiting symptoms of Covid 19.”.

6. Revocation and replacement of rule 16 of the principal Rules.

Rule 16 of the principal Rules is revoked and replaced as follows —

“16. Licensed and authorised testing and collection.

- (1) No person shall —
 - (a) conduct a Covid 19 test unless licensed by the Hospital and Health Care Facilities Licensing Board;
 - (b) serve as or operate a collection site for Covid 19 tests unless authorised by the Hospital and Health Care Facilities Licensing Board to operate as a remote collection site.
- (2) For the purposes of this rule, “collection site” includes a mobile or temporary Covid 19 test service.
- (3) Any person who administers or conducts Covid 19 tests or serves as a collection site for Covid 19 test, and is not licensed or authorised to do so, commits an offence and is liable upon summary conviction to a fine not exceeding two thousand dollars for each contravention.”.

HOSPITALS AND HEALTH CARE FACILITIES (GENERAL) (AMENDMENT) REGULATIONS, 2021

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**HOSPITALS AND HEALTH CARE FACILITIES ACT
(CHAPTER 235)**

**HOSPITALS AND HEALTH CARE FACILITIES
(GENERAL) (AMENDMENT) REGULATIONS, 2021**

The Minister in exercise of the powers conferred by section 30 of the Hospitals and Health Care Facilities Act (*Ch. 235*) hereby makes the following regulations —

1. Citation.

These regulations may be cited as the Hospitals and Health Care Facilities (General)(Amendment) Regulations, 2021.

2. Insertion of new Part XV into the principal Regulations.

The principal Regulations are amended by the insertion immediately after regulation 69 of the following —

“ **PART XV – MISCELLANEOUS**

70. Remote collection sites for Covid 19 testing.

- (1) The Board may authorise the operation of that collection site for the collecting of biological samples for Covid 19 testing where a clinic, facility or person referred to in paragraph (2) —
 - (a) meets the guidelines for the operation of a collection site; and
 - (b) provides any further information required by the Board.
- (2) The Board may issue guidelines for the regulation of the following clinic, facility or person who administers Covid 19 tests —
 - (a) a diagnostic laboratory;
 - (b) a medical practitioner's laboratory;
 - (c) a collection site or a mobile collection service which is —
 - (i) affiliated with a diagnostic laboratory; or
 - (ii) approved by the Ministry for operation on a Family Island.

- (3) For the purposes of this regulation, “Covid 19” has the meaning ascribed thereto in rule 4 of the Health Services (General) Rules, 2021.”.

Made this 22nd day of December, 2021

Signed
MICHAEL DARVILLE
Minister Responsible for Public Health