

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

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## HEALTH SERVICES ACT

### (CHAPTER 231)

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

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

### PART I - PRELIMINARY

#### 1. Citation and commencement.

- (1) These Rules may be cited as the Health Services (Covid 19)(General) Rules, 2021.
- (2) These Rules shall come into operation on the 13<sup>th</sup> day of November, 2021.

#### 2. Application of Rules.

These Rules shall apply to all the islands of The Bahamas, unless otherwise specified and shall be read and construed in conjunction with the Health Services (Covid 19)(Prevention and Management of Community Spread) Rules, 2021.

#### 3. Declaration of Covid 19 pandemic.

For the purposes section 29(2)(a)(ix) of the Act, it is hereby declared that there exists in The Bahamas a pandemic of Covid 19.

#### 4. Interpretation.

In these Rules —

“**business**” means an organization engaged in commercial, industrial or professional activities;

“**Covid 19**” means the coronavirus disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“**Covid 19 protocols**” means the protocols specified in rules 8, 9 and 10;

“**Covid-19 test**” —

- (a) means any molecular test methods utilizing nucleic acid amplification test (“NAAT”) or antigen tests as recommended by the World Health Organization, for the

diagnosis or identification of acute infection with SARS-CoV-2 by detecting unique gene targets of one or more specific proteins of the SARS-CoV-2 as approved by the Ministry of Health; and

- (b) includes a rapid antigen test or a RTPCR test;

**“diagnostic facility”** means any facility registered and licensed by the Hospital and Health Care Facilities Act (*Ch.235*) for the purpose of providing information for the diagnosing of sickness or disease, or the extent of injuries suffered by persons and includes any blood bank, laboratory or radiology facility including diagnostic imaging;

**“educational institution”** includes —

- (a) a maintained school, independent school or institution for the provision of further education pursuant to the Education Act (*Ch. 46*); and
- (b) a day-care centre or pre-school as defined in section 2 of the Early Childhood Care Act, 2004 (*No. 1 of 2004*);

**“facility”** includes —

- (a) a diagnostic facility as registered and licensed by the Hospital and Health Care Facilities Licensing Board; and
- (b) a collection site, as approved by the Ministry for collection of biological samples;

**“Hospital and Health Care Facilities Licensing Board”** means the Board established pursuant to section 4 of the Hospital and Health Care Facilities Act (*Ch. 235*);

**“household”** means a house and its residents regarded as a unit;

**“medical officer of health”** means any medical officer appointed to be a medical officer of health and includes the Chief Medical Officer and a district medical officer;

**“Ministry”** means the ministry responsible for public health;

**“social gathering”** means a gathering of persons present together in the same place in order to engage in social interaction;

**“Surveillance Unit”** means the unit within the Ministry, headed by a medical officer of health, which collects, analyses and interprets data on infectious diseases.

## **PART II – MANAGEMENT OF COVID 19 PANDEMIC**

### **FUNCTIONS AND POWERS OF THE MINISTER**

#### **5. Functions and powers of the Minister.**

- (1) In the interest of public health and safety, the Minister shall —
  - (a) appoint an advisory committee to advise him on the matters referred to in rule 6(2);
  - (b) provide for the acquisition of sufficient personal protective equipment and human and technological resources;
  - (c) provide sufficient hospital, medicinal, and pharmaceutical supplies and testing capacity;
  - (d) take all steps necessary —
    - (i) to guard against and prevent the spread of Covid 19; and
    - (ii) generally to manage Covid 19.
- (2) In carrying out his functions in paragraph (1), the Minister may by order impose such restrictions and implement such containment and mitigation measures, as he deems necessary.

### **ADVISORY COMMITTEE**

#### **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 to advise the Minister on —
  - (a) the current epidemiological status inclusive of key indicators of the outbreak of Covid 19;

- (b) the implementation of measures to guard against the spread or recurrence of Covid 19;
  - (c) the implementation of measures to manage the Covid 19 pandemic;
  - (d) the modification or discontinuation of measures in place pursuant to paragraphs (b) and (c);
  - (e) the sufficiency of hospital, medicinal and pharmaceutical supplies and testing capacity; and
  - (f) the sufficiency of personal protective equipment, human and technological resources.
- (3) The Committee may make such recommendations to the Minister as it considers necessary.

**7. Communications with the public.**

The Minister shall cause to be provided, regular official reports to the public relative to —

- (a) the status and effectiveness of the measures undertaken to manage and prevent Covid 19;
- (b) the statistics and scientific data on the rate of infections and deaths;
- (c) the restrictions or other measures required to contain or mitigate the spread or recurrence of Covid 19;
- (d) any other information on the outbreak, spread and management of Covid 19.

## **PART III – GUARDING AGAINST AND PREVENTING THE SPREAD OF COVID 19**

### **COVID 19 PROTOCOLS**

**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 space;
  - (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), 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.
- (4) Notwithstanding paragraph (1), 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.

**9. Requirement to wear a face mask.**

- (1) Subject to paragraph (4), every person shall, while away from his residence, wear a face mask, which fits securely to his face, ensuring that both his nose and mouth are covered at all times.
- (2) Where a resident of a household exhibits symptoms of Covid 19 or has tested positive for Covid 19, that person and all other residents of that household shall wear a face mask inside the residence until that person is Covid 19 free.
- (3) Every business shall —
  - (a) deny entry to any person not wearing a face mask or not wearing a face mask in the manner described in paragraph (1); and
  - (b) ensure that its employees are fitted with face masks and wear them in the manner described in paragraph (1) at all times when in the presence of other employees or customers.
- (4) A person is not required to wear a face mask —
  - (a) while exercising, but is required to have a face mask visibly in his possession and shall put it on if anyone approaches;
  - (b) while on a beach, but is required to wear a face mask when approaching and exiting the beach and at all times to have a face mask visibly in his possession and easily accessible to put on if anyone approaches;
  - (c) if he is a person with a disability or medical condition and cannot safely wear a face mask for reasons related to the disability or medical condition, provided that such person carries a medical certificate or letter signed by a medical practitioner proving the existence of his disability or medical condition.

- (5) The requirement to wear a face mask is not satisfied by the wearing of a face shield in place of a face mask.
- (6) Any person who is found —
  - (a) not wearing a face mask; or
  - (b) not wearing a face mask in accordance with this rule,commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to a term of imprisonment not exceeding one month or to both such fine and imprisonment.

#### **10. Requirement to sanitise.**

- (1) Every business shall —
  - (a) provide a hand sanitising station at every entry to that business or venue;
  - (b) ensure that every person sanitises his hands upon entry;
  - (c) sanitise the business not less than twice a day including equipment and furniture, in accordance with protocols approved by the Department of Environmental Health Services; and
  - (d) carry out deep cleaning of the business when so advised by an officer of the Department of Environmental Health Services.
- (2) Every place of religious instruction or worship or person hosting a social gathering shall —
  - (a) provide a hand sanitising station at every entry to the place or venue;
  - (b) ensure that every person sanitises his hands upon entry;
  - (c) regularly sanitise the place of religious instruction or the venue of a social gathering including equipment and furniture, in accordance with protocols approved by the Department of Environmental Health Services; and
  - (d) carry out deep cleaning of the place of religious instruction or the venue of a social gathering when so advised by an officer of the Department of Environmental Health Services.

#### **DOMESTIC AND INTERNATIONAL TRAVEL**

#### **11. Prohibited entry into The Bahamas.**

- (1) The Minister may, by notice, prohibit the entry by sea or air into The Bahamas, of any aircraft or vessel originating from any jurisdiction, whether by direct transport routes or by transiting through another jurisdiction.
- (2) A notice pursuant to paragraph (1), shall state —



- (a) the name of the jurisdiction from which travel is prohibited;
- (b) the duration of the prohibition on travel from that jurisdiction to The Bahamas.

## **12. Responsibility of airline and vessel operators.**

- (1) The operator of an aircraft or vessel, whether commercial or private, shall —
  - (a) not permit any person to board that aircraft or vessel without the passenger first presenting —
    - (i) where the travel originates outside of The Bahamas, a travel health visa issued in accordance with the Health Services (Covid 19)(Prevention and Management of Community Spread) Rules, 2021;
    - (ii) where these Rules require a negative result of a Covid 19 test for travel, a copy of that result;
    - (iii) 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;
  - (b) ensure that a passenger continues to wear his face mask throughout the journey; and
  - (c) ensure proper and timely sanitisation of the aircraft and vessel.
- (2) 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 and on a third conviction, the aircraft or vessel shall be impounded in addition to the payment of the fines.
- (3) 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.

## **13. Restriction of entry by sea.**

Every private dock, marina, quay, pier, or jetty in every Family Island shall be closed for entry into The Bahamas of any vessel to that Family Island with the exception of any public dock designated as a port of entry.

## **PART IV - COVID-19 TESTING SUPPLIES, FACILITIES AND RESULTS**

### **TESTING SUPPLIES**

#### **14. Importation of Covid 19 testing supplies.**

- (1) No person shall import Covid 19 testing supplies into The Bahamas unless —
  - (a) such supplies are approved by the Minister
  - (b) he is licensed under Part XII of the Pharmacy Act (*Ch. 227*), or authorised in writing by the Ministry to import such supplies.
- (2) Any person who contravenes paragraph (1)(a) or (b), commits an offence and is liable, in each case, on summary conviction to a fine not exceeding ten thousand dollars and the testing supplies shall be liable to seizure and confiscation.

#### **15. Trading of Covid 19 testing supplies.**

- (1) No person shall engage in the trading of Covid 19 testing supplies which have not been approved for importation in accordance with rule 14(1).
- (2) Any person who contravenes paragraph (1), commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars and the testing supplies shall be liable to seizure and confiscation.

#### **16. Licensed and authorized testing and collection.**

- (1) No —
  - (a) diagnostic facility shall conduct Covid 19 tests unless licensed by the Hospital and Health Care Facilities Licensing Board;
  - (b) facility, person or business shall serve as a collection site for Covid 19 tests unless authorised by the Ministry.
- (2) Any person or facility that administers Covid 19 tests or serves as a collection site for Covid 19 tests, and is not licensed or authorised to do so, commits an offence and is liable upon summary conviction to a fine not exceeding two thousands dollars for each contravention.

### **REPORTING OF TEST RESULTS**

#### **17. Reporting of collection of samples and Covid 19 test results.**

- (1) Every —

- (a) diagnostic facility licensed to conduct Covid 19 testing shall electronically report the result in relation to each person to whom that facility has administered any Covid 19 test within twenty-four hours, to the Surveillance Unit on the Case Investigation Form;
  - (b) person or collection site authorised to collect samples for Covid 19 testing shall report to the Surveillance Unit, the number of samples collected and the diagnostic facility to which the samples are dispatched for testing.
- (2) Where —
- (a) the owner or operator of a diagnostic facility fails to comply with paragraph (1)(a);
  - (b) a person or collection site fails to comply with paragraph (1)(b), he commits an offence and is liable on summary conviction —
    - (i) on a first offence, to a fine not exceeding twenty thousand dollars for each contravention;
    - (ii) on a second offence, the diagnostic facility, person or collection site, may be ordered to cease operation for a period not exceeding six months.

## **PART V – ENFORCEMENT, OFFENCES AND PENALTIES**

### **ENFORCEMENT**

#### **18. Issue of notice.**

- (1) Where a police officer finds any person committing an offence prescribed in paragraph (7), or has reason to believe that any person has committed such an offence (“the alleged offender”) he may then serve upon the alleged offender the fixed penalty notice prescribed in the *Schedule* charging him with the commission of the offence.
- (2) The police officer shall at the time of such service, notify the alleged offender —
  - (a) of his requirement to appear before a magistrate on the day specified in the notice to answer the charge; and
  - (b) that he has the opportunity of having his appearance before a magistrate waived and of having no conviction recorded against him should he sign the notice in the appropriate place in acknowledgement of his guilt and return it to the magistrate's clerk specified in the notice, together with the sum mentioned in the notice in payment of the fixed penalty.

- (3) Notwithstanding anything to the contrary in any law, the alleged offender who signs the notice and pays the fixed penalty before the expiration of the date specified in the notice for payment, which date shall not be later than fourteen days following the date of service of the notice on the alleged offender, shall be treated for all purposes in law as a person who has not committed, been charged with, prosecuted for, convicted of, or sentenced for, the offence in respect of which payment was made.
- (4) Subject to paragraph (8), where the alleged offender is served a notice under paragraph (1), in respect of an offence, no proceedings shall be taken against him for that offence until the expiration of the date specified in the notice for payment.
- (5) Payment of the fixed penalty shall be made to the clerk of the magistrate's court specified in the notice and the admission of guilt and the sum paid shall, subject to paragraph (3), be dealt with by the magistrate of that court in the same manner as an adjudication by him upon the admission of an offence punishable on summary conviction and for which no conviction is recorded.
- (6) In any proceedings, a certificate that payment of the fixed penalty was or was not paid to the relevant magistrate's clerk by the date specified in the certificate shall, if the certificate purports to be signed by the magistrate's clerk be sufficient evidence of the facts stated therein, unless the contrary is proved.
- (7) For the purposes of this rule, the fixed penalty prescribed by this rule shall be —
  - (a) for the offence of not wearing a mask contrary to rule 9, two hundred and fifty dollars;
  - (b) for the offence of violating quarantine or isolation contrary to rule 23 of the Health Services (Covid 19)(Prevention and Management of Community Spread) Rules, 2021, five hundred dollars;
  - (c) for the offence of entering a restaurant or attending a social gathering in contravention of rule 41 or 42 of the Health Services (Covid 19)(Prevention and Management of Community Spread) Rules, 2021, two hundred and fifty dollars.
- (8) In any proceedings for an offence to which paragraph (1) applies, no reference shall be made about the conviction of the alleged offender to the giving of any notice under this rule, or to the payment or non-payment of the fixed penalty, unless in the course of the proceedings or in some document which is before the court in connection with the proceedings, reference has been made by or on behalf of the alleged offender to the giving of such a notice or as the case may be to such payment or non-payment.

- (9) A notice issued to a person under paragraph (1), shall for the purposes of these Rules or any other law, be deemed to be a summons issued to that person by the magistrate or the magistrate's court specified in the notice for the appearance of that person in the event where he does not sign the notice in acknowledgement of his guilt and make payment of the fixed penalty.
- (10) For the purposes of this rule, the notice shall be in the form in the *Schedule*.

## OFFENCES

### **19. Failure to enforce requirements.**

- (1) Any owner, manager or operator of any business who fails to enforce any Covid 19 protocol, commits an offence and is liable upon summary conviction —
  - (a) on a first offence, to a fine of two thousand dollars;
  - (b) on a second offence, to —
    - (i) a fine of ten thousand dollars; or
    - (ii) the closure of the business owned, managed or operated by that person, for a period not exceeding one month; or
    - (iii) such fine and to closure of the business;
  - (c) on a third or subsequent offence, to —
    - (i) a fine of twenty thousand dollars; or
    - (ii) the closure of the business owned, managed or operated by that person, for a period not exceeding four months; or
    - (iii) both such fine and closure of the business.
- (2) For the purposes of this rule “business” includes an educational institution, and public or private transportation for hire.

### **20. Obstruction.**

Any person who obstructs —

- (a) any medical officer of health, public health worker, public officer, any member of the Royal Bahamas Police Force, the Defence Force, the Bahamas Department of Corrections or the Covid 19 Enforcement Unit acting in the course of his duty; or
  - (b) any other person exercising any powers or performing any duties conferred or imposed on him by or under any of these Rules,
- commits an offence and upon summary conviction is liable to a fine not exceeding one thousand dollars.

**21. Falsified results.**

Any person who —

- (a) purports to utilise or rely on a falsified result of a Covid 19 test; or
- (b) undergoes a Covid 19 test prior to his departure from The Bahamas and presents the results of that test on his return to The Bahamas as though the test had been carried out in another jurisdiction,

commits an offence and upon summary conviction is liable to a fine not exceeding four thousand dollars or to two years' imprisonment or to both such fine and imprisonment.

**22. Falsified vaccination records.**

Any person who purports to utilise or rely on a falsified vaccination record commits an offence and upon summary conviction is liable to a fine not exceeding ten thousand dollars or to two years' imprisonment or to both such fine and imprisonment.

**23. General penalty.**

- (1) Any person who contravenes any rule herein commits an offence.
- (2) Any person who commits an offence for which no penalty is otherwise provided in these Rules, is liable upon summary conviction to a fine not exceeding one thousand dollars or to a term of imprisonment not exceeding twelve months or to both.

## **PART VI – MISCELLANEOUS**

**24. Exemptions.**

The Minister, may by letter, in exceptional circumstances and in consultation with public health professionals, exempt a person, a business or class of businesses to which these Rules apply from any restriction imposed by these Rules.

**25. Guidelines.**

The Ministry —

- (a) may approve or issue guidelines or protocols for the operation or management of any business, organisation or industry for guarding against or preventing the spread of Covid 19; and
- (b) shall publish and make available to the general public, all guidelines or protocols approved or issued by the Ministry.

