

A BILL

i n t i t u l e d

An Act to amend the Prevention and Control of Infectious Diseases Act 1988.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Prevention and Control of Infectious Diseases (Amendment) Act 2021.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Amendment of section 2

2. The Prevention and Control of Infectious Diseases Act 1988 [Act 342], which is referred to as the “principal Act” in this Act, is amended in section 2—

(a) by deleting the definition of “health inspector”;

(b) in the definition of “authorized officer”, by substituting for the words “any health inspector, or any officer” the words “any Environmental Health Officer, or any suitable person”;

(c) in the definition of “Medical Officer of Health”—

(i) by substituting for the words “and port limits thereof” the words “, port limit and land frontier thereof”; and

(ii) by substituting for the words “the Deputy Director General of Health, the Director of Health Services, any Deputy Director of Health Services, any State Director of Medical and Health Services, any State Deputy Director of Medical and Health Services, the Sabah State Director of Medical Services and his Deputy and the Sarawak State Director of Medical Services and his Deputy” the words “any Deputy Director General of Health, the Director of Disease Control, any Deputy of Disease Control, the State Health Director and any Deputy State Health Director”; and

(d) by inserting after the definition of “disinsecting” the following definition:

‘ “Environmental Health Officer” means any Environmental Health Officer in the service of the Government or any local authority including the Assistant Environmental Health Officer;’.

Amendment of section 10

3. Subsection 10(2) of the principal Act is amended—

(a) by inserting after the words “or becomes aware of” the words “or has reason to believe or suspect”; and

(b) by substituting for the words “in the form prescribed by regulations made under this Act” the words “in any form as determined by the Director General”.

New section 14A

4. The principal Act is amended by inserting after section 14 the following section:

“Isolation or surveillance of infected persons and suspects

14A. (1) An authorized officer may order any person who is infected or whom he has reason to believe has been infected with an infectious disease to undergo isolation or surveillance in such place and for such period as he may think fit or until he may be discharged without danger to the public.

(2) For the purposes of subsection (1), an authorized officer may use such force as may be necessary to ensure compliance with his order.”.

New section 15A

5. The principal Act is amended by inserting after section 15 the following section:

“Order to wear or use tracing device, etc.

15A. (1) An authorized officer may issue any order, for the purpose of tracing, to any person who is infected or whom he has reason to believe to be infected, or any contact.

(2) The order referred to in subsection (1) may include an order to wear or to use a tracing device or any form of tracing device as determined by the authorized officer.”.

New section 21A

6. The principal Act is amended by inserting after section 21 the following section:

“Directions of Director General

21A. (1) The Director General may issue any directions in any manner, whether generally or specifically, to any person or class of persons to take such measures for the purpose of preventing and controlling any infectious disease.

(2) Any person who contravenes any directions of the Director General issued under subsection (1) commits an offence.”.

New Part IVA

7. The principal Act is amended by inserting after Part IV the following part:

“PART IVA

ENFORCEMENT

Power to investigate

21B. An authorized officer shall have all the powers necessary to carry out an investigation under this Act in accordance with the Criminal Procedure Code [*Act 593*].

Power to furnish information

21C. An authorized officer may require any person to furnish any information relating to the prevention and control of infectious diseases.”.

New section 22A

8. The principal Act is amended by inserting after section 22 the following section:

“Offences by body corporate

22A. (1) If a body corporate commits an offence under this Act, any person who at the time of the commission of the offence was a director, chief executive officer, chief operating officer, manager, secretary or other similar officer of the body corporate or was purporting to act in any such capacity or was in any manner or to any extent responsible for the management of any of the affairs of the body corporate or was assisting in such management—

(a) may be charged severally or jointly in the same proceedings with the body corporate; and

(b) if the body corporate is found guilty of committing the offence, shall be deemed to be guilty of that offence unless, having regard to the nature of his functions in that capacity and to all circumstances, he proves—

(i) that the offence was committed without his knowledge, consent or connivance; and

(ii) that he has taken all reasonable precautions and exercised due diligence to prevent the commission of the offence.

(2) If any person would be liable under this Act to any punishment or penalty for his act, omission, neglect or default, he shall be liable to the same punishment or penalty for every such act, omission, neglect or default of any employee or agent of his, or of the employee of the agent, if the act, omission, neglect or default was committed—

(a) by the person's employee in the course of his employment;

(b) by the agent when acting on behalf of that person; or

(c) by the employee of the agent in the course of his employment by the agent or otherwise on behalf of the agent acting on behalf of that person.”.

Substitution of section 24

9. The principal Act is amended by substituting for section 24 the following section:

“General penalty

24. Any person who commits an offence under this Act for which no penalty is expressly provided shall, on conviction—

(a) in the case of a person who is an individual, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding seven years or to both; or

(b) in the case of a body corporate, be liable to a fine not exceeding two million ringgit.”.

Substitution of section 25

10. The principal Act is amended by substituting for section 25 the following section:

“Compounding of offences

25. The Director General or any authorized officer authorized for this purpose by the Director General in writing may, with the consent in writing of the Public Prosecutor, at any time before a charge is being instituted, compound any offence under this Act or any regulations made under this Act which has been prescribed by regulations as a compoundable offence by making a written offer to the person reasonably suspected of having committed the offence to compound the offence upon payment to the Director General—

- (a) in the case of a person who is an individual, a sum of money not exceeding ten thousand ringgit; or
- (b) in the case of a body corporate, a sum of money not exceeding one million ringgit.”.

Amendment of section 31

11. Section 31 of the principal Act is amended by inserting after subsection (2) the following subsection:

“(3) Regulations made under this Act may prescribe any act in contravention of the regulations to be an offence and may prescribe penalties of a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Prevention and Control of Infectious Diseases Act 1988 (“Act 342”).

2. *Clause 1* contains the short title and the provision on the commencement of the proposed Act.

3. *Clause 2* seeks to amend the definitions of “authorized officers” and “Medical Officer of Health” to update certain designations in accordance with the current service scheme.

4. *Clause 3* seeks to amend section 10 of Act 342 to require every medical practitioner who has reason to believe or suspect of the existence of any infectious disease to give notice in any form as determined by the Director General.

5. *Clause 4* seeks to introduce a new section 14A into Act 342 to empower an authorized officer to order any person who is infected or whom he has reason to believe has been infected with an infectious disease to undergo isolation or surveillance in such place and for such period as he may think fit or until he may be discharged without danger to the public.

6. *Clause 5* seeks to introduce a new section 15A into Act 342 to empower an authorized officer to issue any order to any person who is infected or whom he has reason to believe to be infected, or any contact, to wear or use any tracing device or any form of tracing device as determined by the authorized officer.

7. *Clause 6* seeks to introduce a new section 21A into Act 342 to empower the Director General to issue any direction in any manner to any person or class of persons to take such measures for the purpose of preventing and controlling any infectious disease.

8. *Clause 7* seeks to introduce a new Part IVA into Act 342 to provide for the enforcement powers under Act 342.

The proposed new section 21B empowers an authorized officer to carry out investigation under Act 342 in accordance with the Criminal Procedure Code [Act 593].

The proposed new section 21C empowers an authorized officer to require any person to furnish any information relating to the prevention and control of infectious diseases.

9. *Clause 8* seeks to introduce a new section 22A into Act 342 to provide for offences committed by a body corporate under Act 342.

10. *Clause 9* seeks to amend section 24 of Act 342 to provide for general penalty for any offences committed under Act 342.

11. *Clause 10* seeks to amend section 25 of Act 342 to empower the Director General or any authorized officer authorized by him to offer compound for any compoundable offence under Act 342 or any regulations made under Act 342.

12. *Clause 11* seeks to amend section 31 of Act 342 to prescribe any act in contravention of the regulations to be an offence and may prescribe penalties of a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

13. Other amendments not specifically dealt with in this Statement are minor or consequential in nature.

FINANCIAL IMPLICATIONS

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

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