

SAINT LUCIA

No. 9 of 2020

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SCHEDULE

I Assent

[L.S.]

NEVILLE CENAC,
Governor-General.

October 2, 2020.

SAINT LUCIA

No. 9 of 2020

AN ACT to regulate the containment of the spread of COVID-19 in the interests of public safety, public order and public health and for related matters.

[2nd October, 2020]

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

PRELIMINARY**Short title**

1. This Act may be cited as the COVID-19 (Prevention and Control) Act, 2020.

Interpretation

2. In this Act —

“certified accommodation provider” means a hotel, boarding house or other place of accommodation that is issued with a COVID-19 Compliance Certificate;

“certified tourism transport” means a motor vehicle, vessel or aircraft used solely as transit for a visitor or local who is booked at a certified accommodation provider that is issued with a COVID-19 Compliance Certificate;

“Chief Medical Officer” means a person appointed by the Public Service Commission to be the Chief Medical Officer;

“child” means a person under the age of eighteen years;

“Command Centre” means the Command Centre established under section 4;

“COVID-19” means Coronavirus Disease 2019;

“COVID-19 Compliance Certificate” means a COVID-19 Compliance Certificate issued under section 31;

“destination management company” —

(a) means a company based in Saint Lucia that provides local tourism, representative and agency services to overseas tour operators, travel agencies, cruise companies, firms, other organizations and individuals;

(b) includes meeting and greeting visitors on arrival into Saint Lucia, transfer of visitors to and from ports of entry, the sourcing of supplies for cruise ships, yachters and other marine vessels; accommodation tours and excursion, meetings, conferences and exhibitions and other dining and guests’ recreation and entertainment;

“diving” means a recreational water-based activity utilizing a submersible remotely operated vehicle;

“Electronic Application Portal” means the web-based application that allows a person who intends to travel to Saint Lucia to access the electronic application under section 36;

“electronic monitoring device” includes a device which operates on a global positioning system or radio frequency;

“health information” —

(a) means information relating to the medical history of a person;

(b) includes information obtained under sections 36 and 45;

“infected place” means a country other than a country specified under the Schedule;

“isolation”, in relation to a person who shows signs and symptoms of COVID-19, means the separation of that symptomatic person from another person in such a manner as to prevent infection or contamination with COVID-19 at an isolation station;

“isolation station” includes a hospital, house or part of a house or place in which a patient or contact is isolated;

“Minister” means the Minister responsible for health unless otherwise stated;

“Ministry” means the Ministry responsible for health unless otherwise stated;

“pleasure craft” means a vessel which, at the time of its arrival at a place in Saint Lucia from abroad, is being used for private recreational purposes only;

“processing” in relation to health information, means obtaining, recording or storing health information or carrying out an operation on the health information including —

(a) organization, adaptation or alteration of the health information;

- (b) retrieval, consultation or use of the health information;
- (c) disclosure of the health information by transmission, dissemination or otherwise making available; or
- (d) alignment, combination, blocking, erasure or destruction of the health information;

“public omnibus” has the meaning assigned under section 2 of the Motor Vehicles and Road Traffic Act, Cap. 8.01;

“quarantine” in relation to a person who does not show signs and symptoms of COVID-19 but who may have been exposed to COVID-19, means the separation of that person from another person in such a manner as to prevent infection or contamination with COVID-19 —

- (a) in the person’s home;
- (b) at a quarantine facility;
- (c) at a certified accommodation provider; or
- (d) at a place approved by the Chief Medical Officer;

“quarantine facility” means a quarantine facility declared under section 9;

“regulatory authority” means a person that is responsible for registering, licensing or authorizing a business, establishment, office, motor vehicle, vessel or aircraft;

“Royal Saint Lucia Police Force” means the Royal Saint Lucia Police Force established under section 3 of the Police Act, Cap. 14.01;

“statutory purpose” means the preservation of the public health, maintenance of public order and the securing and regulating of the pricing, supply and distribution of food, water, fuel, light and power and other necessities;

“taxi” means a motor vehicle designed to carry not more than forty-five persons, that with its driver is operated for hire but does not include a public omnibus that holds a valid taxi permit under section 55 of the Motor Vehicles and Road Traffic Act, Cap. 8.01;

“test for COVID-19” means a test for COVID-19 approved under section 10;

“tour guide” means a person who guides visitors in the language of the visitors choice and interprets the cultural, nature and man-made heritage of an area;

“tourism service” includes —

- (a) an accommodation provider including amenities and activities provided at the premises of the accommodation provider;
- (b) a tourism transport;
- (c) a tourism site and attraction;
- (d) a destination management company;
- (e) a diving operation; or
- (f) a tour guide;

“tourism transport” —

- (a) means a motor vehicle, vessel or aircraft used to transport a visitor or local;
- (b) includes a tourism taxi or taxi;

“tourism taxi” means a public service vehicle including tourism tour bus, safari jeep or jungle vehicle and other such vehicle other than a commuter bus with seating capacity of not less than four passengers and not more than forty-five passengers, used primarily for transporting visitors, and meets the minimum standards of the Tourism Taxi sub sector that holds a valid tourism taxi permit under section 55 of the Motor Vehicles and Road Traffic Act, Cap. 8.01.

Non-application

3. Where —

- (a) this Act conflicts with the Public Health Act, Cap. 11.01, the Quarantine Act, Cap. 11.16 or other enactment; or

- (b) the exercise of a power conferred by or under this Act is inconsistent with the exercise of a power conferred by or under the Public Health Act, Cap. 11.01, Quarantine Act, Cap. 11.16 or other enactment,

this Act shall not apply in so far as it conflicts and a power conferred under this Act shall not be exercised so as to limit or restrict the exercise of the power under the Public Health Act, Cap. 11.01, Quarantine Act, Cap. 11.16 or other enactment.

PART I

ADMINISTRATION

Establishment of the Command Centre

4. There is established a body to be known as the Command Centre.

Functions of the Command Centre

- 5.** The functions of the Command Centre are to —
- (a) serve as an advisory body to Cabinet on matters relating to COVID-19;
 - (b) have oversight of activities required to reduce or prevent the spread of COVID-19.

Composition of the Command Centre

- 6.—(1)** The Command Centre comprises —
- (a) a Minister of Cabinet as Chairperson;
 - (b) the Chief Medical Officer as Deputy Chairperson;
 - (c) a representative from the Office of the Prime Minister;
 - (d) the Permanent Secretary of the Ministry responsible for tourism;
 - (e) the Permanent Secretary of the Ministry responsible for health;
 - (f) the Permanent Secretary of the Ministry responsible for finance;

- (g) the Commissioner of Police or his or her designate;
- (h) a representative from the National Emergency Management Organization;
- (i) a representative from the Saint Lucia Tourism Authority;
- (j) the principal information officer of the Government Information Service or his or her designate.

(2) The members of the Command Centre shall be appointed by Cabinet on terms and conditions as determined by Cabinet.

Meetings of the Command Centre

7.—(1) The Command Center shall meet as many times as may be necessary or expedient for the transaction of business and the meetings shall be held at a place and time and on a day as the Command Centre determines.

(2) The Chairperson or Deputy Chairperson shall preside at a meeting of the Command Centre.

(3) The Chairperson or Deputy Chairperson of the Command Centre may co-opt a person to attend a meeting of the Command Centre at which it is proposed to deal with a particular matter, to assist or advise the Command Centre.

(4) The Chairperson, Deputy Chairperson or a member of the Command Centre is deemed to be present at a meeting of the Command Centre if the Chairperson, Deputy Chairperson or member of the Command Centre participates by telephone, video link or satellite, and all members participating in the meeting are able to hear and to speak to each other.

Regulation of proceedings

8. Subject to this Act, the Command Centre may regulate its proceedings.

Declaration of quarantine facility

9.—(1) The Minister may, after consultation with the Chief Medical Officer, by Order published in the *Gazette*, declare a building, place or an area in Saint Lucia to be a quarantine facility.

(2) The purpose of a quarantine facility declared under subsection (1) is for the Ministry to —

- (a) monitor a person who is in the quarantine facility for the development of symptoms of COVID-19;
- (b) conduct a medical assessment of a person who is in the quarantine facility; and
- (c) provide limited treatment to a person who is in the quarantine facility.

Approval of test for COVID-19 and designation of laboratory

10.—(1) For the purposes of this Act, a test for COVID-19 shall be approved and carried out in a laboratory designated by the Minister.

(2) Where the Minister designates a laboratory under subsection (1), he or she shall, by Order published in the *Gazette*, specify the name of the laboratory and the test for COVID-19 approved under subsection (1).

(3) A test for COVID-19 carried out in Saint Lucia shall only be conducted at a laboratory designated under this section.

Power to requisition a building, vessel, aircraft or article

11.—(1) Where the Minister, after consultation with the Chief Medical Officer, is satisfied that it is reasonably required for a statutory purpose to requisition a building, vessel, aircraft or article, he or she may give notice in writing for the requisition of the building, vessel, aircraft or article to the owner or person having the control of the building, vessel, aircraft or article with effect from the date specified in the notice.

(2) Where the Minister requisitions a building, vessel, aircraft or article under subsection (1), the Minister may, take possession of the building, vessel, aircraft or article and do to or in relation to the building, vessel, aircraft or article anything which lawfully can be done by the owner of the building, vessel, aircraft or article as if the building, vessel, aircraft or article had not been requisitioned under this Act.

(3) After the requisition, the Government shall make prompt and full compensation in the circumstances to the owner or occupier of the building, vessel, aircraft or article.

Power to waive procurement rules

12.—(1) In the interest of protecting the public safety and public health, the Minister may, after consultation with the Minister responsible for finance, by Order published in the *Gazette*, waive the application of any rules of law governing the procurement of goods and services.

(2) The Minister responsible for finance shall every quarter lay a report before Parliament on —

- (a) the total expenditure of the goods and services procured;
- (b) the suppliers of the goods and services procured;
- (c) the reasons for the use of the suppliers of the goods and the providers of the services.

Power to waive fees

13. The Minister may, after consultation with the Chief Medical Officer, by Order published in the *Gazette*, waive or vary the payment of fees under this Act for a class of persons specified in the Order.

Revocation or suspension of licence, permit or other authorization for use of public open spaces

14. Notwithstanding the grant of a licence, permit or other authorization under an enactment, a regulatory authority shall cause to be revoked or suspended a licence, permit or other authorization for the use of public open spaces if the holder fails to comply with this Act.

Suspension of liquor licence

15.—(1) The Minister may, by Order published in the *Gazette*, suspend a liquor licence for the sale in Saint Lucia of intoxicating liquor under the Liquor Licence Act, Cap. 13.17.

(2) Subsection (1) does not apply to —

- (a) the sale and manufacture of alcohol-based sanitizers;
- (b) the manufacture of intoxicating liquor for sale outside of Saint Lucia.

Prohibition of assembly

16. The Minister may, on the advice of the Chief Medical Officer, by Order published in the *Gazette*, prohibit the assembly of two or more persons in a public place in an area specified in the Order, in the interest of public health.

Physical distancing

17.—(1) The Minister may, on the recommendation of the Chief Medical Officer, by Order published in the *Gazette*, impose physical distancing on individuals within a particular area or the entire country in the interest of public health.

(2) Where physical distancing has been imposed, the Minister may —

- (a) require the closure or minimal operation of all educational or social institutions in the area specified;
- (b) require the closure or minimal operation of a business, establishment or office that caters to the general public in the area specified, unless permitted otherwise by order;
- (c) prohibit the visitation by persons at all residential care establishments;
- (d) prohibit the visitation by persons at a correctional facility, hospital or health facility;
- (e) require a person to confine himself or herself at his or her home, unless otherwise specified by order;
- (f) permit the travel of persons to a grocery store, gas station, pharmacy, medical practitioner, hospital or other place specified in the Order.

(3) An Order made under subsection (2)(e), shall not prohibit a person from going outdoors within the enclosed yard space of that person's residence.

(4) The Minister may, on the recommendation of the Chief Medical Officer, by Order published in the *Gazette*, issue guidelines on physical distancing and quarantine.

Restriction of access to an area

18.—(1) The Minister may, on the recommendation of the Chief Medical Officer, by Order published in the *Gazette*, restrict a person from residing, entering or leaving an area specified in the Order —

- (a) if the person is suspected of acting or of having acted, or of being about to act, in a manner prejudicial to —
 - (i) public safety,
 - (ii) the supply or distribution of a necessity of life;
- (b) to prevent, protect against, delay or otherwise control the incidence or transmission of COVID-19; or
- (c) to facilitate the most appropriate deployment of medical or emergency personnel and resources.

(2) Notwithstanding subsection (1), the Minister may, on the recommendation of the Chief Medical Officer, by Order published in the *Gazette*, create zones for the preservation of health of persons residing in the area to prevent the spread of COVID-19.

COVID-19 Response Plan

19.—(1) The Chief Medical Officer, may require a person to develop a COVID-19 Response Plan.

(2) If a person is required to develop a COVID-19 Response Plan under subsection (1), the person shall develop the COVID-19 Response Plan and submit it to the Chief Medical Officer for approval.

(3) A person shall not use a COVID-19 Response Plan unless it is approved by the Chief Medical Officer.

PART II**COVID-19 PROTOCOLS****COVID-19 protocols**

20.—(1) The Chief Medical Officer shall, after consultation with a regulatory authority, issue a protocol for the operation of a business, establishment, office, motor vehicle, vessel or aircraft.

(2) A protocol issued under subsection (1) may include any one or more of the protocols specified under this Part.

(3) The Minister may, on the recommendation of the Chief Medical Officer, make Regulations for the purposes of this section.

(4) A protocol issued prior to the commencement of this Act is deemed to be issued under this Act.

Wearing of masks and physical distancing

21.—(1) In an effort to prevent the spread of COVID-19, a person shall —

- (a) wear a mask or suitable covering over his or her nose and mouth when in public; and
- (b) at all times as far as practicable, distance himself or herself at a prescribed space from any other person.

(2) Notwithstanding subsection (1), a person shall comply with a request to temporarily remove or adjust his or her mask or suitable covering over his or her nose and mouth to confirm his or her identification if such request is made by —

- (a) a member of the Royal Saint Lucia Police Force; or
- (b) the owner of premises that the person has entered or is seeking to enter.

(3) A person who contravenes this section commits an offence.

(4) In this section, “public” includes —

- (a) outside a person’s home;
- (b) in the case of a person at a certified accommodation provider —
 - (i) on the premises of a certified accommodation provider except within the space reserved for the sole use of the person,
 - (ii) outside the premises of a certified accommodation provider.

Temperature screening

22.—(1) A business, establishment or office may conduct temperature screening of a customer or staff at the entrance of the business, establishment or office.

(2) The temperature screening must be conducted using a thermal scanner that requires no contact with the skin and is positioned over the wrist, forehead or inner elbow of the person being screened.

(3) If the scanner's reading result is within the normal range of body temperature equal to or less than 38° C or 100.4° F it is considered safe to allow access to the location.

(4) If a person's temperature is equal to or in excess of 38° C or 100.4° F and the person shows respiratory signs and symptoms, the person conducting temperature screening shall not allow entrance to the location and may advise the person to seek medical attention.

Operations remotely using virtual means

23. For the avoidance of doubt, a business, establishment or office may commence, continue or resume business operations remotely or by utilizing virtual means.

Sanitization of hand

24. A business, establishment or office, including an operator of a public omnibus and tourism transport, shall administer or ensure sanitization of the hands of a person on entry into the establishment, business, office, public omnibus or tourism transport.

Compliance with protocols

25.—(1) A business, establishment, office, public omnibus or tourism transport shall operate in accordance with a protocol issued by the Chief Medical Officer under section 20 or protocols under this Act in respect of the business, establishment, office, public omnibus or tourism service.

(2) If the manager, owner, other person in charge or employee of a business, establishment, office, public omnibus or tourism service aids, abets or facilitates the contravention of this Act, the manager owner or other person in charge or employee commits an offence.

(3) A regulatory authority may, on the advice of the Chief Medical Officer, direct a business, establishment, office, public omnibus or tourism service that fails to comply with the protocols under subsection (1) to rectify the failure.

(4) A regulatory authority may, on the advice of the Chief Medical Officer, suspend the licence, permit or other authorization of a business, establishment, office, public omnibus or tourism service that fails to rectify the failure under subsection (3) for a specified period not exceeding three months.

Reporting requirements

26. The Minister shall, after consultation with the Chief Medical Officer, the Chairperson of the Command Centre or a person charged with the responsibility for directing the day-to-day operations of any other entity or public body responsible for protocols with respect to COVID-19, present bi-monthly written reports to Cabinet.

PART III

COVID-19 CERTIFICATION

Restriction on tourism services

27.—(1) A person shall not operate a tourism service unless the person obtains a valid COVID-19 Compliance Certificate under this Act.

(2) A person who contravenes subsection (1) commits an offence.

Application

28.—(1) A person may make an application to the Ministry responsible for tourism for the issue of a COVID-19 Compliance Certificate to operate a tourism service.

(2) An application under subsection (1) must be —

(a) made on the prescribed application form; and

(b) accompanied by —

(i) a COVID-19 Response Plan,

(ii) proof of completion of COVID-19 Protocol Training, if applicable,

(iii) other information required by the Ministry responsible for tourism.

(3) In this section, “COVID-19 Protocol Training” means the COVID-19 Protocol Training conducted by the Ministry and the Ministry responsible for tourism.

Inspection

29. On receipt of a COVID-19 Response Plan under section 28(2) (b), the Ministry and the Ministry responsible for tourism shall cause the tourism service to be inspected.

Grant or refusal of application

30.—(1) The Ministry responsible for tourism, on the advice of the Chief Medical Officer, may grant with or without conditions or refuse the application.

(2) Where the Ministry responsible for tourism, on the advice of the Chief Medical Officer, refuses an application under subsection (1), the Ministry responsible for tourism shall provide the reasons for the refusal to the applicant.

Issue of COVID-19 Compliance Certificate

31.—(1) Where the Ministry responsible for tourism, on the advice of the Chief Medical Officer, grants an application under section 30, the Ministry responsible for tourism may issue a COVID-19 Compliance Certificate in the prescribed form.

(2) The Ministry responsible for tourism shall publish in the *Gazette* the names of the tourism services that are issued a COVID-19 Compliance Certificate under this section.

(3) A COVID-19 Compliance Certificate issued prior to the commencement of this Act is deemed to be issued under this Act.

Validity of COVID-19 Compliance Certificate

32. Unless revoked under section 34, a COVID-19 Compliance Certificate remains valid until the expiry of this Act.

Display of COVID-19 Compliance Certificate

33.—(1) The holder of a COVID-19 Compliance Certificate shall exhibit the COVID-19 Compliance Certificate in a prominent position at the place where business is conducted.

(2) A person who contravenes subsection (1) commits an offence.

Revocation of COVID-19 Compliance Certificate

34.—(1) The Ministry responsible for tourism may, on the advice of the Chief Medical Officer, revoke a COVID-19 Compliance Certificate if —

- (a) the holder of the COVID-19 Compliance Certificate has been convicted of an offence under this Act;
- (b) a condition attached to the COVID-19 Compliance Certificate has not been complied with.

(2) If the Ministry responsible for tourism, on the advice of the Chief Medical Officer, proposes to revoke a COVID-19 Compliance Certificate under subsection (1), the Ministry responsible for tourism shall give the holder of the COVID-19 Compliance Certificate notice in writing of the proposed revocation and his or her reasons for the proposed revocation.

(3) A notice under subsection (2) must state that within twenty-one days the holder of the COVID-19 Compliance Certificate may make representation in writing to the Ministry responsible for tourism why the certificate should not be revoked and the Ministry responsible for tourism shall not determine the matter without considering the representations.

(4) The Ministry responsible for tourism shall publish in the *Gazette* the revocation of the COVID-19 Compliance Certificate.

Tourism service to cease operation

35. Where the Ministry responsible for tourism revokes a COVID-19 Compliance Certificate under section 34, the tourism service must cease operations.

PART IV

TRAVEL REQUIREMENTS

Pre-travel requirements

36.—(1) A person shall, prior to travelling by air or sea into Saint Lucia —

- (a) take a test for COVID-19 and have a negative result for that test seven days or less before his or her arrival in Saint Lucia;

- (b) in the case of a national or resident, obtain from the Chief Medical Officer confirmation of a reserved space at a quarantine facility or to be placed in quarantine at his or her home;
- (c) in the case of a non-national, obtain from a certified accommodation provider, confirmation of a booking reservation.

(2) A national or resident may be placed in quarantine at his or her home under subsection (1)(b) if —

- (a) he or she is a child;
- (b) he or she is travelling with a family that includes a child;
- (c) he or she has an underlying medical condition or pre-existing physical or mental infirmity; or
- (d) the residence of that person meets the prescribed criteria for quarantine at his or her home as determined by the Chief Medical Officer.

(3) A person who meets the pre-travel requirements under subsections (1) and (2) shall, by using the Government website, access the Electronic Application Portal to —

- (a) provide his or her health, travel, accommodation and other relevant information;
- (b) upload the negative result of his or her test that was taken seven days or less before his or her intended arrival in Saint Lucia;
- (c) submit an electronic mail address for receipt of an automatic response that indicates whether authorization to travel has been approved;
- (d) make the online payment for the test for COVID-19 in Saint Lucia as specified under section 38(2), if applicable;
- (e) make the prescribed online payments for the rental of an electronic monitoring device, if applicable.

Notice of authorization to travel

37.—(1) If the Chief Medical Officer is satisfied that the pre-travel requirements under section 36 have been met, he or she shall issue a

notice of authorization for travelling purposes by using the electronic mail address provided under section 36(3)(c).

(2) A person who receives a notice of authorization under subsection (1) shall travel with a copy of the notice of authorization to present to the airline personnel before boarding an aircraft.

(3) A person who does not receive a notice of authorization under subsection (1) shall ensure that the pre-travel requirements under section 36 are satisfied prior to making travel arrangements to Saint Lucia.

Testing and quarantine

38.—(1) Notwithstanding sections 36 and 37, a person who arrives in Saint Lucia may be required to take another test for COVID-19, based —

(a) on a health assessment; or

(b) on the review of the test results presented on entry,

conducted by the Chief Medical Officer or a medical officer authorized by the Chief Medical Officer.

(2) A person who takes a test for COVID-19 under subsection (1) shall pay the fee for the test as specified in Schedule 2 of the Hospitals Regulations, Cap. 11.03.

(3) Notwithstanding subsection (1) and subject to subsection (2), a person travelling to Saint Lucia from a country specified in the Schedule may not be placed in a quarantine facility, unless he or she —

(a) has travelled to a country that is not specified in the Schedule or stayed in a country specified in the Schedule for a period of twenty-one days prior to his or her arrival in Saint Lucia; or

(b) was in transit in a country that is not specified in the Schedule.

(4) Notwithstanding subsection (1), a national or resident arriving in Saint Lucia, may be placed in quarantine at a quarantine facility for seven days and may qualify to be placed in quarantine at his or her home for an additional period of seven days.

(5) In the case of a non-national who takes a test for COVID-19 under subsection (1) and —

- (a) prior to obtaining a negative result for his or her test for COVID-19, shall stay on the premises of the certified accommodation provider, within the accommodation space that is reserved for his or her sole use;
- (b) after obtaining the negative result of his or her test for COVID-19, shall remain within the accommodation space that is reserved for his or her sole use and have access to, the amenities provided at the premises of the certified accommodation provider; or
- (c) after obtaining a letter of clearance from the Chief Medical Officer, shall have access to, subject to section 21, sites and attractions issued with a COVID-19 Compliance Certificate.

(6) A person who takes a test for COVID-19 under subsection (1) and obtains a positive result shall be placed in isolation.

(7) A person who arrives in Saint Lucian waters on a pleasure craft may be subject to quarantine on that pleasure craft as determined by the Chief Medical Officer, if within the last fourteen days prior to the arrival date of the pleasure craft the person has a travel history of being in an infected place.

Detention of persons

39.—(1) Notwithstanding section 36, where —

- (a) the Chief Medical Officer has reasonable grounds to believe that a person is, or may be, infected or contaminated with the COVID-19;
- (b) the Chief Medical Officer considers that there is a risk that the person might infect or contaminate others; or
- (c) a person has arrived in Saint Lucia on an aircraft or vessel from outside Saint Lucia; and
- (d) the person has left an infected place, or the Chief Medical Officer has reasonable grounds to believe that the person has left, an infected place within a twenty-one day period

immediately preceding the date of the person's arrival in Saint Lucia, the Chief Medical Officer may, for the purposes of screening, assessment and the imposition of restrictions or requirements under section 42, impose on that person a requirement to be detained until the later of —

- (i) the end of the period of forty-eight hours beginning from the time the person is detained under this section,
- (ii) such time as screening requirements imposed on or in relation to the person under section 42(1) have been complied with and the assessment referred to in that section is completed in relation to the person.

(2) Where a restriction or requirement is imposed under section 40, the person imposing the restriction or requirement shall immediately notify the detained person that the restriction or requirement is contingent on the incidence or transmission of COVID-19 constituting a serious and imminent threat to public health.

Imposition of restrictions and requirements

40.—(1) Where a person is required to be detained under section 39, the Chief Medical Officer may —

- (a) orally or in writing, impose on or in relation to a person one or more screening requirements to inform an assessment, of whether such person presents or may present a risk of infecting or contaminating others;
- (b) carry out an assessment in relation to that person;
- (c) following an assessment under paragraph (b), orally or in writing, impose on or in relation to that person any other restriction or requirement which the Chief Medical Officer considers necessary for removing or reducing the risk referred to in paragraph (a).

(2) A decision to impose a restriction or requirement under subsection (1) may be taken if the Chief Medical Officer considers, when taking the decision, that the restriction or requirement is proportionate to what is sought to be achieved by imposing it.

(3) A restriction or requirement imposed under subsection (1) by the Chief Medical Officer may be varied, orally or in writing, by the Chief Medical Officer.

(4) Where a restriction or requirement under subsection (1)(c) is imposed on or in relation to a child, a person who is a parent or guardian in relation to the child must ensure that the child complies with the restriction or requirement, insofar as that person is reasonably able to do so.

(5) Where a restriction or requirement is imposed orally on a person under this section, or a restriction or requirement imposed under this section is orally varied, the person, or, in the case of a child, a person who is a parent or guardian of the child must be provided with a written notification of the restriction or requirement that has been imposed or varied as soon as reasonably practicable.

(6) Where a restriction or requirement is imposed under subsection (1)(c), the person imposing the restriction or requirement shall notify the detained person that the restriction or requirement is contingent on the incidence or transmission of COVID-19 constituting a serious and imminent threat to public health.

(7) Subsection (1) does not affect the exercise of a power under section 41.

Isolation of persons suspected to be infected with COVID-19

41.—(1) The Chief Medical Officer may require a person to be kept in isolation, if the Chief Medical Officer —

- (a) has reasonable grounds to believe that a person is, or may be, infected or contaminated with COVID-19; and
- (b) considers that it is necessary and proportionate to do so in order to reduce or remove the risk of the person infecting or contaminating others.

(2) Where the Chief Medical Officer has reasonable grounds to believe that a person is, or may be, infected or contaminated with COVID-19, the Chief Medical Officer may detain the person pending the decision of the Chief Medical Officer under subsection (1).

(3) Where subsection (1) applies, the Chief Medical Officer may impose on or in relation to a person one or more screening requirements.

(4) Where a restriction or requirement is imposed under this section, the person imposing the restriction or requirement shall express it to be contingent on the incidence or transmission of COVID-19 constituting a serious and imminent threat to public health.

Screening requirements

42.—(1) For the purposes of this Act, the screening requirements in relation to a person, are that the person shall —

- (a) answer questions about his or her health or other relevant circumstances, including travel history and information about other individuals with whom the person may have had physical contact;
- (b) produce documents which may assist the Chief Medical Officer to assess his or her health;
- (c) allow the Chief Medical Officer, or a person designated by the Chief Medical Officer to take a biological sample, including a sample of his or her respiratory secretions or blood, by appropriate means including by swabbing his or her nasopharyngeal cavity; and
- (d) provide sufficient information to enable him or her to be contacted immediately by the Chief Medical Officer during the period that the Chief Medical Officer specifies.

(2) Where a person is a child and accompanied by a parent or guardian, the parent or guardian shall —

- (a) ensure that the child answers questions in accordance with subsection (1)(a);
- (b) answer the questions if the child is unable to do so or cannot reliably do so;
- (c) produce documents, required under subsection (1)(b), on the child's behalf;
- (d) allow the Chief Medical Officer to take a biological sample of the child, including a sample of the child's respiratory secretions or blood, by appropriate means including by swabbing the child's nasopharyngeal cavity, or provide the sample;

- (e) provide information under subsection (1)(d) to the Chief Medical Officer as required; and
- (f) other information as required by the Chief Medical Officer.

Travelling within Saint Lucia from a port

43.—(1) A person travelling from a port to a quarantine facility or a certified accommodation provider shall, when travelling from a port —

- (a) travel in a certified tourism transport;
- (b) subject to section 46, wear an electronic monitoring device.

(2) A child or a person with a physical or mental illness, impairment or disability shall be accompanied by —

- (a) in the case of the child, a parent or guardian;
- (b) in the case of the person with a physical or mental illness, impairment or disability, an adult.

False information

44.—(1) A person shall not provide false information under this Part.

(2) A person who contravenes subsection (1) commits an offence.

PART V**ELECTRONIC MONITORING****Administration of electronic monitoring device**

45.—(1) An electronic monitoring device shall be administered by the Ministry for the purpose of monitoring —

- (a) whether a person has, during his or her quarantine, left his or her home;
- (b) whether a person who has during quarantine at a place approved by the Chief Medical Officer, left the place of accommodation.

(2) In administering the electronic monitoring device under subsection (1), the Ministry shall be responsible for —

- (a) ensuring the security of the system for electronic monitoring;
- (b) retrieving and analyzing information from the electronic monitoring device; and
- (c) reporting non-compliance with a decision of the Chief Medical Officer and breaches related to the use of the electronic monitoring device to the nearest police station under section 48(2).

(3) Notwithstanding the generality of subsection (2), the Ministry shall —

- (a) provide real-time tracking of the location of a person in quarantine at his or her home or quarantine at a certified accommodation provider;
- (b) exercise central control of all health information retrieved from the electronic monitoring device;
- (c) maintain a register of decisions transmitted to it by the Chief Medical Officer and information relating to the person;
- (d) undertake the fitting, maintenance and removal of the electronic monitoring device;
- (e) ensure that a historic record is maintained of electronic monitoring spatial data, including technological equipment necessary to read and display the information;
- (f) improve information technology and electronic monitoring literacy within the Ministry and advance electronic monitoring awareness;
- (g) provide technical assistance when necessary; and
- (h) provide training when necessary.

(4) The Minister may by Order, approve the electronic monitoring devices to be used for electronic monitoring.

(5) Notwithstanding subsection (4), the following electronic monitoring devices are approved for electronic monitoring —

- (a) an electronic tracking wristwatch;
- (b) a BioSticker.

(6) Part VI applies to the collection of health information under this section.

(7) The Telecommunications Act, Cap. 8.11 applies as it relates to the licensing of telecommunications providers.

(8) In this section —

“BioSticker” means an electronic monitoring device that is worn on the upper left chest to monitor the vital signs of a person;

“electronic tracking wristwatch” means an electronic monitoring device that is worn on the wrist to monitor the location of a person.

Requirement to wear electronic monitoring device

46.—(1) A person shall wear an electronic monitoring device, if he or she is placed in quarantine at his or her home or at a place approved by the Chief Medical Officer for a period of fourteen days or more.

(2) A person shall pay the prescribed fee for every fourteen days that he or she is required to wear an electronic monitoring device.

(3) Subject to section 57, information obtained from an electronic monitoring device shall be stored in a secure manner for the duration of a person’s quarantine, and shall —

- (a) be accessible only to the technical personnel at the Ministry responsible for health who are responsible for implementing monitoring, who may disclose it to —
 - (i) a police officer, or
 - (ii) a medical officer;
- (b) be deleted on the expiration of the period of quarantine in accordance with section 55.

Tampering with or removal of an electronic monitoring device

47.—(1) A person shall not tamper with or remove an electronic monitoring device.

(2) In this section, “tamper” means to interfere with the proper functioning of the electronic monitoring device or the transmission of the monitoring signal of the device to the Ministry.

Non-compliance with a decision or breach of a condition

48.—(1) A person shall not fail to comply with a decision of the Chief Medical Officer or breach a condition related to the use of the electronic monitoring device.

(2) A person who contravenes subsection (1) commits an offence.

(3) A person who fails to comply with a decision of the Chief Medical Officer or breaches a condition related to the use of the electronic monitoring device, shall be brought before the Court.

(4) On receipt of information that an offence has been committed under subsection (1) has occurred, the Chief Medical Officer shall immediately report the matter in writing or electronically to a police officer in charge of the nearest police station.

Prohibition of duplication

49. A person shall not make, copy or in any way duplicate an electronic monitoring device.

PART VI

COLLECTION OF HEALTH INFORMATION

Collection of health information

50.—(1) For the purpose of securing and protecting the health, safety or welfare of a person, the Ministry shall collect health information under this Act.

(2) Where the Ministry collects health information directly from a person, the Ministry shall at the time of collecting the health information ensure that the person is informed, in a language that he or she understands, of —

- (a) the fact that the health information is being collected;
- (b) the purpose for which the health information is being collected;

- (c) the intended recipients of the health information;
 - (d) the name and address of the Ministry responsible for health;
 - (e) the mandatory supply of the health information by the person;
 - (f) the consequences for the person if all or any part of the requested health information is not provided or false health information is provided;
 - (g) whether or not the health information collected will be further processed and whether or not the consent of the person is required for the further processing; and
 - (h) the person's right of access to, the possibility of correction of and destruction of, the health information to be provided.
- (3) The Ministry shall not be required to comply with subsection (2) —
- (a) in respect of a person where —
 - (i) compliance with subsection (2) in respect of a second or subsequent collection will be to repeat, without any material difference, what was done to comply with that subsection in respect of the first collection, and
 - (ii) not more than twelve months have elapsed between the first collection and the second or subsequent collection.
 - (b) where —
 - (i) compliance is not reasonably practicable at the time of collection, but the Ministry responsible for health makes available to the person all the relevant information specified in subsection (2) as soon as practicable, or
 - (ii) the health information is used in a form in which the person cannot or could not reasonably expect to be identified.
- (4) Where health information is not collected directly from the person, the Ministry shall ensure that the person is informed of the matters specified in subsection (2).

(5) Subsection (3) does not operate to prevent a second or subsequent collection from becoming a first collection where the Ministry has complied with subsection (2) in respect of the second or subsequent collection.

Consent for processing of health information

51.—(1) Subject to subsection (2), the Ministry shall not process health information unless the Ministry has obtained the express consent of the person.

(2) Notwithstanding subsection (1), the Ministry may process health information without obtaining the express consent of the person and with a court order, where the processing is necessary —

- (a) in order to protect the health of the person;
- (b) for the performance of an activity that is carried out in the public interest or in the exercise of official authority vested in the Ministry or in a third party to whom the health information is disclosed;
- (c) for a purpose that the Ministry or a third party to whom health information is provided, except where the purpose is overridden by the interest to protect the fundamental rights and freedoms of the person and in particular the right to privacy.

Accuracy of health information

52. The Ministry shall take all reasonable steps to ensure that health information collected under this Act —

- (a) remains accurate; and
- (b) is kept up-to-date where the health information requires regular updating.

Use of health information

53. The Ministry shall ensure that health information is —

- (a) kept only for the purposes for which the health information is to be processed;

- (b) not used or disclosed in any manner incompatible with the purposes for which the health information has been processed;
- (c) adequate and relevant for the purpose for which the health information is to be processed.

Security of health information

54.—(1) The Ministry shall —

- (a) take appropriate security and organizational measures for the prevention of unauthorized access to, alteration of, disclosure of, accidental loss, and destruction of the health information; and
- (b) ensure that the measures provide a level of security appropriate to —
 - (i) the special risks that exist in the processing of the health ‘information, and
 - (ii) the nature of the health information being processed.

(2) The Ministry shall take all reasonable steps to ensure that any person employed by the Ministry is aware of and complies with the security measures under subsection (1).

Duty to destroy health information

55. Where keeping of the health information is no longer required, the Ministry shall destroy the health information and make the health information inaccessible as soon as reasonably practicable.

Unlawful disclosure of health information

56.—(1) The Ministry shall not without lawful authority disclose health information in any manner that is incompatible with the purposes for which the health information has been collected.

(2) A person, other an employee or agent of the Ministry acting within his or her mandate, shall not —

- (a) obtain access to health information, or obtain information constituting the health information, without the prior authorization of the Ministry; and

- (b) disclose the health information to another person.
- (3) A person shall not offer to sell health information.
- (4) A person who contravenes this section commits an offence.

Transfer of health information

57.—(1) Subject to subsection (2), the Ministry shall not transfer health information to a country or territory outside Saint Lucia unless —

- (a) the country or territory to which the health information is being transferred has comparable safeguards to those in Saint Lucia for the protection of the rights and freedom of a person in relation to the processing of health information; and
 - (b) the Chief Medical Officer has authorized the transfer of the health information to the country or territory outside Saint Lucia.
- (2) Subsection (1)(a) does not apply if —
- (a) the person has given his or her consent to the transfer;
 - (b) the transfer is necessary to safeguard public health;
 - (c) the matter concerns public health.

PART VII

MISCELLANEOUS

Power to stop, detain and arrest

58.—(1) Where a member of the Royal Saint Lucia Police Force has reasonable cause to believe that a person contravenes this Act, he or she may stop, question, detain and arrest the person if a member of the Royal Saint Lucia Police Force considers it necessary to do so.

(2) A person shall not assault, obstruct, hinder, resist or use threatening or abusive language or aid or incite another person to assault, obstruct, hinder or resist a member of the Royal Saint Lucia Police Force in the execution of his or her duty under this Act.

Compliance inspection

59. The Chief Medical Officer or public officer may, in the course of his or her duty or in exercising a power or performing duties

conferred or imposed on him or her under this Act, inspect a business, establishment, office, tourism service or public omnibus to monitor compliance by the business, establishment, office, tourism service or public omnibus with this Act.

Obstruction

60. A person shall not obstruct the Chief Medical Officer, public officer or a member of the Royal Saint Lucia Police Force, acting in the course of his or her duty or a person exercising a power or performing duties conferred or imposed on him or her under this Act, or otherwise discharging lawful functions in connection with the performance of a statutory purpose.

Protection from liability

61. An action or other proceedings shall not lie against the Chief Medical Officer, public officer or a member of the Royal Saint Lucia Police Force in respect of an act done or omitted to be done in good faith in the exercise or purported exercise of his or her functions under this Act.

Dissemination of contents of an Order

62. The contents of an Order made under this Act may be disseminated to the public —

- (a) by announcement on a television or wireless transmission by media licensed to operate for transmission and reception in Saint Lucia;
- (b) by posting on the official website of the Government.

General penalty

63. A person who contravenes this Act commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or imprisonment with or without hard labour for a term not exceeding six months or both and forfeiture of goods or money in respect of which the offence has been committed.

Amendment of Schedule

64. The Minister may, by Order published in the *Gazette*, amend the Schedule.

Regulations

65.—(1) The Minister may, on the recommendation of the Chief Medical Officer, make Regulations to give effect to this Act.

(2) Without limiting the generality of subsection (1), the Minister, may make Regulations for —

- (a) the protocols under section 20;
- (b) the wearing of masks;
- (c) the fees to be paid at a quarantine facility;
- (d) the procedures to be followed by the staff of the Ministry responsible for tourism in the certification and monitoring of tourism services;
- (e) the procedures to be followed by the staff of the Ministry in the monitoring of persons in quarantine and the evaluation of information and all other matters relating to the information;
- (f) conditions that are to be included for the use of an electronic monitoring device;
- (g) procedures for managing alerts, maintaining and analyzing health information on an electronic monitoring device;
- (h) procedures to be followed on the loss of signal or equipment malfunction of an electronic monitoring device;
- (i) a means test related to payment of fees under this Act;
- (j) the form of consent and other forms required under this Act;
- (k) the fees required under this Act.

(3) Regulations made under this Act, may provide for the creation of offences and the imposition of a penalty of imprisonment with or without hard labour for a term not exceeding six months or a fine not

exceeding one thousand dollars or both and forfeiture of goods or money in respect of the offence committed.

Expiry

66.—(1) Subject to subsection (2), this Act expires two years after its commencement.

(2) The Minister may, on the recommendation of the Chief Medical Officer, by Order published in the *Gazette*, extend or shorten the expiry of this Act under subsection (1).

(3) An Order made under subsection (2) is subject to an affirmative resolution of Parliament.

SCHEDULE

(Section 2 and 38(3))

LIST OF COUNTRIES

1. Antigua and Barbuda
2. Anguilla
3. Barbados
4. Grenada
5. Montserrat
6. St. Kitts and Nevis
7. St. Vincent and the Grenadines
8. The Commonwealth of Dominica.

Passed in the House of Assembly this 29th day of September, 2020.

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

Passed in the Senate this 2nd day of October, 2020.

JEANNINE GIRAUDY-MCINTYRE,
President of the Senate.