

CONFIDENTIAL

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**PROVINCIAL ASSEMBLY OF THE PUNJAB
REPORT OF THE STANDING COMMITTEE ON HEALTH
REGARDING THE PUNJAB HEPATITIS BILL 2017 (BILL NO. 2 OF
2018)**

The Punjab Hepatitis Bill 2017 (Bill No. 2 of 2018) was referred to the Standing Committee on Health on 31 January 2018. The Committee considered the Bill in its meeting held on 3 March 2018.

2. The following were present:-

- | | | |
|-----|--|--------------------------|
| 1. | Rana Liaqat Ali, MPA (PP-126) | Acting Chairman |
| 2. | Khawaja Imran Nazir
Minister for Primary and Secondary Healthcare, Punjab | <i>ex-officio</i> Member |
| 3. | Malik Muhammad Ali Khokhar
Parliamentary Secretary for Primary and Secondary Healthcare | <i>ex-officio</i> Member |
| 4. | Mr Amjad Ali Javaid, MPA (PP-86)
Parliamentary Secretary for Population Welfare | Member |
| 5. | Ch Mohsin Ashraf, MPA (PP-129) | Member |
| 6. | Mr Muhammad Arif Khan Sindhila, MPA (PP-167) | Member |
| 7. | Mr Tariq Mehmood Bajwa, MPA (PP-170) | Member |
| 8. | Dr Najma Afzal Khan, MPA (W-320) | Member |
| 9. | Dr Salah-ud-Din Khan, MPA (PP-44) | Member |
| 10. | Dr Nausheen Hamid, MPA (W-356) | Member |

3. Dr Faisal Zahoor, Special Secretary, Primary and Secondary Healthcare Department and Mr Mohsin Bukhari, Deputy Director, Law and Parliamentary Affairs Department represented their Departments. Mr Faiz-ul-Basit, Additional Secretary (Committees), Provincial Assembly of the Punjab functioned as Secretary to the Committee.

4. Mr Nishat Ahmed Khan Daha, MPA (PP-214) Chairman, Standing Committee on Health, due to some other engagements, could not attend the meeting of the Committee, therefore, Rana Liaqat Ali, MPA (PP-126), in terms of rule 151(2) of the Rules of Procedure of the Provincial Assembly of the Punjab, 1997, was chosen to act as Chairman for the sitting dated 3 March 2018.

4. Dr Faisal Zahoor, Special Secretary, Primary and Secondary Healthcare Department apprised the Committee about the aims and objects of the Bill. He stated that it was necessary to provide for the surveillance, diagnosis and treatment of hepatitis, for the enforcement of measures to prevent and control its spread and for incidental purposes. He requested the Committee that the Bill, as introduced, may be recommended to be passed by the Assembly.

5. The Committee after hearing the Members, having view point of the Administrative as well as Law & Parliamentary Affairs Departments and discussing various points, by majority of votes, decided to recommend that the Bill may be passed by the Assembly subject to the following amendments:-

AMENDMENTS IN THE BILL

(1) CLAUSE 1

in sub-clause (1), the figures "2017", occurring in line 2, be substituted by the figures "2018".

(2) CLAUSE 2

(i) existing para (j), be re-numbered as para (a) and existing paras (a) to (j) be re-numbered accordingly; and

(ii) in re-numbered para (a), the figures "2017" be substituted by the figures "2018".

(3) CLAUSE 26

expression "(1)" occurring in line 1 be omitted.

(4) CLAUSE 29

expression "(1)" occurring in line 1 be omitted.

6. A copy of the Bill as introduced in the Assembly is at Annexure-A and a copy of the Bill as recommended by the Committee is at Annexure-B.

Lahore
3 March 2018

(RANA LIAQAT ALI)
Acting Chairman
Standing Committee on Health

Lahore
3 March 2018


(RAI MUMTAZ HUSSAIN BABAR)
Secretary

ANNEXURE – A

(BILL AS INTRODUCED IN THE ASSEMBLY)
PROVINCIAL ASSEMBLY OF THE PUNJAB

Bill No. 2 of 2018

THE PUNJAB HEPATITIS BILL 2017

**A
BILL**

to provide for surveillance, diagnosis and treatment of hepatitis

It is necessary to provide for the surveillance, diagnosis and treatment of hepatitis, for the enforcement of measures to prevent and control its spread and for incidental purposes.

Be it enacted by the Provincial Assembly of the Punjab as follows:

1. Short title, extent and commencement.— (1) This Act may be cited as the Punjab Hepatitis Act 2017.

- (2) It extends to whole of the Punjab.
- (3) It shall come into force at once.

2. Definitions.— In this Act:

- (a) "Director General" means the Director General Health Services, Punjab;
- (b) "Government" means Government of the Punjab;
- (c) "healthcare facility" means a hospital, diagnostic center, medical clinic, nursing home, maternity home, dental clinic, homeopathy clinic, *tibb* clinic, acupuncture clinic, physiotherapy clinic or any other premises or conveyance, wholly or partly, used for providing healthcare services;
- (d) "health inspector" means a health inspector appointed under the Act and includes a person vested with the powers of a health inspector;
- (e) "hepatitis" means hepatitis-B or hepatitis-C;
- (f) "hepatitis test" means a medical procedure administered for diagnostic or clinical purposes to determine the presence or otherwise of hepatitis virus in an individual;
- (g) "hepatitis transmission" means the transfer of hepatitis to an uninfected person through any mode of transmission;
- (h) "infant" means a child below the age of one year;
- (i) "medical practitioner" means a doctor registered with Pakistan Medical and Dental Council;
- (j) "Act" means the Punjab Hepatitis Act 2017;
- (k) "patient" means a person who has been diagnosed as suffering from hepatitis virus infection;
- (l) "prescribed" means prescribed by the rules;
- (m) "rules" means the rules made under the Act;
- (n) "surgical procedure" means a procedure involving incision of any part of human body with any instrument for medical purposes and includes a dental procedure, ear or nose piercing or circumcision; and
- (o) "Surveillance System" means the system of surveillance established under the Act.

- (b) screened and safe blood in terms of the Punjab Blood Transfusion Safety Act 2016 (*XLVI of 2016*); and
- (c) transfused in the prescribed manner.

8. Dialysis and surgeries.— (1) A healthcare facility shall not conduct or allow to be conducted dialysis of a person unless he is subjected to a hepatitis test.

(2) Subject to the rules and advice of a medical practitioner, the dialysis of a patient may be conducted on the dialysis machine exclusively allocated for the dialysis of such patients.

(3) A healthcare facility or any other person shall ensure previous sterilization of equipment used in any surgical procedure including pricking of a human body.

(4) No person shall conduct a dialysis or surgical process unless he possesses the requisite competence, skill and authority for the purpose.

9. Organ transplant.— (1) A medical practitioner shall not transplant human organ or tissue of a donor to a recipient unless both of them are subjected to a prior hepatitis test.

(2) Subject to the rules and any other law, a patient may donate an organ or tissue to another patient with the same genotype of hepatitis.

10. Disclosure.— The healthcare facility may, in the prescribed manner, offer counseling and information to a patient, members of his family, any other person related to him and the healthcare workers about the possible risk of hepatitis transmission when exposed to hepatitis.

11. Diagnostic services.— (1) The Government may provide for a hepatitis test, diagnosis and treatment at any public healthcare facility.

(2) The Government shall make arrangements for the maintenance of data and record of the patients and cause transmission of such data and record to the Surveillance System.

12. Awareness.— The Government may, from time to time, launch an awareness campaign about:

- (a) the modes of transmission of hepatitis;
- (b) preventive measures for protection against hepatitis; and
- (c) general awareness on the incidence of hepatitis.

13. Duties of certain persons.— (1) The owner of a saloon, beauty parlor or barber shop shall, in the prescribed manner, display at his workplace necessary preventive measures against transmission of hepatitis.

(2) An overseas employment or studies' agency shall, in the prescribed manner, display at its business place information for the prospective overseas travellers about the risks of hepatitis transmission.

14. Testing services.— The Government may provide for a free of charge hepatitis test at any public healthcare facility or provide incentive to a private healthcare facility for the test at such subsidized rates as may be prescribed.

15. Obligations towards a pregnant woman.— (1) A healthcare facility shall conduct a hepatitis test of a pregnant woman visiting that facility for any treatment and shall ensure that she receives appropriate information and counselling on the implications of the incidence of hepatitis for her and the foetus.

(4) A designated healthcare facility shall cause issuance of a certificate of vaccination of hepatitis-B to the parent or guardian of the infant to whom vaccine has been administered.

(5) A copy of the certificate under subsection (4) shall be sent to the relevant local authority for making it part of the birth register maintained by it.

22. Information of vaccination.— (1) A copy of the medical exemption under section 20 shall, within ninety days of its issuance, be sent by the parent or guardian of the infant to the relevant local authority.

(2) The local authority shall incorporate the information of vaccination under the preceding section or exemption in the birth register of the infant and shall, in the prescribed manner, communicate the information to the Surveillance System.

(3) A local authority shall not issue a birth certificate of an infant when information of hepatitis-B vaccination of that infant has not been provided to it.

23. Duty of an educational institution.— A primary or elementary school or *madrassah* shall, at the time of admission of a child, enquire about the administration of vaccination of hepatitis-B to that child and shall communicate the information to the nearest healthcare facility.

24. Vaccination of certain persons.— The Government may, by general or special order, direct that a class of persons shall, within the time specified in the order, get administered themselves vaccination of hepatitis-B and make a report of such vaccination to the Surveillance System.

25. Health Inspectors.— (1) The Government may, by notification in the official Gazette, appoint health inspectors or confer powers of a health inspector on any person for a specified area.

(2) A team of two or more health inspectors may, in the prescribed manner, inspect any healthcare facility, barber shop, saloon or any other similar place where preventive measures are required to be taken under the Act.

26. Powers of Health Inspectors.— (1) A team of two or more health inspectors may:

- (a) in the prescribed manner, issue directions to any person for compliance with the provisions of the Act and the rules within such reasonable time as he may determine and if that person fails to do so within the stipulated time, the health inspector may, after due notice, award him administrative penalty at the rate of rupees five thousand for each day the default continues; and
- (b) initiate prosecution against the person committing an offence under the Act.

27. Penalties.— (1) A patient who intentionally transmits hepatitis to a healthy person shall be liable to imprisonment which may extend to one month and fine which may extend to fifty thousand rupees.

(2) Any person who publishes or causes publishing of the confidential health information of a patient in contravention of the Act shall be liable to imprisonment which may extend to three months and fine which may extend to one hundred thousand rupees.

(3) Any person who intentionally transmits or exposes others to the risk of hepatitis transmission or attempts to transmit hepatitis shall be liable to imprisonment

(5) On the basis of the monitoring and evaluation conducted under subsection (1), the Government shall give appropriate directions to the Director General or to any other authority for purposes of improving the Surveillance System and discharge of functions under the Act.

33. Delegation of powers.— The Government may direct that any power exercisable by it under the Act shall, in such circumstances and under such conditions as it may determine, be exercisable also by an officer subordinate to it or by a local government or authority.

34. Indemnity.— No suit, prosecution or other legal proceedings shall lie against the Government, Director General or any other person engaged in the Surveillance System for anything which is in good faith done or intended to be done under the Act or the rules.

35. Power to make rules.— (1) The Government may, by notification in the official Gazette, make rules to carry out the purposes of the Act.

(2) Without prejudice to the generality of provisions of subsection (1), the rules may provide for any of the following matters:

- (a) hepatitis testing and vaccination of hepatitis-B;
- (b) epidemiological studies of the hepatitis positive patients;
- (c) recognition of testing centers and pathology laboratories for conducting hepatitis tests;
- (d) technologies for self-testing of hepatitis;
- (e) data protection of data relating to personal or infection related information of the patients;
- (f) universal precautions and post exposure prophylaxis protocols;
- (g) auto-disabled syringes and needles;
- (h) drug substitution, drug maintenance and needle-syringe exchange programme;
- (i) the procedures to be followed by the health inspectors;
- (j) hepatitis surveillance and information system; and
- (k) setting up a toll free help line.

36. Removal of difficulties.— If any difficulty arises in giving effect to the provisions of the Act, the Government may, by an order, not inconsistent with the provisions of the Act, remove the difficulty.

37. Repeal.— The Punjab Hepatitis Ordinance 2017 (XV of 2017) is hereby repealed.

MINISTER INCHARGE

Lahore:
31 January 2018

RAI MUMTAZ HUSSAIN BABAR
Secretary

ANNEXURE - B

**(BILL AS RECOMMENDED BY THE
STANDING COMMITTEE ON HEALTH)**

**A
BILL**

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(g) "hepatitis test" means a medical procedure administered for diagnostic or clinical purposes to determine the presence or otherwise of hepatitis virus in an individual;

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(i) "infant" means a child below the age of one year;

(j) "medical practitioner" means a doctor registered with Pakistan Medical and Dental Council;

(k) "patient" means a person who has been diagnosed as suffering from hepatitis virus infection;

(l) "prescribed" means prescribed by the rules;

(m) "rules" means the rules made under the Act;

(n) "surgical procedure" means a procedure involving incision of any part of human body with any instrument for medical purposes and includes a dental procedure, ear or nose piercing or circumcision; and

(o) "Surveillance System" means the system of surveillance established under the Act.

3. Surveillance System.— (1) The Government shall, by notification, establish a Surveillance System for the prevention, diagnosis and treatment of hepatitis and for the support of patients.

(2) The Surveillance System shall be responsible for:

8. Dialysis and surgeries.— (1) A healthcare facility shall not conduct or allow to be conducted dialysis of a person unless he is subjected to a hepatitis test.

(2) Subject to the rules and advice of a medical practitioner, the dialysis of a patient may be conducted on the dialysis machine exclusively allocated for the dialysis of such patients.

(3) A healthcare facility or any other person shall ensure previous sterilization of equipment used in any surgical procedure including pricking of a human body.

(4) No person shall conduct a dialysis or surgical process unless he possesses the requisite competence, skill and authority for the purpose.

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14. Testing services.— The Government may provide for a free of charge hepatitis test at any public healthcare facility or provide incentive to a private healthcare facility for the test at such subsidized rates as may be prescribed.

15. Obligations towards a pregnant woman.— (1) A healthcare facility shall conduct a hepatitis test of a pregnant woman visiting that facility for any treatment and shall ensure that she receives appropriate information and counselling on the implications of the incidence of hepatitis for her and the foetus.

(2) The healthcare facility shall advise the pregnant woman about the proper care and the follow-up tests at regular intervals.

(5) A copy of the certificate under subsection (4) shall be sent to the relevant local authority for making it part of the birth register maintained by it.

22. Information of vaccination.— (1) A copy of the medical exemption under section 20 shall, within ninety days of its issuance, be sent by the parent or guardian of the infant to the relevant local authority.

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(b) initiate prosecution against the person committing an offence under the Act.

27. Penalties.— (1) A patient who intentionally transmits hepatitis to a healthy person shall be liable to imprisonment which may extend to one month and fine which may extend to fifty thousand rupees.

(2) Any person who publishes or causes publishing of the confidential health information of a patient in contravention of the Act shall be liable to imprisonment which may extend to three months and fine which may extend to one hundred thousand rupees.

(3) Any person who intentionally transmits or exposes others to the risk of hepatitis transmission or attempts to transmit hepatitis shall be liable to imprisonment which may extend to three years and fine which may extend to two hundred thousand rupees.

General or to any other authority for purposes of improving the Surveillance System and discharge of functions under the Act.

33. Delegation of powers.— The Government may direct that any power exercisable by it under the Act shall, in such circumstances and under such conditions as it may determine, be exercisable also by an officer subordinate to it or by a local government or authority.

34. Indemnity.— No suit, prosecution or other legal proceedings shall lie against the Government, Director General or any other person engaged in the Surveillance System for anything which is in good faith done or intended to be done under the Act or the rules.

35. Power to make rules.— (1) The Government may, by notification in the official Gazette, make rules to carry out the purposes of the Act.

(2) Without prejudice to the generality of provisions of subsection (1), the rules may provide for any of the following matters:

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- (b) epidemiological studies of the hepatitis positive patients;
- (c) recognition of testing centers and pathology laboratories for conducting hepatitis tests;
- (d) technologies for self-testing of hepatitis;
- (e) data protection of data relating to personal or infection related information of the patients;
- (f) universal precautions and post exposure prophylaxis protocols;
- (g) auto-disabled syringes and needles;
- (h) drug substitution, drug maintenance and needle-syringe exchange programme;
- (i) the procedures to be followed by the health inspectors;
- (j) hepatitis surveillance and information system; and
- (k) setting up a toll free help line.

36. Removal of difficulties.— If any difficulty arises in giving effect to the provisions of the Act, the Government may, by an order, not inconsistent with the provisions of the Act, remove the difficulty.

37. Repeal.— The Punjab Hepatitis Ordinance 2017 (XV of 2017) is hereby repealed.
