

THE SENATE
FEDERAL REPUBLIC OF NIGERIA

PUBLIC HEALTH EMERGENCY BILL, 2022

(SB. 413)

A BILL
FOR

AN ACT TO PROVIDE FOR AN EFFECTIVE NATIONAL FRAMEWORK FOR
THE CONTROL OF OUTBREAKS OF INFECTIOUS DISEASES AND OTHER
EVENTS ENDANGERING PUBLIC HEALTH AND REQUIRING PUBLIC HEALTH
EMERGENCY MEASURES AND FOR OTHER RELATED MATTERS

FIRST READING

TUESSDAY, 5TH MAY, 2020

SECOND READING

WEDNESDAY, 17TH FEBRUARY, 2021

THIRD READING AND PASSAGE

WEDNESDAY, 26TH JANUARY, 2022

48. Designation of Special Sittings of Magistrate Courts for the trial of Offences under this Act
 49. Services of Notices, Order or Other Documents
 50. Default in Compliance with Notice
 51. General Penalties
 52. Prosecution of Defaulters, etc.
 53. Obstruction of Health Officers, etc
 54. Protection from Personal Liability
 55. Immunity from liability for disclosure
 56. Offences by Bodies Corporate, etc.
 57. Exercise of Power
 58. Regulations-General
 59. Interpretation
 60. Short Title
- Schedules.

A

BILL FOR

AN ACT TO PROVIDE FOR AN EFFECTIVE NATIONAL FRAMEWORK FOR THE CONTROL OF OUTBREAKS OF INFECTIOUS DISEASES AND OTHER EVENTS ENDANGERING PUBLIC HEALTH AND REQUIRING PUBLIC HEALTH EMERGENCY MEASURES AND FOR OTHER RELATED MATTERS

{ } COMMENCEMENT

ENACTED by National Assembly of the Federal Republic of Nigeria as follow:

PART I - OBJECTIVES

1. (1) The objectives of this Act are to - Objectives

- (a) provide for an effective and efficient legal and administrative machinery to address the challenges posed by public health emergencies as defined under this Act;
- (b) ensure a timely response, control and management of public health emergencies;
- (c) channel available national human and other resources during periods of public health emergencies towards the mitigation or eradication of the infectious diseases and public health events;
- (d) streamline all existing rules and regulations for the control of public health during periods of public emergencies for their early containment;
- (e) maintain appropriate balance between health measures required to be taken by appropriate authorities under any declaration of public health emergency and the constitutionally guaranteed rights of citizens and the general public in the overriding national public health interest;
- (f) ensure proper coordination in the administration and management of public health during periods of public health emergencies with necessary checks and balances, accountability and control;
- (g) provide an appropriate legal platform for a concerted and effective inter-action among Federal and State Governments during periods of public health emergencies;
- (h) ensure coordination and organised national responses during periods of public health emergencies with relevant international bodies on disease control to enable Nigeria to meet international obligations in the management of public health emergencies; and
- (i) support the implementation of the International Health Regulations in Nigeria in relation to public health emergencies.

2) In this Act, "appropriate authorities" includes-

- (a) the President of the Federal Republic of Nigeria;
- (b) the Minister in charge of matters pertaining to health;
- (c) the Minister in charge of matters pertaining to agriculture;
- (d) the Minister in charge of matters pertaining to aviation;
- (e) the Minister in charge of matters pertaining to transportation;
- (f) any committee or body charged with any responsibility under this Act or under any existing legislation to carry out any specific duty under this Act;
- (g) the Director-General, Nigeria Centre for Disease Control and Prevention;
- (h) the Director of Port Health Services;
- (i) a Health Officer or a Port Health Officer authorised to carry out responsibilities under this

Act; and

(j) such other persons or authorities as may be prescribed in regulations made under this Act.

PART II - DECLARATION OF PUBLIC HEALTH EMERGENCY AND APPOINTMENT OF TASK FORCE, ETC.

2. (1) The President may, if satisfied that there is an outbreak or imminent outbreak of an infectious disease or dangerous infectious disease as specified in the First and Second Schedules to this Act or public health event that poses a substantial risk of a significant number of human fatalities or incidents of severe disability in Nigeria, by an Order, published in the Gazette, declare a public health emergency for not more than three months.
- (2) Before making an order under subsection (1) of this section or renewing such an order, the President shall take into account factors including but not limited to the following:
- (a) The recommendations of the Minister of Health;
 - (b) The declaration of a public health emergency of international concern;
 - (c) the magnitude of the public health risk;
 - (d) the likelihood of spread of the public health event;
 - (e) the mortality rate of the infectious disease or the public health event;
 - (f) whether or not there is a vaccine, cure or treatment and the degree of accessibility to such a vaccine, cure or treatment;
 - (g) availability of less restrictive alternative measures that would achieve the same public health objective; and
 - (h) any other relevant scientific and ethical factors.
- (3) An order declaring a public health emergency shall contain the following:
- (a) The nature of the emergency;
 - (b) The geo-political or geographic zone(s) subject to the order;
 - (c) The conditions that have brought about the public emergency; and
 - (d) The duration of the public health emergency.
- (4) The President may, if it appears necessary or expedient for the securing of public health or safety during a public health emergency, declare the whole of or such area in Nigeria to be a public health emergency zone and may in such order prohibit or restrict, subject to such conditions as he may think fit-
- (a) the movement of persons, vehicles, aircraft and watercraft within, into or out of a Public Health Emergency Zone, except for workers involved in the delivery of essential services;
 - (b) prohibit movement between and within the Public Health Emergency Zone, except for workers involved in the delivery of essential services as set out in this Act; and
 - (c) the holding of, or the attendance of persons at any meetings, receptions, processions or other gatherings within the Public Health Emergency Zone, except for the transportation of persons performing essential services or obtaining essential supplies.
- (5) The President may, from time to time, by notice published in the Gazette, extend an order made under subsection (1) or (2) of this section for such period, not exceeding three months at a time, as may be specified in the notice.

Declaration of
Public Health
Emergency

(6) Every order made under subsection (1) or (2) of this section shall remain in force until it is revoked by the President.

3. If and to the extent that any declaration has not been made by the President under section 2 of this Act and to the extent that regulations under sections 69 and 70 of this Act have not been made by the President or Minister, power to make any such declaration or regulations may be exercised, in respect of a State, by the Governor of a State as fully as such power may be exercisable by the President or Minister, and subject to the same conditions and limitations.

Declaration
Of Public
Health Emergency
In a State

4. (1) The President may, on the advice of the Minister of Health, if it appears necessary or expedient for the securing of public health or safety during a public health emergency, by order declare any place, area or territory outside Nigeria to be a Public Health Emergency Area.

Public Health
Emergency Area

(2) The President may, in his discretion, issue an order prohibiting the entry into Nigeria of any person or class of persons from a Public Health Emergency Area declared under subsection (1) except under such conditions as he may specify.

(3) Nothing contained under subsection (1) and (2) of this section shall preclude the entry into Nigeria of a citizen of Nigeria from a Public Health Emergency Area provided that upon entry into Nigeria, the person may be subjected to quarantine, isolation, or treatment, as may be specified in this Act or any regulations made under this Act or any relevant law.

5. (1) The President shall appoint a Task Force known as the "Public Health Emergency Task Force" upon the declaration of a public health emergency as set out in this Act.

Appointment
of
Task Force

(2) The Task Force shall operate only for the duration of the public health emergency, and its functions shall be brought to an end by termination or effluxion of the public health emergency Order by the President.

(3) The Task Force, shall upon the declaration of a public health emergency, be charged with the following duties –

- (a) coordinate and oversee multi-sectoral intergovernmental efforts to contain public health emergencies;
- (b) monitor the implementation of all administrative and other decisions relating to public health emergencies;
- (c) Receive reports as required by relevant ministries and agencies of government regarding the management of the public health emergencies;
- (d) evaluate the implementation of emergency response and measures after a public health emergency;
- (e) provide regular reports to the President on the response and control of the public health emergencies;
- (f) enforce all public health emergency measures prescribed in this Act for containment, mitigation or eradication of public health emergencies; and
- (g) carry out such other functions as the President may direct.

(4) The Task Force established under subsection (1) of this section shall consist of-

- (a) the Secretary to the Government of the Federation, who shall be the Chairman;
- (b) the Federal Minister of Health;
- (c) the Director-General of Nigerian Centre for Disease Control and Prevention;
- (d) the Federal Minister of Finance;
- (e) the Federal Minister of Environment;
- (f) the Federal Minister of Agriculture and Rural Development;
- (g) the Federal Minister of Information;
- (h) the Federal Minister of Aviation;
- (i) the Federal Minister of Transport;
- (j) the Federal Minister of Interior;
- (k) the Federal Minister of Humanitarian Affairs, Disaster Management and Social Development;
- (l) the Executive Director of the National Primary Health Care Development Agency;
- (m) the Director-General of the National Emergency Management Agency;
- (n) Six State Governors on the recommendation of the Nigerian Governors' Forum with one from each geopolitical zones;
- (o) the Chairman of the Committee of Chief Medical Directors of Federal Teaching Hospitals and Medical Directors of Federal Medical Centres;
- (p) two representatives of the Civil Society Organisations; and
- (q) such other members as the President may determine.

(5) The Secretariat of the Task Force shall be domiciled at the Office of the Secretary to the Government of the Federation.

(6) The Nigeria Centre for Disease Control shall provide all technical support and guidance as the Task Force may require for the implementation of this Act.

6. (1) There is hereby established a Public Health Emergency Fund.

Funding

(2) The Fund shall consist of:

- (a) monies appropriated by the National Assembly specifically for the purposes set out in this Act;
- (b) such other monies as may be provided by the Federal and State Governments;
- (c) such monies as may be granted or received from-
 - (i) the organised private sector,
 - (ii) international or donor organisations and Non-Governmental Organisations; and
- (d) gifts, grants-in-aid, testamentary dispositions or otherwise, where the terms and conditions, if any, attached to any of them are not inconsistent with the objectives of this Act.

(3) The Fund shall be used to finance the following:

- (a) Emergency response activities;
- (b) the provision of essential commodities, state emergency stockpile, personal protective equipment, and other preventive public health measures;
- (c) the mitigation, response, and recovery from public health emergencies under this Act;
- (d) payment of additional hazard allowances and employment of ad-hoc workers, as may be needed during public health emergencies;
- (e) coordination and integration of surveillance and response activities across sectors during

public health emergencies;

- (f) payment for the deployment of experts, including appropriate Rapid Response Teams, to the affected zones to investigate and respond;
- (g) acquisition of equipment for testing in laboratories across the country; and
- (h) other activities targeted at the control of the public health emergency in Nigeria.

(4) The Task Force shall develop appropriate guidelines for the administration, disbursement and monitoring of the Fund to meet exigencies of the public health emergencies under this Act.

7. (1) The President shall terminate the declaration of a public health emergency by an executive order published in the Official Gazette of the Government of the Federation upon recommendation by the Task Force.
- (2) An Order of Termination by the President shall contain the following:
- (a) the nature of the emergency;
 - (b) the zone(s) that was threatened; and
 - (c) the conditions that made possible the termination of the declaration.
- (3) Notwithstanding any other provision of this Act, the declaration of a public health emergency shall be terminated automatically after three months unless renewed by the President under section 2(5) of this Act, provided that any such renewal shall also be terminated automatically after three months unless further renewed by the President.
- (4) At the termination of a Declaration of Public Health Emergency, all non-expendable items, goods, or equipment acquired, bought or given to the Task Force for the period of that public emergency shall be transferred to the Nigeria Centre for Disease Control for continued use, except as ordered by the President.

Termination of a Declaration of Public Health Emergency

8. Where a public health emergency has been declared by the President under Section 2 of this Act or by the State Government under section 3, the State shall have responsibilities for-
- (a) providing relevant information to the Task Force;
 - (b) collaborating with the Task Force to respond to the public health emergency; and
 - (c) requesting assistance from the Task Force to respond to a public health emergency declared under this Act.

Responsibilities of State Governments During Public

9. (1) During a public health emergency, the Task Force may designate any or all Federal Government stadia, Federal quarantine stations, or makeshift hospitals as isolation centres or quarantine stations to manage diseases conditions or other public health events.
- (2) The Governor or the Minister of the Federal Capital Territory may by order designate any public place or building within the State, or in the Federal Capital Territory as the case may be, to be an isolation centre.
- (3) The Governor or the Minister of the Federal Capital Territory may, where he has previously designated a place an isolation centre, amend, cancel or reinstate such designation.
- (4) The Governor or Minister of the Federal Capital Territory shall adequately compensate for using the isolation centre, quarantine station, or makeshift hospital.

Designation of Isolation Centres, Quarantine Stations, and Makeshift Hospitals

(5) The Task Force shall inspect any place designated an isolation centre, quarantine station, or makeshift hospital and may make recommendations for improvement to the Minister of the Federal Capital Territory or the Governor.

(6) The Task Force may establish a quarantine station at any place or hospital in Nigeria.

PART III – ADMINISTRATION

10. (1) Except as otherwise provided in this Act, the Task Force shall be responsible for the administration of this Act. Responsibility for administration of this Act

(2) The Task Force shall ensure the active collaboration and coordination among relevant agencies in the administration of this Act.

(3) Nothing shall preclude the Nigeria Centre for Disease Control from performing its functions of detection, prevention, mitigation and monitoring of infectious diseases and public health events in Nigeria under its enabling Act or any other legislation.

11. (1) The Task Force may, subject to such conditions or restrictions as it thinks fit, and in order to meet the public health human resource requirements and any increased demand of health personnel during the period of any public health emergency-

(a) request for deployment or secondment of any public officer or employee from any Ministry, Department or Agency of Government or from any prescribed institution; and

(b) appoint other qualified persons as Health Officers. Secondment and deployment of relevant personnel

(2) All appointments and secondments made under this section shall be for the period of the public health emergency only.

12. Subject to the provisions of sections 2 and 5 of this Act, the Task Force may formulate health measures, which shall be published in the Gazette, for the control of public health emergencies. Extraordinary powers in relation to emergency measures

PART IV - CONTROL OF PUBLIC HEALTH EMERGENCIES WITHIN NIGERIA

13. (1) A medical practitioner who has reason to believe or suspect that any person attended to or treated by him is suffering from an infectious disease or is a carrier of that infectious disease, as defined under this Act, shall notify the Local Government Health Authority, the Health Officer, the medical practitioner of the State Ministry of Health or the State Commissioner of Health within such time and in the form or manner prescribed by the National Technical Guidelines for Integrated Disease Surveillance and Response or any extant guidelines on public health surveillance in force. Notification of Declared Infectious Diseases

(2) A person in charge of a laboratory used for the diagnosis of diseases who becomes aware of the existence of an infectious disease, as defined under this Act, in the course of his work shall notify the Local Government Health Authority, the Health Officer, the medical practitioner of the State Ministry of Health or the State Commissioner of Health within such time and in the

form or manner prescribed by the National Technical Guidelines for Integrated Disease Surveillance and Response or any extant guidelines on public health surveillance in force.

(3) Notwithstanding the provision of any Act or regulation, all infectious diseases discovered under subsections (1) and (2) shall be reported to the Task Force within 24 hours of observation or notification as the case may be.

(4) Any person who fails to comply with the requirement of subsections (1) and (2) of this section commits an offence and shall be liable on conviction to a fine of not less than five hundred thousand naira or imprisonment of not less than six months or both.

14. (1) Every veterinarian, livestock owner, veterinary diagnostic laboratory director, or other person caring for animals shall report animals having or suspected of having any disease that may be a potential cause of a public health emergency.

Notification of
Infectious Animal
Diseases

(2) The report shall be made electronically or in writing within twenty-four (24) hours to the relevant authority, including the State Ministry of Agriculture or the Nigeria Agricultural Quarantine Service, and shall include as much of the following information as are available:

- (a) the specific illness or health condition that is the subject of the report;
- (b) the suspected location information of the animal,
- (c) the name and address of any known owner, and the name and address of the reporting individual; and
- (d) any other relevant information.

(3) Any person who fails to comply with the requirement of subsections (1) and (2) of this section commits an offence and shall be liable on conviction to a fine of not less than five hundred thousand naira or imprisonment of not less than six months or both.

15. (1) A person who-

- (a) is, or has been confirmed to have been exposed to a public health risk that could be a possible source of the spread of an infectious disease; or
- (b) is a case or carrier or contact of an infectious disease, may be required to submit to medical examination within or at such time, and at such place, as the **Task Force** may determine.

Medical
Examination

(2) Where the person who is or has been confirmed to have been exposed to a public health risk that could be a possible source of the spread of an infectious disease is a child, the **Task Force** may require the parent or guardian of the child to have the child medically examined or treated at such times and at such hospital or other places as the **Task Force** may determine.

16. (1) Where a person has died whilst being, or suspected of being, a case, carrier or contact of an infectious disease the basis upon which a public health emergency that has been declared under this Act, the relevant Federal or State Health Authorities may request the Coroner to issue an order for a post-mortem examination of the body of that person for the purpose of-

Post-mortem
Examination

(a) determining the cause or circumstances of the death of that person; or

(b) Investigating any outbreak or suspected outbreak of or preventing the spread or possible outbreak of that disease.

(2) The request to the Coroner in subsection (1) may be made in collaboration with the families or relatives of the deceased.

(3)

17. (1) For the purpose of investigating into any public health emergency under this Act, including but not limited to an outbreak or suspected outbreak of infectious disease, and preventing the spread or possible outbreak of infectious disease, or treating any person who is, or is suspected to be a case or carrier or contact of infectious disease the Task Force or any relevant State health authority may require any healthcare professional to obtain from his patient-relevant information as may be reasonably required for that purpose and transmit the information to the Task Force or State health authority as the case may be in accordance with the requirements under the National Technical Guidelines on Integrated Disease Surveillance and Response or any extant guidelines on public health surveillance in force.

Information to be provided by healthcare professionals, etc.

(2) A healthcare professional shall comply with a requirement under subsection (1) of this section to the extent provided under any existing law, rule or regulation on the disclosure by a healthcare professional of a patient's confidential information where the transmission of such information to the Task Force or to relevant State health authority is required in the overriding public interest.

(3) A healthcare professional who transmits to the Task Force or to relevant State health authority the information under subsection (2) of this section shall not be in breach of any law, rule or contract for such transmission.

18. (1) Where a public health emergency is declared under this Act, and based on an examination of premises by authorised officers, the relevant Federal and State agencies finds that the condition of the premise is likely to lead to the outbreak or spread of infectious disease, such agency may, by written notice, require the owner or occupier of any such premise or conveyance to cleanse or disinfect it or take any remedial action in the manner and within the time specified in the notice.

Decontamination of premises or conveyances

(2) The relevant Federal and State agencies shall take necessary steps to enforce measures required during a public health emergency

19. (1) Where a public health emergency requires the immediate destruction and disposal of infected animals, food or water which is established to be a source for the transmission of infectious disease, the relevant Federal or State health authorities shall notify the owner of the infected animals, food or water, or the occupier of the premises where the infected animals, food or water is found of the infection and the plan for their destruction and disposal.

Destruction and Disposal of Infected Animals, Food and Water

(2) The Task Force shall take necessary steps to enforce measures required during public health emergencies, including orders for the immediate destruction and disposal of infected animals, food, or water, which is established to be a source for the transmission of an infectious disease.

(3) The Task Force shall take steps, based on the value of the animals, food, or water, to pay reasonable compensation to the owner provided that the infection of the animals, food or

water did not arise as a result of the willful conduct or negligence of the owner.

20. (1) The Task Force shall make regulations for the burial, wake-keep and other pre-burial rites and disposal of corpses of persons who die whilst being, or suspected of being, cases or carriers or contacts of infectious disease during a public health emergency declared under this Bill.

Wake-keeping or other pre-burial rites and disposal of corpses

(2) A person who contravenes an order made under subsection (1) of this section commits an offence and is liable on conviction to the punishment as provided in this Act.

21. (1) The Task Force may, for the protection of the community, order any person who is, or is suspected to be, a case or carrier or contact of an infectious disease to be isolated or quarantined in a hospital or other place for such period of time and subject to such conditions as the Task Force may determine.

Isolation and Quarantine of Certain Persons and Animals

(2) The Task Force or any appropriate agency may order any person who is, or is suspected to be, a case or carrier or contact of infectious disease, or who has recently recovered from or been treated for infectious disease, to remain and to be isolated or quarantined and, if considered necessary, be treated, in his own dwelling place.

(a) for such period of time as may be necessary for the protection of the community; and

(b) subject to such conditions as the Task Force may consider necessary for that purpose.

(3) Where the person who is to be isolated or quarantined under subsection (1) or (2) of this section is a child, the Task Force may order the parent or guardian of the child to-

(a) take the child, within the time specified in the order, to the place in which he is to be isolated or quarantined; or

(b) ensure that the child remains in isolation or quarantine in his own dwelling place for such period of time and subject to such conditions as may be specified by the Task Force.

(4) Isolation shall apply to a person who is a case or a carrier of a declared infectious disease while quarantine applies to contacts of declared infectious diseases who have not shown symptoms of the disease.

(5) In all relevant circumstances, including zoonotic infectious diseases, animals shall be subject to isolation or quarantine, and the owner or custodian of the animal shall be under obligation to carry out the relevant orders issued by the authorised officers.

(6) Any person who without reasonable excuse:

(a) fails to proceed to the place in which he is to be isolated or quarantined within the time specified in the Order;

(b) without the permission of the Task Force, leaves or attempts to leave the place in which he is being isolated or quarantined; or

(c) fails to comply with any condition to which he is subject; or

(d) fails to carry out any order made against him.

Commits an offence and shall be liable on conviction to the punishment provided in this Act.

22. (1) If, based on an examination of a building, the Task Force or any authorised officer is of the opinion that the building is overcrowded as to expose the occupants of the building to the risk of infection by infectious diseases, the Task Force or any authorised officer may, by written notice, direct the owner or occupier of the building to abate the overcrowding or to close the building or any part of the building to the public within the time specified in the notice. Abatement of Overcrowding
- (2) The owner or occupier of a building who fails to comply with a notice given to him by the Task Force or any authorised officer under subsection (1) of this section and after the provision of alternative accommodation commits an offence and is liable on conviction to the punishment as provided in this Act.
- (3) When a building or any part of it has been directed to be closed under subsection (1) of this section and an alternative accommodation has been provided, any person who enters the building or any part of it without the permission of the Task Force commits an offence and is liable on conviction to the punishment as provided in this Act.
- (4) Without prejudice to any proceedings under subsection (3) of this section, where a notice issued by the Task Force or any authorised officer under subsection (1) has not been complied with, and alternative accommodation has been provided, the Task Force or any authorised officer shall obtain a court order, and with the assistance of a police officer, may enter the building and take or cause to be taken such measures as are necessary to abate the overcrowding or to close the building or any part of the building as may have been specified in the notice.
- (5) Without prejudice to the duty to comply with any order or directive under this section, the Task Force may in its discretion and under appropriate circumstance provide an alternative accommodation to the owner or occupier of such building.
23. (1) The Task Force shall prescribe regulations for contact tracing measures and these measures shall be implemented by authorised officers in relevant agencies. Contact Tracing Measures
- (2) Any person who fails to comply with any regulation made pursuant to subsection (1) of this section commits an offence and shall be liable on conviction to a fine of not less than five hundred thousand naira or imprisonment of not less than six month or both.
24. (1) Where an authorised officer reasonably believes that a person is a case or a carrier of an infectious disease, or has been, or may have been, exposed to an infectious disease, the authorised officer may require the affected person to give the authorised officer the following information — Requiring Information Where Person Believed to have or has been Exposed to an Infectious Disease
- (a) the affected person's name, residential address, telephone numbers, email address, date of birth and gender;
 - (b) information about any circumstances in which the affected person may have acquired, or been exposed to, the infectious disease;
 - (c) information about any circumstances in which the affected person may have exposed another person to the notifiable infectious disease;
 - (d) the name, residential address, telephone numbers, email address, date of birth and gender

of any person the authorised officer reasonably believes is a contact person in relation to the affected person;

(e) any other information prescribed by regulations.

(2) If an authorised officer reasonably believes that an affected person or an exposed person does not have the capacity to provide the required information or after making reasonable efforts, has been unable to identify or contact the affected person or exposed person, the authorised officer may require any of the following persons to give the required information in relation to the affected person or the exposed person, as the case requires —

(a) if the affected person or exposed person is a child, a parent or guardian of the child;

(b) if the affected person or exposed person is believed to be attending, or to have attended, a school, university or other educational institution, a teacher, lecturer, or other member of staff of the school, university or institution;

(c) a relative of the affected person or exposed person;

(d) the affected person's or exposed person's employer or former employer;

(e) any other person the authorised officer reasonably believes may be able to provide the required information.

(3) Any person who fails to comply with any request for further information made pursuant to subsections (1) and (2) of this section or who gives false information in respect thereof commits an offence and shall be liable on conviction to a fine of not less than five hundred thousand naira or imprisonment of not less than six month or both.

25. (1) Where during the period of an order made under Section 2 of this Act declaring any public health emergency or any period extending the order as provided under that section, the Task Force finds that the holding of any meeting, gathering or any public entertainment in any place is likely to increase the spread of any infectious disease, the Task Force may, by order, prohibit or restrict the holding of the meeting, gathering or public entertainment, subject to such conditions as it may think fit, for a period of time as the case may be.

Restrictions of
Meetings,
Gatherings,
and Public
Entertainment

(2) An order under subsection (1) of this section may be renewed by the Task Force from time to time for such period, not exceeding thirty days, as it may, by written notice, specify.

(3) A person who holds, is present at or has taken part in any meeting, gathering or public entertainment in contravention of an order by the Task Force under subsection (1) of this section commits an offence and is liable on conviction to the punishment as provided under this Act.

(4) An authorised officer may take such action as considered necessary and lawful to give effect to an order issued under subsection (1) of this section.

26. (1) The Task Force may give directive to-

(a) any person who is a case or a carrier or contact of an infectious disease and is carrying on or likely to carry on any occupation, trade or business; or

(b) any person carrying on any occupation, trade or business in a manner as is likely to cause the spread of any infectious disease,

to take any preventive action that it reasonably believes is necessary to prevent the possible outbreak or prevent or reduce the spread of an infectious disease.

Control of
Occupation,
Trade or
Business

(2) Subject to the provision of subsection (1) of this section, "preventive action", in the case of a directive given to a person carrying on or who may carry on any occupation, trade or business, includes requiring the person to do any one or more of the following-

(a) stop carrying on, or not carry on, the occupation, trade or business during a period of time specified in the directive;

(b) take specified steps within a period of time specified in the directive to ensure that the occupation, trade or business is conducted in compliance with conditions specified in the directive.

(3) Where a person refuses or fails to comply with any requirement of a directive given to him under subsection (1) of this section, the Task Force or any authorised officer may apply to Court for an order to-

(a) take control of any vehicle, plant, article, machinery or equipment on the premises; or

(b) take such other steps as are necessary to ensure control of the premises at which an occupation, trade or business is or likely to be conducted and to prevent the spread of the infectious disease.

27. (1) A person who knows that he is a case or carrier or contact of an infectious disease shall not expose other persons to the risk of infection by his presence or conduct in any public place or any other place used in common by the public.

Certain Persons not to Act in a Manner Likely to Spread Disease

(2) A person taking care of another person whom he knows is or suspects to be a case or carrier or contact of an infectious disease shall not cause or permit that person to expose other persons to the risk of infection by that person's presence or conduct in any public place or any other place used in common by the public.

(3) A person shall not lend, sell, transmit or expose, without previous disinfection, any substance or material which he knows to have been exposed to infection from an infectious disease, or any other article which he knows to have been so exposed and which is likely to carry such infection.

(4) A person who contravenes subsection (1), (2) or (3) of this section commits an offence and is liable on conviction to the punishment as provided under this Act.

(5) In proceedings for an offence under subsection (4) of this section for contravening the provisions of subsection (1) or (2) of this section, it is a defence for the person charged with the offence to prove, on a balance of probabilities, that his presence or conduct in the place mentioned in subsection (1) or (2) of this section, as the case may be-

(a) was necessary for the purpose of obtaining medical treatment; or

(b) was authorised by the Task Force, or

(c) being a person who takes care of the affected or suspected person under subsection (2)

promptly reported to the Task Force uncooperative attitude or conduct of such affected or suspected person.

(6) Where the Task Force has designated a hospital or other place for the treatment of an infectious disease, subsection (5) (a) of this section shall only apply in relation to the obtaining of medical treatment at the designated hospital or place for that disease.

(7) A person shall not incur any liability for contravening the provision of subsection (3) of this section by transmitting with proper precautions any substance or material for the purpose of having it disinfected.

28. Any person providing any health service during a public health emergency shall take reasonable precautions and care to minimise the risk of infection to other persons.

Obligation to Minimise the Risk of Infection

29. (1) The Task Force may direct any relevant operator to disseminate any health advisory, in such form and manner as may be specified, for the purpose of preventing the spread or possible outbreak of any infectious disease in Nigeria or the spread of any infectious disease within Nigeria or from Nigeria to outside of Nigeria.

Dissemination of Health Advisory and Notification of Declared Infectious Diseases

(2) For the purpose of this section-

(a) "a relevant operator" includes any government agency or authority closely monitoring an epidemic or pandemic outbreak of diseases, providing daily updates on the outbreak, issuing health advisory, answering questions about the current outbreak, or providing up-to-date facts and figures about the outbreak;

(b) "a public health advisory" means a statement containing a finding that a release of hazardous substances or diseases pose a significant risk to human health, recommending measures to be taken to avoid exposure and eliminate or substantially mitigate the risk to human health.

(3) A relevant operator who, without reasonable excuse, refuses or fails to comply with an order under subsection (1) of this section commits an offence and is liable on conviction to the punishment as provided in this Act.

(4) This section does not affect any other right of disclosure that a relevant operator may have under any other law, rule, or regulation.

PART V - PUBLIC HEALTH MEASURES AT POINTS OF ENTRY AND EXIT DURING AN EMERGENCY

30. The Task Force shall ensure the implementation and enforcement of all public health emergency measures relating to entry into or exit from Nigeria by Nigerians or any person or conveyance from an infected area or any other place or territory outside Nigeria during the period of public health emergencies under this Act.

Implementation of Public Health Emergency Measures at Points of Entry and Exit

31. (1) The Task Force shall ensure that all health measures implemented during public health emergency shall be applied in a transparent and non-discriminatory manner in a way as to avoid unnecessary restrictions on international traffic and trade and damage to cargoes and goods.

Protection of International Travel and Trade

(2) Measures applied to cargoes, containers or conveyances, the parts treated, the methods

employed, and the reasons for their application shall be indicated in writing.

- (3) Unless as required under this Act, conveyances shall:
- (a) be allowed to call at any point of entry for public health reasons if the point of entry is equipped to apply the required public health measures or the conveyance is unable to proceed to the nearest suitable point of entry;
 - (b) be granted free pratique by radio or other communication means when based on the information received there is no scientific evidence that the arrival of the conveyance will result in the introduction or spread of the disease; and
 - (c) be able to transit through the territory of Nigeria without being subject to public health measures owing that there is no embarking, disembarking, loading, discharging or transhipment of goods in Nigerian territory.
- (4) Unless travellers are seeking temporary or permanent residence, any quarantine or isolation requirements, medical or supplementary examination, certificates, and health measures applied to baggage accompanying the traveller, and any new vaccinations or other prophylaxis requirements that have been published for less than fourteen days shall be free of charges.

32. (1) The Task Force may, for the purpose of preventing the spread of or a possible outbreak of any infectious disease in Nigeria, issue an Order, requiring that all or any persons arriving in Nigeria to undergo any medical examination specified in the Order provided that such medical examination shall not involve invasive sample collection.

Medical examination of persons and animals arriving in Nigeria

(2) A person who refuses or fails to comply with the Order under subsection (1) of this section commits an offence and is liable on conviction to a fine not exceeding five hundred thousand naira or to imprisonment for a term not exceeding three months or to both the fine and imprisonment.

(3) The medical examination of animals shall be in accordance with the relevant law.

33. (1) During a public health emergency, the Task Force may, for the purpose of preventing the spread of the infectious disease outside Nigeria, by a written Order, require all or any persons or animals leaving Nigeria to undergo any medical examination specified in the order in accordance with international standards and procedures.

Medical Examination of Persons and Animals Leaving Nigeria During a Public Health Emergency

(2) A person, or owner custodian of any animal, who, without reasonable excuse, refuses or fails to comply with the order under subsection (1) of this section commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand naira or to imprisonment for a term not exceeding three months or to both.

PART VI – ENFORCEMENT

34. (1) For the purpose of investigating into any outbreak or suspected outbreak of infectious disease upon which a public health emergency is declared under this Act or for the purpose of preventing the spread or possible outbreak of such disease, the Task Force through any authorised officer may-

Powers of the Task Force In Dealing with Outbreaks or Suspected Outbreaks Forming the Basis of a Public Health Emergency

- (a) stop, board, inspect and search any conveyance;
- (b) at any time with a warrant and notice enter, inspect and search any premises;
- (c) take samples of any substance or matter, wherever found, if the authorised officer has reason to believe that the substance or matter is the cause of, is contributory to or is

otherwise connected with, the occurrence of the outbreak or suspected outbreak, and send such samples for such test, examination or analysis as the authorised officer may consider necessary or expedient;

(d) on the authority of a court order seize any substance or matter, wherever found, if the authorised officer has reason to believe that the substance or matter is the cause of, is contributory to or is otherwise connected with, the occurrence of the outbreak or suspected outbreak;

(e) require any person-

(i) to furnish any information within his knowledge; or

(ii) to produce any book, document or other records which may be in his custody or possession for inspection by the authorised officer and for the making of copies of them thereof; or

(iii) to provide the authorised officer with copies of any book, document or other records specified in sub-paragraph (ii) of this paragraph, within such time and in such form or manner as the authorised officer may specify, and if necessary, further require the person to attend at a specified time and place for the purposes of complying with subparagraph (i), (ii) or (iii) of this paragraph;

(f) on the authority of a Court Order, subject to subsection (5) of this section, order the closure or cordoning off of any public place in which the outbreak or suspected outbreak, or the transmission or suspected transmission, of an infectious disease has taken place;

(g) by an Order prohibit or restrict the movement of persons, animals, or conveyance within or out of any public place.

(2) Where the authorised officer seizes any substance or matter under subsection (1) (d) of this section-

(a) the authorised officer shall immediately give written notice of the seizure to the owner of, or to the person from whom, the substance or matter was seized and may-

(i) direct that the substance or matter under seizure be kept or stored in the premises or conveyance where it was seized or be removed to any other place to be kept or stored thereat, or

(ii) dispose of the substance or matter immediately if the authorised officer is of the view that the substance or matter is decayed, putrefied or harmful to health;

(b) a person aggrieved by the seizure of any matter or substance made under the provisions of this section may complain to appropriate court and the court may-

(i) confirm the seizure wholly or in part,

(ii) disallow the seizure wholly or in part,

(iii) order that any substance or matter that has been seized be returned to its owner, subject to any condition which the court may deem fit to impose to ensure that the substance or matter is preserved for any purpose for which it may subsequently be required, or

(iv) order payment to be made to the owner of or person entitled to the substance or matter seized of such amount as the court considers reasonable compensation to him for any loss or depreciation resulting from the seizure.

(3) Where the appropriate court confirms the seizure of the substance or matter under subsection (2)(b)(i) of this section, the substance or matter seized in its entirety or to the extent to which its seizure was confirmed by the appropriate court, as the case may be, shall become the property of the Federal Government and shall be disposed of in accordance with the law.

(4) Any person who fails to comply with any requirement or Order made by the authorised officer under subsection (1) (d) or (f) of this section commits an offence and is liable on conviction to a fine not exceeding one million naira or to imprisonment for a term not exceeding two years or to both the fine and imprisonment.

(5) For the purposes of subsection (1) (e) of this section, where any document or record required by the Task Force is kept in electronic form, then-

(a) the power of the Task Force or an authorised officer to require the document or record to be produced for inspection includes the power to require a copy of the document or record to be made available for inspection in legible form; and

(b) the power of the Task Force or an authorised officer to inspect such document or record includes the power to require any person on the premises in question to give the Task Force or an authorised officer such assistance as the Task Force may reasonably require to enable it to inspect and make copies of the document or record in legible form or to make records of the information contained in it.

35. (1) For the purposes of an investigation into an offence punishable under this Act, an authorised officer may-

Powers of
Investigation

(a) require any person to-

(i) furnish any information within his knowledge; or

(ii) produce any book, document or other records which may be in his custody or possession for inspection by the authorised officer and the making of copies of the book, document or other records, or provide the authorised officer with copies of such book, document or other records, and may, if necessary, further require the person to attend at a specified time and place for the purposes of complying with this paragraph;

(b) at any time with a warrant, stop, board, enter, inspect and search any premises or conveyance;

(c) with an appropriate court order-

(i) take samples of or seize any substance or matter found in any premises or conveyance mentioned in paragraph (b) of this subsection unless delay in obtaining an order of court can lead to the spread of the declared infectious disease in which case a validating court order shall be obtained thereafter; and

(ii) seize any book, document or record produced under paragraph (a) of this subsection or found in any premises or conveyance mentioned in paragraph (b) of this subsection.

(2) A statement made by any person giving evidence under subsection (1) (a) of this section shall-
(a) be reduced to writing and read over to him; and
(b) after correction, if any, be signed by him.

(3) A person who, without reasonable excuse-
(a) refuses or fails to comply with any requirement of an authorised officer under subsection (1) of this section; or
(b) refuses to answer or gives a false answer to any question put to him by the authorised officer, commits an offence and is liable on conviction to a fine not exceeding two hundred thousand naira or to imprisonment for a term not exceeding three months or to both the fine and imprisonment.

(4) For the purposes of subsection (3) of this section, it is a reasonable excuse for a person to refuse or fail to furnish any information, produce any book, document or other record or answer any question if doing so might tend to incriminate him.

(5) For the purposes of subsection (1) (a) (i) of this section, where any document or record required by an authorised officer is kept in electronic form, then the power of the authorised officer to-

- (a) require such document or record to be produced for inspection includes the power to require a copy of the document or record to be made available for inspection in legible form; and
- (b) inspect such document or record includes the power to require any person on the premises in question to give the authorised officer such assistance as the authorised officer may reasonably require to enable him to inspect and make copies of the document or record in legible form or to make records of the information contained in the document.

36. (1) Any book, document, record, sample, substance, or matter produced, taken or seized under this Act shall-

Disposal of
Document,
Substance, or
Matter

- (a) where the book, document, record, sample, substance or matter is produced in any criminal trial, be dealt with in accordance with the provisions of any relevant law on the administration of criminal justice;
- (b) where the owner of the book, document, record, sample, substance or matter consents to its disposal, be disposed of accordingly; or
- (c) in any other case, be returned to the owner or reported to an appropriate court.

(2) Where any book, document, record, sample, substance or matter is deposited to the appropriate court under subsection (1)(c) of this section, the appropriate court may order the document, substance or matter to be-

- (a) forfeited;
- (b) disposed of in such manner as the appropriate court deem fit.

(3) Subject to any order to the contrary by the appropriate court, at the conclusion of a case, any book, document, record, sample, substance or matter shall be returned to the owner or destroyed.

(4) Where the court order is for the forfeiture of a book, document, record, sample, substance or matter, the forfeited items shall be retained by the State.

(5) This section does not affect any right to retain or dispose of property that may exist in any other law or regulation.

37

(1) A law enforcement officer or any authorised officer may arrest with or without warrant any person committing or whom he has reason to believe has committed any offence under this Act for the purpose of bringing the person before a court of law within a reasonable time for trial and release the person unconditionally or upon such conditions as are reasonably necessary to ensure that he appears for trial at a later date.

Powers of Arrest

(2) Subject to subsection (6) of this section, a law enforcement officer or any authorised officer may arrest without warrant any person who is required to-

(a) be isolated in any place under the provisions of this Act, has failed to proceed to that place or has left or attempted to leave that place;

(b) undergo or submit to any surveillance, quarantine, medical examination under the provisions of this Act, has failed to undergo or submit to the surveillance, examination or comply with any condition relating to his surveillance; or

(c) comply with any requirement mentioned in paragraph (a) or (b) of this subsection, attempts to leave Nigeria without the approval of the Task Force.

(3) A person who fails to comply with any requirement mentioned in subsection (2) of this section commits an offence and is liable on conviction to a fine not exceeding two hundred thousand naira or to imprisonment for a term not exceeding three months or to both.

(4) A person arrested under subsection (1) or (2) of this section shall within twenty-four hours from the time of arrest be taken before an appropriate court excepting weekends and public holidays.

(5) The Task Force may issue any order under this section for the isolation, quarantine, surveillance, or medical examination of a person arrested under subsection (2) of this section.

(6) A law enforcement officer or authorised officer may, instead of arresting a person referred to in subsection (3) of this section, take such measures and-

(a) if a person is to be isolated-

(i) cause that person to be taken to the place where he is to be isolated, or

(ii) ensure that the person remains in isolation in his own dwelling place, for such period of time as may be necessary for the protection of the public;

(b) if that person is to undergo surveillance or quarantine, cause the person to undergo surveillance or quarantine for such period of time as may be necessary for the protection of the public; or

(c) if the person is to undergo medical examination, cause the person to be medically examined.

38.

(1) A person who is required by any law enforcement officer in connection with any public health emergency disease or public health event or by any authorised officer shall on demand give his name and address and other proof of identity to the law enforcement officer or authorised officer.

Law Enforcement or Authorised Officer may Demand Names and Addresses in Certain Cases

(2) The owner or occupier of any premises shall if required by any law enforcement officer or by an authorised officer give his name and address and other proof of identity.

(3) A person who fails, without reasonable cause to comply with any requirement properly made to him by a law enforcement officer or authorised Officer under subsection (1) or (2) of this section, or wilfully misstates his name and address or the name and address of the owner of any premises, commits an offence and is liable on conviction to a fine not exceeding fifty thousand naira or to imprisonment for a term not exceeding three months or to both the fine and imprisonment.

39. All law enforcement officers or authorised officers shall, to all reasonable extent possible, prioritise methods or procedures that reduce non-essential contact with persons or animals to reduce the risk of contamination and severity of the infectious disease while enforcing any provision of this Act or regulations made under this Act.

Enforcement of physical distancing and other non-pharmaceutical health measures

40 (1) Subject to subsection (2) of this section, the Task Force or any relevant authorities may disclose any information it obtained under this Act which identifies any person who is or is suspected to be a case or carrier or contact of a declared infectious disease to any person if the disclosure is necessary for the person to take measures to prevent the outbreak or spread of the declared infectious disease.

Disclosure of User Information to Prevent Spread or Possible Outbreak of Infectious Disease, etc.

(2) The Task Force or any relevant authorities may, in disclosing any information to any person under subsection (1) of this section, impose such conditions as it thinks fit, and the person to whom the information is disclosed shall comply with such conditions.

(3) A person to whom the Task Force or any relevant authorities have disclosed any information under subsection (1) of this section may only disclose or use such information to the extent necessary for implementing any measure permitted by the Centre for the purpose of preventing the spread of or a possible outbreak of that declared infectious disease, but not for any unauthorised purpose.

(4) A person who-

- (a) fails to comply with any condition imposed under subsection (2) of this section; or
- b) contravenes the provision of subsection (3) of this section, commits an offence and is liable on conviction to a fine not exceeding two hundred thousand naira or to imprisonment for a term not exceeding three months or to both the fine and imprisonment.

(5) This section shall apply without prejudice to any other right of disclosure under this Act or any other law or regulation.

41. (1) The Task Force may, by written notice, authorize a healthcare provider to disclose user information to a specified recipient, which identifies any person as-

Disclosure of user information by Centre to a specified recipient

(a) a case or carrier or contact of a person or animal with a declared infectious disease; or

(b) being suspected to be an affected person or animal, to enable the specified recipient to take the necessary measures to prevent the spread or possible outbreak of the declared infectious disease.

(2) The Task Force may, in authorising the disclosure of any information under subsection (1) of this section by a healthcare provider, impose such conditions on the healthcare provider or the specified recipient of that information, and the healthcare provider or specified recipient, as the case may be, shall comply with the conditions.

(3) A specified recipient of the information provided under subsection (1) of this section may disclose the information to another person providing prescribed healthcare services to an affected person on behalf of the specified recipient, or use that information, only to the extent necessary to take the necessary measures to prevent the spread or possible outbreak of the infectious disease, but not otherwise.

(4) A person who, without reasonable excuse-

- (a) fails to comply with any condition imposed under subsection (2) of this section; or
- (b) contravenes subsection (3) of this section, commits an offence and is liable on conviction to a fine not exceeding two hundred thousand naira or to imprisonment for a term not exceeding three months or to both the fine and imprisonment.

(5) This section does not affect any other right of disclosure under any other law, rule or regulation.

(6) In this section-

- "healthcare provider" means any person that provides a prescribed healthcare service;
- "prescribed healthcare service" means any healthcare service prescribed for the purposes of this section; and
- "specified recipient" means any person that provides a prescribed healthcare service to an affected person.

42. The Inspector-General of Police in collaboration with other security agencies, shall provide such security assistance as may be necessary for the carrying out of any of the provisions of this Act. Security Assistance

PART VII - RIGHTS OF PERSONS

43. In addition to any other right conferred upon users by law, individuals subject to a public health measure under this Bill shall have the following rights- Rights of Users
subject to Public
Health Measures

- (a) the right to receive an explanation on the necessity of such an order made pursuant to the provisions in this Act in a language they understand;
- (b) the right to be treated with dignity in the execution of such an order;
- (c) the right to confidentiality of their health information except in circumstances where the publication of such information is required to be provided to public health authorities or is otherwise essential for the protection of public safety or health; and
- (d) the right to refuse treatment, vaccination, specimen collections and preventive treatment programs subject to compliance with isolation or quarantine orders and public health measures; and
- (e) the right to adequate food, shelter, clothing, washing facilities, medical care, and communication with others.

44. (1) A person who suspects that he may have an infectious disease must ascertain — Rights of Users
Suspected of
Having an
Infectious Disease

- (a) whether or not he has the disease; and
- (b) what precautions should be taken to prevent others from contracting the disease.

(2) A person who has an infectious disease must take all reasonable precautions to ensure that others are not unknowingly placed at risk of contracting the disease.

(3) To the extent to which the exercise of those rights does not infringe on the wellbeing of others,

a person who is at risk of contracting, who suspects that he may have, or who has an infectious disease or an infectious disease-related condition has these rights —

- (a) to be protected from unlawful discrimination;
- (b) to have his or her privacy respected;
- (c) to be given information about the medical and social consequences of the disease or condition and about any proposed medical treatment; and
- (d) to have access to available and appropriate examination and treatment.

45. (1) All health facilities and other designated facilities shall adhere to the following conditions when isolating or quarantining individuals or groups of individuals-

Rights of Users
under a
Quarantine or
an Isolation
Order

- (a) Health officials shall closely monitor people in quarantine to determine as quickly as possible if they are having symptoms, require treatment, or require transfer to isolation or release.
 - (b) Quarantine shall be done utilizing the least restrictive means necessary to prevent the spread of a declared infectious disease to others and may include but are not limited to confinement to private homes or other private and public premises.
- (2) Isolated individuals must be confined separately from quarantined individuals.

(3) If a quarantined individual subsequently becomes infected or is reasonably believed to have become infected with an infectious disease, he shall promptly be removed to isolation.

(4) Isolated and quarantined individuals must be immediately discharged when they have been medically certified to pose no risk of transmitting the infectious disease to others.

(5) Premises used for isolation and quarantine shall be built, equipped, and maintained safely and hygienically to minimize the likelihood of further transmission of infection or other harms to persons isolated or quarantined in accordance with the standards as approved by the Task Force.

(6) Cultural and religious beliefs should be considered in addressing the needs of individuals and establishing and maintaining isolation and quarantine premises.

(7) Persons subject to isolation or quarantine shall obey all regulations, rules, and orders issued by the Task Force and shall not go beyond the isolation or quarantine premises.

(8) Persons under isolation or quarantine may be allowed access to their personal physicians, health care workers, or others as needed to address their specific needs.

(9) Except authorized by the Task Force, no person shall enter or access an isolation or quarantine premises.

46. (1) Any health information, including personally identifiable information in health facility records, whether in paper or electronic formats, shall be confidential and shall be shared only with the consent of the user, or in accordance with this Act, the National Health Act of 2014, and other relevant law.

Privacy and
Confidentiality

- (2) Any health information that is collected, analysed, reported, or stored under this Act shall be-
 - (a) processed fairly and lawfully, and not further processed in a way incompatible with the purpose of this Act;
 - (b) adequate, relevant and not excessive in relation to the purposes of this Act;
 - (b) adequate, relevant and not excessive in relation to the purposes of this Act;
 - (c) Accurate and, where necessary, kept up to date;
 - (d) Erased or rectified where data is inaccurate or incomplete;
 - (e) Kept only for the period necessary for the protection of public safety or health; and
 - (f) Collected, transmitted, stored and achieved in a manner that protects against unauthorized access, modification, damage, loss, and destruction.
- (3) The users' names shall not be included in any summaries of health facility reports to the public health authorities on infectious diseases.
- (4) Laboratory and health facility report to health authorities on immediately reportable cases that may contain users' names or use a unique identifier number or code assigned to a user in accordance with the National Health Act 2014 and regulations made under this Bill.
- (5) Notwithstanding subsections (1) and (2), access to personally identifiable information in reporting site records shall be permitted to those persons having a legitimate need to acquire or use the information to-
 - (a) provide treatment to the individual who is the subject of the information;
 - (b) investigate the causes of transmission; and
 - (c) follow-up with persons who may have come into contact with an infected person:

Provided that in the case that personally identifiable information is used to follow up with persons who have come in contact with a user, the user's identity and other personally identifiable information shall be confidential and shall be shared only by his consent or in accordance with this Bill and the National Health Act of 2014.

- 47. Every health care and support services provider providing services under this Act shall be entitled to adequate personal protective equipment and other safety measures and facilities, entire life and medical liability insurance, special allowance and additional hazard allowances paid from the Public Health Emergency Fund. Rights of Providers and Support Services
- PART VIII – MISCELLANEOUS**
- 48. Upon the declaration of a public health emergency under sections 2 and 3 of this Act, the Chief Judge of a State or of the Federal Capital Territory, Abuja, as the case may be, shall set up appropriate magistrate courts at such locations affected by the public health declaration as he thinks fit for the purpose of issuing appropriate court orders and warrants for the implementation of this Act and speedy trial of offences. Designation of Special Sittings of Magistrate Courts for the trial of Offences under this Act
- 49. (1) Any notice, order or other document required or authorised by this Act to be served on any person may be served by- Services of Notices, Order or Other Documents
 - (a) delivering it to the person or to some adult member or employee of his family or household at his usual or last known place of residence;
 - (b) leaving it at his usual or last known place of residence or business in an envelope addressed

to the person;

(c) sending it by post to him at his usual or last known place of residence or place of business in Nigeria;

(d) in the case of a body corporate, delivering it to the secretary of the body corporate at its registered or principal office or sending it by post to the secretary of that body corporate at that office;

(e) if the document is to be served on the master of a conveyance or a person on board a conveyance, delivering it to any person being or appearing to be in command or charge of the conveyance; or

(f) if the document is to be served on the master of a conveyance and there is no master, by serving it on the owner of the conveyance or on the agent of the owner or, where no such agent is known or can be found, by affixing it on some conspicuous part of the conveyance.

(2) Any notice, order or other document required by this Act to be served on the owner or occupier of any premises or conveyance or on the master of any conveyance shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" or "master" or "pilot" "captain", of such premises or conveyance, as the case may be, without specifying any further name or description.

(3) Any notice, order or other document required by this Act to be served on the owner or occupier of any premises may be served by delivering it to some adult person on the premises or, if there is no such person on the premises to whom the notice, order or other documents can with reasonable diligence be delivered, by affixing it on some conspicuous part of the premises.

50. Where a notice, with evidence of proof of service, served in accordance with the provision of section 38 of this Act requires any act to be done or work to be executed by the owner or the occupier or the person in charge of any premises or conveyance and there is the default in complying with the requirement of the notice, the owner, occupier or the person in default shall, where no fine is specially provided for the default, be charged with committing an offence under this section and is liable on conviction to a fine of not less than one hundred thousand naira or imprisonment for a term not exceeding three months or to both the fine and imprisonment.

Default in
Compliance with
Notice

51. (1) A person who commits an offence under this Act for which no penalty is expressly provided is, in the case of-

General Penalties

(a) a first offence, liable on conviction to a fine not exceeding two hundred thousand naira or to imprisonment for a term not exceeding three months or to both;

(b) a second or subsequent offence, liable on conviction to a fine not exceeding five hundred thousand naira or to imprisonment for a term not exceeding two years or to both; and

(d) a body corporate, liable on conviction for a first offence, to fine of not less than one million naira, and for a second or subsequent offence, to a fine of not less than two million naira.

(2) A court convicting a person under this Bill may if it deem it appropriate, having regard to all the circumstances of the case, impose on the offender a penalty of community service in lieu of payment of a fine or term of imprisonment by the offender specified for the offence under this Bill.

52. Proceedings against any person for an offence under this Act and the recovery of any penalties under this Act or any regulations made thereunder may be instituted by any person authorized by the Task Force, as the case may be, and such authorized person may prosecute or conduct such proceedings. Prosecution of Defaulters, etc.
53. (1) A person shall not obstruct or assist in obstructing a health officer, an authorized officer or a person appointed under this Act in the exercise of a power or performance of a function under this Act. Obstruction of Health Officers, etc.
 (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine, not less than two hundred thousand naira or imprisonment for a term not less than three months or to both.
54. No liability shall lie personally against any authorised officer who, acting in good faith and with reasonable care, does or omits to do anything in the execution of this Act. Protection from Personal Liability
55. No person shall be taken to have committed an offence under any law, or incurs any civil liability, or is liable to any disciplinary action by a professional body, by virtue merely of disclosing any information or providing anything, in good faith and with reasonable care- Immunity from liability for disclosure
 (a) in accordance with any requirement under this Act; or
 (b) as authorised by the Task Force under this Act.
56. Where an offence under this Act is committed by a body corporate or firm or by a registered trustee or other similar association of individuals- Offences by Bodies Corporate, etc.
 (a) every director, manager, secretary or other similar officer of the body corporate;
 (b) every partner of the firm;
 (c) every trustee and person concerned in the management of the registered trustee; or
 (d) every person purporting to act in any management capacity in the body corporate or firm or registered trustee or similar association of individuals, is deemed to have committed the offence and is liable to be proceeded against and punished for the offence in like manner as if he had himself committed the offence, unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.
57. The powers of the President under this Act shall be exercisable by him or any person designated by him in that behalf. Exercise of Power
58. (1) The Task Force may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed, or that is necessary or convenient to be prescribed, for carrying out or giving effect to this Act. Regulations- General
 (2) Without prejudice to the generality of subsection (1) of this section, the Task Force may make regulations during a public health emergence with respect to all or any of the following matters-
 (a) the establishment and maintenance of quarantine and isolation stations for persons and for regulating the management of the quarantine and isolation stations;
 (b) the decontamination and treatment of conveyances and premises;
 (c) the prohibition on importation, exportation or transshipment of infected materials, substances and articles;

- (d) the prescribing of measures to be taken for the prevention of the spread or transmission of infection by means of any conveyance departing from any infected area of Nigeria;
- (e) the prohibition and regulation of the removal of fodder, litter, dung, human dejecta, wastewater and other things;
- (f) the prescribing of notification and supply of information by medical practitioners of cases of declared infectious diseases treated by them;
- (g) the prohibition or regulation of vaccinations and other prophylaxis and the issuance of certificates relating to vaccinations and other prophylaxis;
- (h) the prescribing of any measure, the prohibition of any act, or the imposition of any duty, necessary to prevent or control the spread or possible outbreak of a declared infectious disease; and

(3) The Task Force may, in making any regulations under this section, provide that any contravention of or failure to comply with any regulation shall be an offence punishable with a fine of not less than fifty thousand naira or community service.

59. In this Act, unless the context otherwise requires-

Interpretation

- "affected person" means any person who is a case or carrier of an infectious disease;
- "appropriate court" means a court of competent jurisdiction to try offences under this Act;
- "authorised officer" means all officers of government and regulatory authorities who have responsibilities which may have an impact on public health measures;
- "baggage" means the personal effects of a traveller or of a crew member of a conveyance;
- "building" means any premises, house, hut, shed or roofed enclosure, whether intended for the purpose of human and animal habitation or otherwise, and any wall, gate, post, pillar, paling, frame, hoarding, slip, dock, wharf, pier, jetty, landing-stage or bridge;
- "carrier", in relation to any infectious disease, means any person or animal that is harbouring or is likely to or is suspected to harbour the agents of that disease;
- "child" means a person who is under the age of eighteen years;
- "Centre" means the Nigerian Centre for Disease Control and Prevention established under the Nigerian Centre for Disease Control and Prevention (Establishment) Act (No. 18 of 2018);
- "Commissioner" means the Commissioner of Health of a State;
- "contact", in relation to any infectious disease, means any person or animal who has been exposed to the risk of infection from that disease;
- "contact tracing measure" means any measure to facilitate the tracing of contacts of an infectious disease;
- "Conveyance" includes ships, aeroplanes, vehicles, carts, vessels, and any other means of transports;
- "crew" includes any person who is on board a conveyance not for the sole purpose of travelling from one place to another but who is employed in the conveyance's service or in connection with its cargo;
- "dangerous infectious disease" means any of the diseases set out in the Second Schedule to this Act;
- "dejecta" includes urine, faeces, sputum, pus, mucus, skin sloughing, lochia any other liquid or solid waste matter that is emanated, shed or discharged from the body by nasal, aural, urethral, vaginal or any other means;
- "Director of Port Health" means the director in charge of health at the ports;
- "Epidemiological Investigation" means the inquiry into the study of distribution and determinants

of health, disease, or injury in human population and application of this study to the control of health problems;

"exposed person" means any person has been, or may have been, exposed to an infectious disease;

"Health Officer" means a Health Officer deployed, seconded or appointed under section 11 of this Act;

"infected" means infected with the micro-organism or agent of an infectious disease;

"infectious disease" means any of the diseases specified in the First Schedule; and includes any other disease that-

- (a) is caused or is suspected to be caused by a micro-organism or any agent of disease;
- (b) is capable or is suspected to be capable of transmission by any means to human beings; and
- (c) the Nigeria Centre for Disease Control has reason to believe, if left un-investigated or unchecked, it is likely to result in an epidemic of the disease;

"Integrated Diseases Surveillance and Response System" means the framework for surveillance and laboratory data collection and usage.

"International Health Regulations" means the international legal instrument adopted by the 58th World Health Assembly in 2005 that covers measures for preventing the transnational spread of infectious diseases;

"international standards and procedures" means the standards set in the World Health Organisation's International Health Regulations 2005 and other relevant international and regional agreements;

"isolation", means the separation of ill or contaminated persons or affected baggage, containers, conveyances, goods or postal parcels from others in such a manner as to prevent the spread of infection or contamination;

"isolation centre" means any facility for securing and managing ill persons who may have or be suspected of having an infectious disease;

"law enforcement authorities" includes the Nigeria Armed Forces, the Nigeria Police Force, Nigeria Security and Civil Defence Corps, and other law enforcement agencies in Nigeria;

"master", in relation to a vessel, means the person for the time being in charge or command of the vessel;

"medical examination" means the preliminary assessment of a person by an authorized health professional or by a person under the direct supervision of the competent authority, to determine the person's health status and potential public health risk to others, and may include the scrutiny of health documents, a physical examination when justified by the circumstances of the individual case, ascertainment of the relevant medical history and the travel history of the person being examined, laboratory tests, radiographic or diagnostic tests required to make a determination of whether or not such a person suffers from a disease, condition, or event;

"medical practitioner" means a medical practitioner registered or exempted from registration under the Medical and Dental Practitioners Act;

"Minister" means the Minister charged with the responsibility for health

"National Technical Guidelines for Integrated Disease Surveillance and Response " means the national technical guidelines for public health surveillance and response for priority diseases, conditions and events at community, health facility, district and national levels;

"nurse" means a registered nurse or enrolled nurse within the meaning of the Nursing and Midwifery (Registration, etc.) Act;

"occupier", in relation to any premises or conveyance, means the person in occupation of the premises or conveyance or having the charge or control of the premises or conveyance, either on his own account or as an agent of another person;

"Overcrowding" is a condition where more persons are located or living within a given space than is considered tolerable from a safety and health perspective as determined by relevant town planning authority.

"owner", in relation to any premises or conveyance, means the person for the time being receiving the rent of the premises or conveyance whether on his own account or as agent, trustee or receiver or who would receive the same if the premises or the conveyance were let or chartered;

"port" means any place in Nigeria and any navigable river or channel leading into such place declared to be a port under the Nigeria Ports Authority Act and includes an airport;

"Port Health Officer" means any Health Officer in charge of a port and includes his deputies and assistants;

"pratique", in relation to a vessel, means the written permission granted by a Port Health Officer to the conveyance to disembark and commence operation;

"premises" means buildings, lands, easements and hereditaments of any tenure whether open or enclosed, whether public or private and whether maintained or not under statutory authority, and includes any place or structure or any part thereof used or intended to be used for human habitation or for employment or any other purpose;

"public health emergency" means any event that has been declared an emergency under Section 2 of this Act;

"Public Health Emergency Area" means the whole of or such area outside Nigeria declared to be a Public Health Emergency Area under Section 4 of this Act;

"Public Health Emergency Zone" means the whole of or such area in Nigeria declared to be a Public Health Emergency Zone under Section 2(4) of this Act;

"public health event" means an occurrence or imminent threat of an illness or health condition, caused by bioterrorism, epidemic or pandemic disease, or (a) novel and highly fatal infectious agent or biological toxin that poses a substantial risk of a significant number of human fatalities or incidents or permanent or long-term disability;

"public health measures" means procedures applied to prevent the spread of disease or contamination; a health measure does not include law enforcement or security measures;

"public health observation" means subjecting a person or persons to medical examinations or observations carried out over a period of time (whether or not continuously) and includes carrying out any measures to facilitate those medical examinations or observations;

"public place" means any place or premises to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, and includes any place or premises used by the public or a section of the public for educational or recreational purposes or for assemblage;

"quarantine" means the compulsory detention in isolation for the purpose and under the provisions of this Act of any conveyance, persons, goods, things, animals or plants;

"quarantine anchorage" means any area of the port which has been appointed for the time being for the quarantine of vessels and declared to be a quarantine anchorage by the Nigerian Ports Authority;

"quarantine station" means any island, building or place where quarantine is carried out;

"relevant agency" includes the Nigeria Centre for Disease Control, National Agency for Food and Drug Administration and Control, animal quarantine and veterinary services and such other agencies charged with matters relevant to public and environmental health;

"relevant health official" includes State health officials;

"relevant operator" includes persons in charge of health facilities, laboratories, state and local government health institutions and port health authorities;

"surveillance" means subjecting a person or persons to medical examinations or observations

carried out over a period of time (whether or not continuously) and includes carrying out any measures to facilitate those medical examinations or observations;

"vessel" means any ship, boat, aircraft, or a vessel of any description used in navigation by sea or air.

Short Title

60. This Bill may be cited as the Public Health Emergency Bill, 2022

SCHEDULES

FIRST SCHEDULE

INFECTIOUS DISEASES

1. Diseases with high global or regional prevalence.
2. Diseases that are severe and life threatening even though risk of exposure may be low.
3. Diseases involving public health risk due to transmission of infection to others-
 - (a) Amoebiasis;
 - (b) Angiostrongyliasis;
 - (c) Brucellosis;
 - (d) Chikungunya;
 - (e) Coccidioidomycosis;
 - (f) Dengue;
 - (g) dracunculiasis;
 - (h) Echinococcosis;
 - (i) Giardiasis;
 - (j) Hemorrhagic fever;
 - (k) Hantavirus diseases;
 - (l) Hepatitis C;
 - (m) Hepatitis E;
 - (n) HIV/AIDS;
 - (o) Histoplasmosis;
 - (p) Legionellosis;
 - (q) Leishmaniasis (cutaneous, mucosal and visceral forms);
 - (r) Leprosy;
 - (s) Leptospirosis (including Weil diseases);
 - (t) Listeriosis;
 - (u) Lyme Borreliosis (Lyme disease);
 - (v) Lymphatic filariasis;
 - (w) Monkey pox;
 - (x) Onchocerciasis;
 - (y) Plague;
 - (z) Rubella;
 - (aa) SARS (Severe Acute Respiratory Syndrome);
 - (bb) Schistosomiasis (Alharziasis);
 - (cc) Tuberculosis;
 - (dd) Trypanomiasis;
 - (ee) Typhus fever (Epidemic louse-borne typhus);
 - (ff) Yaws;
 - (gg) Zoonotic influenza.

SECOND SCHEDULE

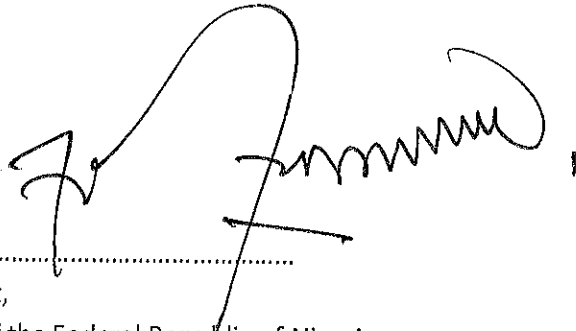
Dangerous Infectious Diseases

- 1 Cholera
- 2 Hepatitis A
- 3 Hepatitis E
- 4 Japanese Encephalitis
- 5 Meningococcal disease
- 6 Rabies
- 7 Tick-borne encephalitis
- 8 Typhoid fever
- 9 Yellow fever


EXPLANATORY MEMORANDUM

This Bill seeks to establish an up-dated comprehensive legislative framework providing for the norms, basis for the making of regulations, rules and guidelines and measures to be applied in the event of any outbreak of infectious and contagious diseases or public health event within or outside Nigeria necessitating a declaration by the appropriate authority of a public health emergency and to provide a sound basis for the measures and actions of the appropriate authorities during the period of the public health emergencies to control and contain the spread of infectious or contagious diseases or public health events.

THIS BILL WAS PASSED BY THE SENATE ON TUESDAY, 25TH JANUARY, 2022



.....
President,
Senate of the Federal Republic of Nigeria



.....
Clerk,
Senate of the Federal Republic of Nigeria