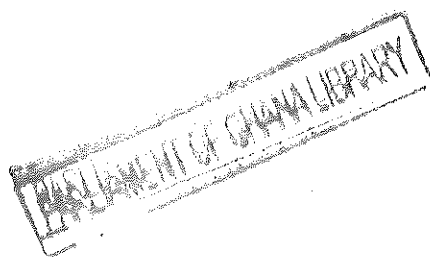
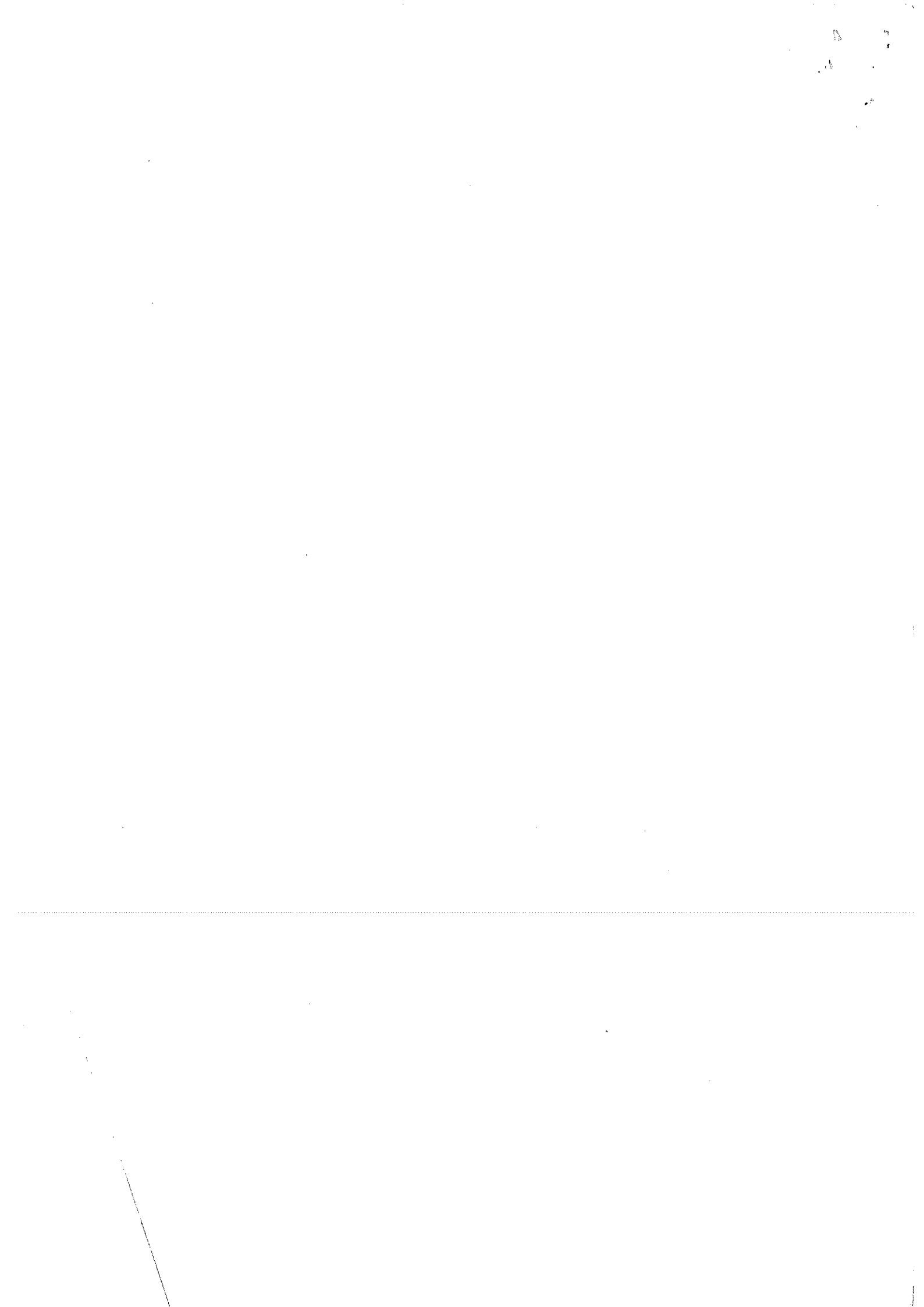


**IN THE FOURTH SESSION OF THE FIFTH PARLIAMENT OF
THE
FOURTH REPUBLIC OF GHANA**

**REPORT OF THE
SELECT COMMITTEE ON HEALTH
ON THE
PUBLIC HEALTH BILL**

FEBRUARY 2012





REPORT OF THE COMMITTEE ON HEALTH ON THE PUBLIC HEALTH BILL

1.0 INTRODUCTION

In accordance with Article 103 of the 1992 Constitution of Ghana, the former Minister of Health, Hon. Joseph Yieleh-Chireh on 22nd July, 2011 laid before the House, the Public Health Bill. Pursuant to Article 106 of the Constitution and Standing Orders 125 and 178, Madam Speaker referred the bill to the Committee on Health, for consideration and report to the August House.

2.0 CONSIDERATION OF THE BILL

The Committee on Health as part of its mandate under Article 106 (4) of the Constitution of Ghana and Standing Orders 125 and 178 published in the media requests for written memoranda on the bill. The Committee provided organisations who presented memoranda the opportunity to defend their proposals.

The Committee further held several meetings with stakeholders in the Health Sector to examine the bill in detail.

The Committee is grateful to the following for their inputs and support during the deliberations:

1. The former Minister for Health, Hon. Yieleh Chireh
2. The Chief Executives, Food and Drugs Board.

3. Officials of the Ministry of Health and Ghana Health Service and
4. Officials from the Attorney-General's Department

3.0 REFERENCE DOCUMENTS

The Committee made reference to the following documents during deliberation on the Bill:

1. The 1992 Constitution of the Republic of Ghana
2. The Standing Orders of the Parliament of Ghana
3. Memoranda from the Public
4. The Public Health Bill

4.0 BACKGROUND

It is obligatory that all governments throughout the world promote and ensure that their citizens obtain good health care. However, most ordinances on good health care in Ghana were enacted in the colonial era and are not responsive to current health needs. It has therefore become imperative that all these colonial legislations scattered in various enactment be repealed to satisfy current health care needs. The enactments are the Mosquito Ordinance, 1911 (CAP 75), the Infectious Diseases Ordinance, 1908 (CAP 78) and the Quarantine Ordinance in 1915 (CAP 77). They cover infectious diseases, mosquito, quarantine, vaccination, public nuisance and tobacco, food and drugs.

Legislation is also being proposed on issues of tobacco smoking, food and drugs, patient's rights, international public health law, communicable and non-communicable diseases as well as environmental sanitation due to the health threats associated with them.

The Bill further encapsulates international laws enacted and ratified by countries worldwide to ensure equity, social justice, public education and awareness as well as a holistic attitude to health. The international instruments include: The Universal Declaration on Human Rights, the International Convention on Economic, Social and Cultural Rights, the Convention on the Elimination of all forms of Racial Discrimination, the Convention on the Right of the Child and the Convention on the Elimination of all forms of Discrimination against Women.

Over all, the Bill seeks to bring together colonial enactments on infectious diseases, mosquitoes, quarantine, vaccination, public nuisance and modern laws on tobacco, food and medicines. It further captures international laws to ensure that we come on level terms with other countries in the world in terms of health care.

5.0 OBJECT OF THE BILL

The Object of the Bill is to:

- Promote public health and well-being
- Strengthen public health infrastructure

- Provide essential public health services and functions
- Identify roles and responsibilities of the public health agencies
- Encourage communities to create and maintain a healthy environment
- Support programmes and campaign intended to improve public health
- Educate individuals about public health risks
- Provide for the early detection of diseases and other public health hazards
- Respond effectively to public health emergencies
- Require regular reporting and accountability for public health agencies
- Provide fair and appropriate penalties for contravention of the provisions of the Bill and
- Respect individual rights

6.0 CONTENTS OF THE BILL

The Bill is divided into nine (9) parts and 174 Clauses. The various parts capture the following issues:

1. Part One (Clauses 1 – 19)

This part spells out how communicable diseases should be handled. It indeed specifies how infected areas should be cordoned off and how houses in such areas should be marked. It further indicates how persons removed from such areas would be compensated.

2. Part Two (Clauses 20-39)

This Part deals with vaccination. It provides generally for the appointment of public vaccinators (Medical officers) and their functions. It further spells out vaccines for children and adults as well as those that are compulsory.

3. Part Three (Clauses 34 – 39)

Part three regulates measures to be taken to prevent the introduction of an infectious or contagious disease into the country. It also indicates how persons with such diseases when identified can be quarantined and treated to prevent further spread of the disease.

4. Part Four (Clauses 40 – 49)

The destruction of vector constitutes an important aspect of malaria control. This part therefore spells out how premises should be kept to prevent situations that would encourage breeding of mosquitoes. It also provides for penalties for breaches of the law and the power of the Minister to make Regulations

5. Part Five (Clauses 50 – 57)

Environmental sanitation is essential for the well-being of all persons. This part therefore covers the selling of unwholesome food, noxious trade and dumping of garbage in unauthorised places.

6. Part Six (Clauses 58 – 79)

Considering the harm that tobacco smoking has on the human body and the steady rise in the use of tobacco by the youth, Part Six provides for the prohibition of smoking in public places, tobacco advertisement, issuing of health warnings on cigarette packs among others.

This part also makes the Food and Drugs Authority the agency to deal with all issues relating to tobacco.

7. Part Seven (Clauses 80 – 148)

The Food and Drugs Authority is established under this part. The object of the Authority is to provide standards to regulate the sale of food, drugs, herbal medicinal products, cosmetics, medical devices and household chemical substances in the country.

8. Part Eight (Clause 149 – 165)

This part deals with clinical trials. It requires a person who wants to conduct a clinical trial of a drug, herbal medicinal product or medical device to seek approval from the Food and Drugs Authority. It further empowers the Food and Drugs Authority to deal with all issues relating to clinical trial to ensure that the public interest is served.

9. Part Nine (Clause 166 – 174)

The final part of the bill provides for the Patients Charter and other International Health Regulations and other miscellaneous matters.

7.0 OBSERVATIONS AND RECOMMENDATIONS

7.1 Tobacco Control

The Committee realised that the Bill prohibits the smoking of tobacco in an enclosed or indoor area of a work place or in any other public place. The Committee is however of the view that the recommendation of the bill touches on the rights of persons who may wish to smoke regardless of its harmful effect. The Committee therefore recommends provision of designated smoking areas in facilities to afford those who may wish to smoke the opportunity to do so. These smoking areas should have facilities that would ensure that the tobacco smoke does not emit to the non-smoking areas.

7.2 Membership of the Governing Board of the Food and Drugs Authority

The Committee observed that the Traditional Medicines Practice Council has been given representation on the Board of the Food and Drugs Authority. The Committee considers this provision very laudable because the representation would provide the Board with information it needs to take decisions regarding traditional medicine. It would also reduce the tension that exists between traditional medicines practitioners and the Food and Drugs Authority.

7.3 Clinical Trials

Clinical trials are usually carried out to ascertain the efficacy of medicines or medical devices which may be of benefit to the public. It is done with the permission of an Authority. It is also supervised by a medical practitioner, dentist, or veterinary surgeon. However, if the process is not closely monitored and the right directions given, it creates room for abuse and ultimately it is the public that bears the brunt. The Committee is therefore satisfied that the Food and Drugs Board has been given the mandate and the necessary powers to ensure that such trials are not abused. The Committee however recommends that the Food and Drugs Board should use its expertise to bring all culprits to book to ensure that the vulnerable in society are not abused.

7.4 Public Health Disease Control

The Bill provides for the control of public health diseases through quarantine, vector control, vaccination and environmental sanitation. Although the provisions emanate from colonial legislations they have been improved to respond to current needs. These provisions would ensure that outbreaks of diseases are controlled and environments are kept clean to prevent the breeding of vectors. The Committee is satisfied that those who do not abide by the provisions in the bill would be charged for non-compliance and those whose properties are destroyed would be compensated when necessary. This in the opinion of the Committee would ensure that the environment is kept clean and public health regulations are obeyed. It is again recommended

that the Ministry of Health and the Ghana Health Service educate the public on these public health provisions to ensure compliance.

8.0 PROPOSED AMENDMENTS

The Committee after careful deliberation on the Bill proposes the following amendments:

1. Clause 3 - Amendment proposed: Sub-Clause (2) delete and insert the following;
“The Minister may by Regulations provide for the removal of:
 - (a) A person suffering or suspected to be suffering from a communicable disease from a vehicle, or
 - (b) A corpse or article suspected to be capable of spreading infection from the vehicle”
2. Clause 4 - Amendment proposed: Sub-Clause (1) paragraph (b) delete and insert the following; “
“(c) To a refund of the whole or a part of the fee paid for the license or as may be awarded by a compensation board established under Section 12”
3. Clause 8 - Amendment proposed: Sub-Clause (1) line 1 delete “May order” and insert “shall by an order of a court”
4. Clause 9 - Amendment proposed: Sub-clause (2) line 3 delete “the” and insert “that”

5. Clause 10 - Amendment proposed: Head Note delete “,suspects”
6. Clause 11 - Amendment proposed: Sub-Clause (1) line 2 delete “aperson” and insert “a person”
7. Clause 12 - Amendment proposed: Sub-Clause (2) line 1 delete “claim” and insert “claims”
8. Clause 12 - Amendment proposed: Sub-Clause (9) line 2 delete “who becomes, for the purpose of the reference, a member of the compensation board, and”
9. Clause 13 - Amendment proposed: Sub-Clause (2) line 2 delete “compensation board” and insert “District Chief Executive”
10. Clause 13 - Amendment proposed: Sub-Clause (1) delete and insert the following:

“(1)A claim for damages or compensation shall be made within six months after the occurrence of an event under sub-section (4) or (8) and the compensation board shall determine the matter within six months of the receipt of the claim.”
11. Clause 13 - Amendment proposed: Sub-clause (3) line 2 delete “the compensation board”
12. Clause 14 - Amendment proposed: Sub-Clause (1) delete and insert “A person in charge of, or attending to, or living with a person suffering from a communicable disease shall when necessary report to the appropriate health Authority of the existence of the disease in the person”

13. Clause 16 - Amendment proposed: Sub-Clause (1) paragraph (d) line 2 delete "latrine" and insert "place of convenience"
14. Clause 16 - Amendment proposed: Sub-Clause (1) paragraph (k) delete "by the beating of gong-gong or in any other manner" and insert "in an appropriate manner"
15. Clause 16 - Amendment proposed: Sub-Clause (1) paragraph (p) line 1 after "granting" delete "a passport, travel certificate or"
16. Clause 16 - Amendment proposed: Insert a new paragraph as follows: "for the disposal of the carcass of an animal"
17. Clause 19 - Amendment proposed: *Interpretation:* Insert "Place of convenience includes a latrine"
18. Clause 20 - Amendment proposed: Sub-Clause (3) line 3 delete "Act" and insert "Part"
19. Clause 21 - Amendment proposed: Sub-Clause (1) line 1 after "charge" inset "where applicable"
20. Clause 21 - Amendment proposed: Head Note - delete "Free Vaccination" and insert "Public Vaccination"
21. Clause 33 - Amendment proposed: Paragraph (a) line 2 delete "within the preceding seven years"
22. Clause 33 - Amendment proposed: Paragraph (b) line 1 delete "within the preceding four months"

23. Clause 35 - Amendment proposed: line 1 delete "fit and proper"
24. Clause 36 - Amendment proposed: delete and insert the following:
“(1) A District Assembly shall provide appropriate equipment, buildings and sanitary stations for the purposes of this Part and
(2) The Ministry may by executive instrument declare an area as a sanitary station or sanitary anchorage for the purposes of this Part”
25. Clause 42 - Amendment proposed: In line 4 delete “the sanitary authority” and insert “District Assembly”
26. Clause 44 - Amendment proposed: Concluding Statement- In line 2 delete “hundred” and insert “Fifty” and in line 3 delete “six” and insert “three”
27. Clause 45 - Amendment proposed: Sub-Clause (2) delete
28. Clause 46 - Amendment proposed: In line 3 delete “that place” and insert “the assembly”
29. Clause 49 - Amendment proposed: Interpretation – Insert “Vessel includes aircrafts”
30. Clause 50 - Amendment proposed: Paragraph (a) delete “burial” and insert “disposal”
31. Clause 50 - Amendment proposed: Paragraph (c) delete “burial” and insert “disposal of”
32. Clause 50 - Amendment proposed: Insert a new paragraph as follows: “A person who contravenes sub-

section (1) commits an offence and is liable on summary conviction to a fine of fifty penalty units or to a term of imprisonment of not more than three months.”

33. Clause 51 - Amendment proposed: In line 4 delete “one thousand “ and insert “five hundred” and in line 5 delete “four years” and insert “two years”
34. Clause 52 - Amendment proposed: Sub-Clause 2 line 2 delete “One thousand” and insert “ One hundred” and in line 4 delete “five years” and insert “six months”
35. Clause 53 - Amendment proposed: Sub-Clause 2 line 4 delete “one thousand” and insert “two hundred and fifty” and in line 5 delete “four years” and insert “two years”
36. Clause 54 - Amendment proposed: Paragraph (a) sub-paragraph (ii) line 1 delete “material” and in sub-paragraph (iii) line 1 delete “material”
37. Clause 54 - Amendment proposed: Paragraph (d) delete
38. Clause 57 - Amendment proposed: Concluding statement – line 1 delete “May be detained until”
39. Clause 97 - Amendment Proposed: Insert a new Clause after Clause 97 as follows:

“Cancellation or Suspension of Registration

- (1) The Authority shall suspend or cancel a license issued under this Part if information submitted in respect of the

registration changes or it is found to have been inaccurate.

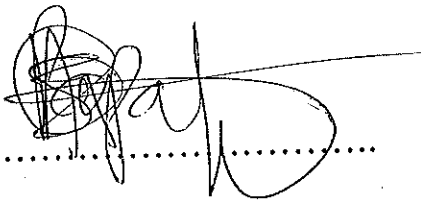
- (2) An applicant may at any time after suspension or cancellation of a registration re-submit new information on the food.
- (3) A person responsible for the registration of the food who fails to inform the Authority of a change in the information submitted for its registration commits an offence.
- (4) The Authority shall cancel an approval in respect of a registered food is not made available on the market after three years of registration.”

40. Clause 169 - Amendment proposed: Sub-Clause (1) line 3 delete “detained” and insert “quarantined”
41. Clause 172 - Amendment proposed: Sub-Clause (2) line 2 delete “National Disaster Management Organisation and other”
42. Fifth Schedule - Amendment proposed: Paragraph (b) delete “Artetrio Sclerosis” and insert “Arterio Sclerosis”
43. Fifth Schedule - Amendment proposed: Paragraph (b) delete “Septiaemia” and insert “Septicaemia”
44. Fifth Schedule - Amendment proposed: Paragraph (b) delete “Poliomyeities” and insert “Poliomyelities”
45. Fifth Schedule - Amendment proposed: Paragraph (b) after Tuberculosis delete “or consumption”

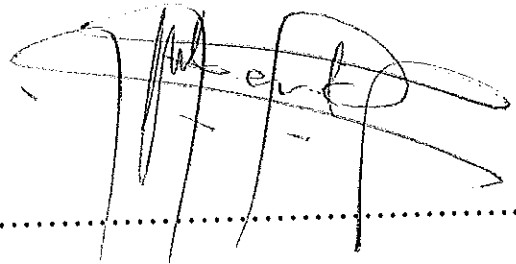
9.0 CONCLUSION

Since all governments are enjoined by law to promote good health, the Committee proposes the adoption and passage of the Public Health Bill into law to ensure sanity in our environment and prevent the occurrence of public health emergencies as well as provide for fair and appropriate penalties for contravention of the law.

Respectfully Submitted



ANITA QUARTEY-PAPAFIO
CLERK



HON. MOHAMMED MUBARAK MUNTAKA
CHAIRMAN

