



BERMUDA

PUBLIC HEALTH (COVID-19) REGULATIONS 2020

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TABLE OF CONTENTS

1 Citation

PART 1
PRELIMINARY

2 Interpretation

PART 2
POWERS TO CONTAIN COVID-19

3 Restrictions and requirements imposed by the Chief Medical Officer
4 Restrictions and requirements of the Chief Environmental Health Officer
5 Conditions applicable to the imposition of restrictions and requirements

PART 3
PUBLIC HEALTH SUPERVISION, ACTIVE MONITORING AND ISOLATION

6 Restrictions affecting place of active monitoring or isolation
7 Power to order active monitoring, public health supervision or isolation
8 Duty of person placed under active monitoring or public health supervision
9 Replacement of public health supervision by active monitoring
10 Placing in isolation
11 Isolation of persons suspected to be infected with COVID-19
12 Duties of Public Health Officer with respect to persons in isolation
13 Compulsory examination or screening
14 Restrictions and requirements following examination or isolation
15 Failure of person under public health supervision to report for medical inspection
16 Change of place during public health supervision
17 Release from active monitoring
18 Requirement of person improperly leaving place

PUBLIC HEALTH (COVID-19) REGULATIONS 2020

PART 4 ENFORCEMENT

- 19 Application to Justice of the Peace
- 20 Authority to apprehend
- 21 Failure to consent to treatment not assault or battery
- 22 Monitoring and reporting
- 23 Rights of a person apprehended
- 24 Right of appeal
- 25 Technological means of appearance

PART 5 TEMPORARY ISOLATION HOSPITALS

- 26 Temporary isolation hospitals
- 27 Reception of cases
- 28 Staff
- 29 Medical practitioner duty
- 30 Restrictions affecting a place used for isolation or detention
- 31 Presence of responsible adult
- 32 Permission to leave

PART 6 GENERAL

- 33 Offences
- 34 Expiry

The Minister responsible for health, in exercise of the power conferred by sections 94, 107 and 171 of the Public Health Act 1949, makes the following Regulations:

Citation

- 1 These regulations may be cited as the Public Health (COVID-19) Regulations 2020.

PART 1 PRELIMINARY

Interpretation

- 2 In these regulations—

“active monitoring” in relation to a person, means the person being placed in isolation after potential exposure to COVID-19, who is being monitored regularly by a Public Health Officer by means of communication through telephone, email, text, or any type of electronic communication, to assess for the presence of COVID-19 symptoms;

PUBLIC HEALTH (COVID-19) REGULATIONS 2020

“isolation” in relation to a person, means the separation of that person from other people in such a manner as to prevent infection or contamination (with COVID-19)—

- (a) in that person’s home;
- (b) in a hospital; or
- (c) at another suitable place;

“justice of the peace” means a justice of the peace who is a magistrate under section 3(2) of the Magistrates Act 1948;

“public health supervision” means a person for whom a plan for self-monitoring for symptoms is in place as established by medical practitioner in the event that the person develops COVID-19 symptoms.

“responsible adult” means, in relation to a child, a person with parental responsibility for the child (within the meaning of the Children Act 1998) or a person who has custody or charge of the child for the time being;

PART 2

POWERS TO CONTAIN COVID-19

Restrictions and requirements imposed by the Chief Medical Officer

3 (1) The Chief Medical Officer may, in writing—

- (a) require the person to whom the order is directed in respect of COVID-19 to place himself forthwith under the care and treatment of a Public Health Officer, and to deliver to the Chief Medical Officer a report as to whether or not the person has COVID-19 or is or is not infected with the virus;
- (b) require the person to whom the order is directed to conduct himself in such a manner as not to expose another person to infection;
- (c) impose on or in relation to a person any other restriction or requirement which the Public Health Officer considers necessary for the purposes of removing or reducing the risk of transmission in Bermuda of the virus;
- (d) require the owner or occupier of premises to close the premises or a part of the premises or to restrict access to the premises.

Restrictions and requirements of the Chief Environmental Health Officer

4 The Chief Environmental Health Officer may, in writing—

- (a) require the cleaning or disinfecting, or both, of the premises or any thing specified in the order, at such places and utilizing such apparatus, as the Minister may provide under section 92 of the Act;
- (b) require access to premises to enable compliance with the twenty-four hours notice that may be given by the Minister, under section 93 of the Act,

PUBLIC HEALTH (COVID-19) REGULATIONS 2020

for the cleansing and disinfection of any premises and the disinfection or destruction of any articles likely to retain COVID-19 infection that are in the premises to which the Minister's notice relates;

- (c) require the destruction of any matter or thing specified in the order;
- (d) require the owner or occupier of premises to close the premises or a part of the premises or to restrict access to the premises.

Conditions applicable to the imposition of restrictions and requirements

5 (1) Where the Chief Medical Officer or the Chief Environmental Health Officer imposes restrictions and requirements under regulation 3 or 4, the Chief Medical Officer or the Chief Environmental Health Officer shall comply with the provisions of this regulation.

(2) A decision to impose a restriction or requirement under regulation 3 or 4 may only be taken if it is considered, when taking the decision, that the restriction or requirement is proportionate to what is sought to be achieved by imposing it.

(3) A restriction or requirement imposed under regulation 3 or 4 may be varied (orally or in writing).

(4) Where a restriction or requirement under regulation 3 or 4 is imposed on or in relation to a child, a person who is a responsible adult in relation to the child must secure that the child complies with the restriction or requirement, insofar as that person is reasonably able to do so.

(5) Where a restriction or requirement is orally imposed on a person under these regulations, or is orally varied, the person, or the responsible adult in relation to a child, shall be provided with a written notification of the requirement that has been imposed or varied.

(6) Where a restriction or requirement is imposed under these regulations, the restriction or requirement must express it to be contingent on the risk of transmission of COVID-19 constituting a serious risk to public health.

PART 3

PUBLIC HEALTH SUPERVISION, ACTIVE MONITORING AND ISOLATION

Restrictions affecting place of active monitoring or isolation

6 When any place is in use for active monitoring or isolation purposes, no person shall enter or leave the place and no article shall be taken to or removed from the place except with the general or special permission of the Public Health Officer or otherwise than on such conditions as the Public Health Officer may generally or specially impose.

Power to order active monitoring, public health supervision or isolation

7 Without prejudice to any other powers conferred by these Regulations, any person who, in the opinion of a Public Health Officer, has been exposed to the risk of infection by

PUBLIC HEALTH (COVID-19) REGULATIONS 2020

COVID-19, may, at the discretion of the Public Health Officer, be placed under active monitoring or public health supervision during a 14 day period.

Duty of person placed under active monitoring or public health supervision

- 8 (1) Any person placed under active monitoring or public health supervision—
- (a) shall furnish to the Public Health Officer all such information as may reasonably be required and shall comply with the orders and instructions of the Public Health Officer; and
 - (b) shall undergo such medical inspections and examinations as the Public Health Officer may require and shall submit himself and his personal effects or other articles to disinfection and other measures as the Public Health Officer may order.
- (3) Any person in charge of a child or person under disability shall be responsible for the compliance of such child or person with the requirements and provisions of this regulation.

Replacement of public health supervision by active monitoring

9 In cases where public health supervision is imposed under these Regulations, public health supervision may be replaced by active monitoring in the following circumstances only—

- (a) when it is impracticable to carry out public health supervision with sufficient thoroughness; or
- (b) if the risk of the spread of the infection in Bermuda is considered to be exceptionally serious; or
- (c) if, in the opinion of the Public Health Officer responsible for public health supervision, the person subject to public health supervision has not complied with or is not likely to comply with the conditions of public health supervision, or cannot furnish adequate sanitary guarantees.

Placing in isolation

10 Any person under active monitoring or public health supervision who shows symptoms of COVID-19 shall, if the Public Health Officer so orders, be placed in isolation.

Isolation of persons suspected to be infected with COVID-19

- 11 (1) Any person who, in the opinion of a Public Health Officer is suffering from or suspected to be suffering from COVID-19, shall be placed in isolation.
- (2) The Public Health Officer may place a person in isolation, where in his opinion—
- (a) there are reasonable grounds to believe that person is, or may be, infected or contaminated with COVID-19; and
 - (b) there is a risk that person might infect or contaminate others.

PUBLIC HEALTH (COVID-19) REGULATIONS 2020

(3) A person to whom this regulation applies shall be placed in isolation for a period of not less than 14 days.

(4) The Public Health Officer may impose on or in relation to the person one or more screening requirements under regulation 13.

(5) Where a special restriction or requirement is imposed under this regulation, the Public Health Officer shall express it to be contingent on the risk of transmission of COVID-19 constituting a serious risk to public health.

Duties of Public Health Officer with respect to persons in isolation

12 The Public Health Officer shall notify the person placed in isolation under regulation 11 of—

- (a) the fact of the person's placement in isolation;
- (b) the powers under which the person is kept in isolation;
- (c) the reason for the person's isolation;
- (d) the next steps that may be taken and by whom;
- (e) the obligation to keep the need for the person's isolation under review; and
- (f) the penalty for—
 - (i) absconding, or attempting to abscond;
 - (ii) providing false or misleading information intentionally or recklessly;
 - (iii) obstructing a person carrying out a function under these Regulations;
- (g) the right to appeal to the Supreme Court.

Compulsory examination or screening

13 (1) For the purposes of enabling the Chief Medical Officer to cause the conduct by a Public Health Officer of a compulsory examination under section 69 of the Act, of a person suffering, or suspected of suffering, from COVID-19, the person shall—

- (a) answer questions about his health or other relevant circumstances (including travel history and information about other individuals with whom he may have had contact);
- (b) produce any documents required or which to his knowledge may be of assistance in assessing his health;
- (c) at such time as maybe specified, allow that his biological sample be taken, including a sample of his respiratory secretions or blood, by appropriate means including by swabbing his nasopharyngeal cavity, or provide such a sample; and
- (d) provide sufficient information to enable him to be contacted immediately during such period as the Public Health Officer may specify, where the Public Health Officer considers that such provision of information is

PUBLIC HEALTH (COVID-19) REGULATIONS 2020

necessary in order to reduce or remove the risk of such person infecting or contaminating others.

(2) In the case where a child is to undergo a compulsory examination, the responsible adult shall—

- (a) secure that the child answers questions in accordance with paragraph (1)(a);
- (b) answer the questions if the child is unable to do so or cannot reliably do so;
- (c) produce any documents, required under paragraph (1)(b), on the child's behalf;
- (d) allow the Public Health Officer, or a medical practitioner, to take a biological sample of the child, including a sample of the child's respiratory secretions or blood, by appropriate means including by swabbing the child's nasopharyngeal cavity, or provide such a sample; and
- (e) provide information where required under paragraph (1)(d).

Restrictions and requirements following examination or isolation

14 (1) The Public Health Officer may (orally or in writing) impose on a person any one or more of the requirements specified in paragraph (2) where the Officer considers that it is necessary and proportionate to do so in order to reduce or remove the risk of the person infecting or contaminating others following—

- (a) the person's examination under regulation 13; or
- (b) the person's release from the isolation.

(2) The requirements specified in paragraph (1), which are to be provided to a medical practitioner, Public Health Officer or the Bermuda Hospitals Board, are for the person to—

- (a) provide his contact details to the medical practitioner;
- (b) supply information to the medical practitioner which may assist in assessing the person's health;
- (c) at such time as the medical practitioner may specify, allow the medical practitioner, to take a biological sample of the person, including a sample of the person's respiratory secretions or blood, by appropriate means including by swabbing the person's nasopharyngeal cavity, or provide such a sample;
- (d) comply with any other specified condition or to take any other specified measure.

(3) The conditions or measures which may be specified under paragraph (2)(d) include—

- (a) a restriction on the person's travel;

PUBLIC HEALTH (COVID-19) REGULATIONS 2020

- (b) a restriction on the person's activities;
- (c) a restriction on the person's contact with specified persons.
- (4) The Public Health Officer may (orally or in writing)—
 - (a) vary any requirement imposed under this regulation; and
 - (b) impose on the person any additional requirements specified in paragraph (2).
- (5) Before imposing or varying a requirement under this regulation, the Public Health Officer shall—
 - (a) inform the person (or in case of a child, a person who is a responsible adult in relation to the child) of the requirement or variation that the Public Health Officer deems necessary to impose or make; and
 - (b) have regard to any relevant representations by the person (or in case of a child, a person who is a responsible adult in relation to the child), as to its suitability.
- (6) Where a requirement under this regulation is imposed on or in relation to a child, or varied in relation to a child, a person who is a responsible adult in relation to the child must secure that the child complies with the requirement, insofar as that person is reasonably able to do so.
- (7) Where the Public Health Officer orally imposes a requirement on the person under this regulation, or orally varies such a requirement, he shall provide the person, or the responsible adult in relation to a child, with a written notification of the requirement that has been imposed or varied.

Failure of person under public health supervision to report for medical inspection

15 (1) Any person under public health supervision who, on account of illness, is unable to report for medical inspection shall immediately cause the Public Health Officer responsible for his public health supervision to be informed of his illness and its nature and the Public Health Officer shall forthwith take steps to determine whether or not such a person is suffering from COVID-19.

(2) When any person under public health supervision fails to report for medical inspection on the appointed day, the Public Health Officer responsible for his public health supervision shall forthwith cause a search to be made for him and, if his failure to report for medical inspection is due to illness, the Public Health Officer shall immediately visit him.

(3) Any person under public health supervision who intends to proceed to an address other than that originally given by him shall immediately notify the Public Health Officer responsible for his public health supervision of the new address.

Change of place during public health supervision

16 The Public Health Officer responsible for the public health supervision of a person who is about to leave Bermuda by plane or boat before the period of public health supervision has ended shall inform the health authorities of the place to which such person

PUBLIC HEALTH (COVID-19) REGULATIONS 2020

is proceeding, of his impending arrival and address there, and of the period of public health supervision still uncompleted, and shall also instruct the person under public health supervision as to whom he shall report for medical inspection when he arrives at such other place.

Release from active monitoring

17 As soon as any person placed under active monitoring has undergone the active monitoring necessary in his case, he shall be released from active monitoring by a Public Health Officer.

Requirement of person improperly leaving place

18 Any person who, contrary to these Regulations, leaves any place in use for public health supervision, active monitoring or isolation purposes may, without prejudice to any other provision of these Regulations, may be informed by a Public Health Officer or police officer, that in order to be in compliance with these Regulations, they must return to the place of public health supervision, active monitoring or isolation.

PART 4

ENFORCEMENT

Application to Justice of the Peace

19 (1) Where a person has failed to comply with an order by the Public Health Officer made under these Regulations, to take the necessary precautions to prevent the transmission in Bermuda of COVID-19, the Public Health Officer may make an application to the Justice of the Peace, as provided under section 83 of the Act, that the person has failed to—

- (a) comply with the requirements of active monitoring or public health supervision;
- (b) isolate himself from other persons;
- (c) submit to an examination by a medical practitioner or Public Health Officer;
- (d) place himself under the care and treatment of a medical practitioner; or
- (e) conduct himself in such a manner as not to expose another person to infection.

(2) Where the Justice of the Peace is satisfied with the application made under paragraph (1), he may, with the consent of the Minister, order that the person who has failed to comply with requirements under paragraph (1)—

- (a) be taken into custody and be placed in isolation;
- (b) be taken into custody and be admitted to, detained and treated at the hospital;

PUBLIC HEALTH (COVID-19) REGULATIONS 2020

- (c) be examined by a medical practitioner or Public Health Officer to ascertain whether or not the person is infected with COVID-19; or
 - (d) be treated for COVID-19, where on examination of such person it is found that he is infected with the virus.
- (3) The admission and treatment of the person at the hospital or place of isolation as ordered under paragraph (2) shall be at the cost of the individual.

Authority to apprehend

20 (1) An order made under regulation 19 is authority for the Public Health Officer to direct a police officer to—

- (a) locate and apprehend the person who is the subject of the order; and
- (b) deliver the person who is the subject to the order to the place of public health supervision, active monitoring or isolation named in the order, or to a medical practitioner for examination.

(2) The police officer shall do all things reasonably able to be done to locate, apprehend and deliver the person to the place of public health supervision, active monitoring or isolation specified in the order.

(3) The police officer who apprehends a person who is the subject of an order pursuant to paragraph (2) shall promptly—

- (a) inform the person of the reasons for the apprehension and of the person's right to retain and instruct counsel without delay; and
- (b) tell the person where the person is being taken.

(4) An order made under regulation 19(2)(b) is authority to detain the person who is the subject of the order in the place of public health supervision, active monitoring or isolation named in the order and to care for and examine the person and to treat the person for COVID-19 in accordance with generally accepted medical practice for such period as the medical practitioner or Public Health Officer shall determine.

(5) Subject to regulation 23(2), an order made under regulation 19(2)(c) is authority to detain the person who is the subject of the order in the place of public health supervision, active monitoring or isolation named in the order and to care for and examine the person for a period not exceeding 14 days.

Failure to consent to treatment not assault or battery

21 Where an order made under these Regulations is to be carried out by a Public Health Officer or a medical practitioner, the failure of the person subject to such an order to consent does not constitute an assault or battery against that person by the Public Health Officer or the medical practitioner should the order be carried out.

Monitoring and reporting

22 Where a person is taken into custody by order of a Public Health Officer under regulation 19(2)(b) or 20, the Public Health Officer shall—

PUBLIC HEALTH (COVID-19) REGULATIONS 2020

- (a) designate a Public Health Officer to be responsible for the monitoring of the person named in the order;
- (b) require the designated Public Health Officer produce a report in respect of the condition of the person.

Rights of a person apprehended

23 (1) A person apprehended pursuant regulation 19(2)(b) or 20 shall be informed of the person's right to counsel.

(2) A person apprehended pursuant regulation 19(2)(b) or 20 shall not be held for longer than seventy-two hours unless a hearing is held within that time period and an order is made under regulation 19.

Right of appeal

24 (1) A person in relation to whom a restriction or requirement is imposed under these Regulations may appeal to the Supreme Court against the decision to impose that requirement or restriction.

(2) A person with parental responsibility for a child in relation to whom a restriction or requirement is imposed under these Regulations may appeal to the Supreme Court against the decision to impose that restriction or requirement.

Technological means of appearance

25 A person who has appealed to the court under regulation 24 may appear before the court by any technological means satisfactory to the court that permits the court and such person to communicate simultaneously if the court is satisfied that the use of technology is necessary or prudent to prevent the spread of COVID-19.

PART 5

TEMPORARY ISOLATION HOSPITALS

Temporary isolation hospitals

26 Where, for purposes of these Regulations, need arises to establish temporary isolation treatment facilities, the Minister shall establish temporary isolation hospitals to be administered and managed by the Bermuda Hospitals Board.

Reception of cases

27 Temporary isolation hospitals may be used for the isolation of cases of COVID-19 and their contacts occurring within Bermuda.

Staff

28 (1) The Bermuda Hospitals Board medical officer shall be appointed to be responsible for a temporary isolation hospital under the orders of the Chief Medical Officer.

PUBLIC HEALTH (COVID-19) REGULATIONS 2020

(2) Medical practitioners and nurses shall be employed as required for the purposes of managing the outbreak of the COVID-19.

Medical practitioner duty

29 A medical practitioner responsible for treating a person under these Regulations shall report in respect of the treatment and the condition of the person to the Bermuda Hospital Board, in the case of treatment taking place at a temporary isolation hospital.

Restrictions affecting a place used for isolation or detention

30 No person or article shall enter or leave the temporary isolation hospital except with the general or special permission of the Bermuda Hospitals Board, on such conditions as may generally or specially be imposed.

Presence of responsible adult

31 The responsible adult of a child who has been admitted to the temporary isolation hospital shall not be allowed to enter the isolation hospital or remain there without the approval of the Bermuda Hospitals Board medical officer.

Permission to leave

32 Under no circumstances shall patients, or persons isolated, be allowed to leave the grounds of a temporary isolation hospital without the special permission of the Bermuda Hospitals Board.

PART 6

GENERAL

Offences

33 (1) A person commits an offence if he—

- (a) fails, without reasonable excuse, to comply with a restriction or requirement imposed under these Regulation;
- (b) absconds, or attempts to abscond, from detention or isolation under these Regulations.

(2) A person who provides false or misleading information intentionally or recklessly to any person carrying out a function under these Regulations commits an offence.

(3) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations commits an offence.

(4) A responsible adult who fails without reasonable excuse to comply with restrictions and requirements imposed on the child under these Regulations commits an offence.

PUBLIC HEALTH (COVID-19) REGULATIONS 2020

(5) A person guilty of an offence under this regulation shall be liable to a fine not exceed \$6,000 in respect of a first offence; and in the case of a second or subsequent offence, to a fine not exceeding \$10,000 or imprisonment for a term not exceeding three months, or to both.

Expiry

34 (1) These Regulations cease to have effect at the end of the period of two years beginning on the day on which they come into force.

(2) This regulation does not affect the validity of anything done pursuant to these Regulations before they cease to have effect.

Made this 20th day of March 2020

Minister of Health

[Operative Date: 20 March 2020]