

A BILL

i n t i t u l e d

An Act to amend the Prevention and Control of Infectious Diseases Act 1988.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Prevention and Control of Infectious Diseases (Amendment) Act 2024.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Amendment of section 2

2. The Prevention and Control of Infectious Diseases Act 1988 [Act 342], which is referred to as the “principal Act” in this Act, is amended in section 2—

(a) by deleting the definition of “health inspector”;

- (b) in the definition of “authorized officer”, by substituting for the words “any health inspector,” the words “any Environmental Health Officer,”;
- (c) in the definition of “Medical Officer of Health”—
- (i) by substituting for the words “airport and port limits thereof,” the words “airport, port and land frontier limits thereof,”; and
 - (ii) by substituting for the words “the Deputy Director General of Health, the Director of Health Services, any Deputy Director of Health Services, any State Director of Medical and Health Services, any State Deputy Director of Medical and Health Services, the Sabah State Director of Medical Services and his Deputy and the Sarawak State Director of Medical Services and his Deputy” the words “any Deputy Director General of Health, the Director of Disease Control, any Deputy Director of Disease Control, the State Health Director and any Deputy State Health Director”;
- (d) by inserting after the definition of “disinsecting” the following definition:
- “Environmental Health Officer” means any Environmental Health Officer in the service of the Government or any local authority including the Assistant Environmental Health Officer;’; and
- (e) in the definition of “quarantine station”, by substituting for the words “an infectious disease hospital and any place” the words “any hospital and place”.

Amendment of section 10

3. Subsection 10(2) of the principal Act is amended—

- (a) by substituting for the words “or becomes aware of” the words “any person suffering from any infectious disease, or becomes aware of or has reason to believe or suspect”; and

- (b) by substituting for the words “in the form prescribed by regulations made under this Act” the words “in any manner as determined by the Director General”.

New section 14A

4. The principal Act is amended by inserting after section 14 the following section:

“Isolation or surveillance of infected persons and suspects

14A. (1) An authorized officer may order any person who is infected or whom he has reason to believe has been infected with an infectious disease to undergo isolation or surveillance in such place for such period as the authorized officer may think fit or until such person may be discharged without danger to the public.

(2) For the purposes of subsection (1), an authorized officer may use such force as may be necessary to ensure compliance with his order.”.

New section 15A

5. The principal Act is amended by inserting after section 15 the following section:

“Order for the purpose of tracking and monitoring

15A. (1) An authorized officer may, for the purpose of tracking and monitoring, issue any order to be complied with by a person who is infected or whom the authorized officer has reason to believe to be infected, or any contact, for such period as the authorized officer thinks fit or until such person no longer expose any danger to the public.

(2) Without prejudice to the generality of the powers conferred by subsection (1), the order may include an order—

- (a) to wear, carry or use any form of tracking device provided by the authorized officer; and

(b) to install and use any digital application in any digital device as determined by the authorized officer.

(3) Any person who is ordered to wear, carry or use any form of tracking device shall ensure that the tracking device is in a good working condition and shall not destroy, damage, lose or tamper with the tracking device during the period stated in the order issued under subsection (1).

(4) Any person who is ordered to wear, carry or use any form of tracking device shall return the tracking device to the authorized officer at the end of period stated in the order issued under subsection (1).

(5) Any person who is ordered to install and use any digital application in any digital device—

(a) shall ensure that the digital application is in a good working condition;

(b) shall carry the digital device at all time; and

(c) shall not move, manipulate, tamper or interfere with the digital application,

during the period stated in the order issued under subsection (1).

(6) Any person who contravenes this section commits an offence.”.

New section 21A

6. The principal Act is amended by inserting after section 21 the following section:

“Directions of Director General

21A. (1) The Director General may issue any directions in any manner, whether generally or specifically, to any person or class of persons to take such measures for the purpose of preventing and controlling any infectious disease.

(2) The Director General may issue any directions, order or guideline to any medical practitioner for the purpose of preventing and controlling any infectious disease.

(3) Any person who contravenes any directions, order or guideline issued under this section commits an offence.”.

New Part IVA

7. The principal Act is amended by inserting after new section 21A the following part:

“PART IVA

ENFORCEMENT

Power of investigation

21B. An authorized officer shall have all the powers necessary to carry out an investigation under this Act in accordance with the Criminal Procedure Code [*Act 593*].

Power to require information

21c. An authorized officer may require any person to furnish any information relating to the prevention and control of infectious diseases.”.

New section 22A

8. The principal Act is amended by inserting after section 22 the following section:

“Offences by body corporate

22A. (1) If a body corporate commits an offence under this Act, any person who at the time of the commission of the offence was a director, chief executive officer, chief operating

officer, manager, secretary or other similar officer of the body corporate or was purporting to act in any such capacity or was in any manner or to any extent responsible for the management of any of the affairs of the body corporate or was assisting in such management—

(a) may be charged severally or jointly in the same proceedings with the body corporate; and

(b) if the body corporate is found guilty of committing the offence, shall be deemed to be guilty of that offence unless, having regard to the nature of his functions in that capacity and to all circumstances, he proves—

(i) that the offence was committed without his knowledge, consent or connivance; and

(ii) that he has taken all reasonable precautions and exercised due diligence to prevent the commission of the offence.

(2) If any person would be liable under this Act to any punishment or penalty for his act, omission, neglect or default, he shall be liable to the same punishment or penalty for every such act, omission, neglect or default of any employee or agent of his, or of the employee of the agent, if the act, omission, neglect or default was committed by—

(a) the person's employee in the course of his employment;

(b) the agent when acting on behalf of the person; or

(c) the employee of the agent in the course of his employment by the agent or otherwise on behalf of the agent acting on behalf of that person.”.

Substitution of section 23

9. The principal Act is amended by substituting for section 23 the following section:

“Prosecution

23. No prosecution for or in relation to any offence under this Act or any regulations made under this Act shall be instituted except by or with the written consent of the Public Prosecutor.”.

Substitution of section 24

10. The principal Act is amended by substituting for section 24 the following section:

“General penalty

24. Any person who commits an offence under this Act for which no penalty is expressly provided shall, on conviction—

(a) in the case of a person who is an individual, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both; or

(b) in the case of a body corporate, be liable to a fine not exceeding one hundred thousand ringgit.”.

New section 24A

11. The principal Act is amended by inserting after section 24 the following section:

“Jurisdiction to try offences

24A. Notwithstanding any written law to the contrary, a court of a First Class Magistrate shall have jurisdiction to try any offence under this Act and to impose punishment under this Act for any such offence.”.

Substitution of section 25

12. The principal Act is amended by substituting for section 25 the following section:

“Compounding of offences

25. The Director General or any authorized officer authorized by the Director General in writing may, with the consent in writing of the Public Prosecutor, at any time before a charge is being instituted, compound any offence under this Act or any regulations made under this Act which has been prescribed by regulations as a compoundable offence by making a written offer to the person reasonably suspected of having committed the offence to compound the offence upon payment to the Director General—

- (a) in the case of a person who is an individual, a sum of money not exceeding five thousand ringgit; or
- (b) in the case of a body corporate, a sum of money not exceeding fifty thousand ringgit.”.

Amendment of section 26

13. Section 26 of the principal Act is amended—

- (a) in the shoulder note, by inserting after the words “**Requisition of premises**” the words “**and its resources**”;
- (b) in subsection (1), by inserting after the words “any premises” the words “and its resources”;
- (c) in subsection (3), by substituting for the words “by arbitration in accordance with the provisions of the Arbitration Act 1952 [*Act 93*]” the words “by the court”; and
- (d) by inserting after subsection (3) the following subsection:
 - “(4) For the purposes of this section, “resources” includes the human resources, facilities, utilities and assets and the controller or manager of such human resources, facilities, utilities and assets.”.

Amendment of section 31

14. Section 31 of the principal Act is amended by inserting after subsection (2) the following subsection:

“(3) Regulations made under this Act may prescribe any act in contravention of the regulations to be an offence and may prescribe penalties—

(a) in the case of person who is an individual, a fine not exceeding eight thousand ringgit or to imprisonment for a term not exceeding two years or both;

(b) in the case of a body corporate, a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or both.”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Prevention and Control of Infectious Diseases Act 1988 (“Act 342”).

2. *Clause 1* contains the short title and the provision on the commencement of the proposed Act.

3. *Clause 2* seeks to amend section 2 of Act 342 to introduce new definitions and to amend existing definitions of certain words and expressions used in Act 342.

4. *Clause 3* seeks to amend section 10 of Act 342 to require every medical practitioner who has reason to believe or suspect the existence of any infectious disease to give notice in any manner as determined by the Director General.

5. *Clause 4* seeks to introduce a new section 14_A into Act 342 to enable an authorized officer to order any person who is infected or whom he has reason to believe has been infected with an infectious disease to undergo isolation or surveillance in such place and for such period as the authorized officer may think fit or until he may be discharged without danger to the public.

6. *Clause 5* seeks to introduce a new section 15A into Act 342 to enable an authorized officer to issue any order to be complied with by any person whom is infected or whom he has reason to believe to be infected, or any contact, for the purpose of tracking and monitoring. Such order may include order to wear any form of tracking device provided by the authorized officer and to use any digital application in any digital device as determined by the authorized officer. This *clause* also seeks to make it an offence for any contravention of the new section 15A.

7. *Clause 6* seeks to introduce a new section 21A into Act 342 to empower the Director General to issue any directions in any manner to any person or class of persons and medical practitioner to take such measures for the purpose of preventing and controlling any infectious disease.

8. *Clause 7* seeks to introduce a new Part IVA into Act 342 to provide for the powers of enforcement under Act 342.

The proposed new section 21B empowers the authorized officers to carry out investigation under Act 342 in accordance with the Criminal Procedure Code [Act 593].

The proposed new section 21c empowers the authorized officers to require any person to furnish any information relating to the prevention and control of infectious diseases.

9. *Clause 8* seeks to introduce a new section 22A into Act 342 to provide for offences committed by a body corporate under Act 342.

10. *Clause 9* seeks to amend section 23 of Act 342 to provide that prosecution under this Act or any regulations made under this Act shall be instituted with the consent in writing of the Public Prosecutor.

11. *Clause 10* seeks to amend section 24 of Act 342 to provide for the general penalty for any offences committed under Act 342.

12. *Clause 11* seeks to introduce a new section 24A into Act 342 to provide that the First Class Magistrate shall have full jurisdiction to try any offence under Act 342.

13. *Clause 12* seeks to amend section 25 of Act 342 to empower the Director General or any authorized officers authorized by him to offer compound for any compoundable offence under Act 342 or any regulations made under Act 342.

14. *Clause 13* seeks to amend section 26 of Act 342 to enable the authorized officer to utilize any resources of a premise when the premise is requisitioned. This amendment also seeks to enable any dispute with regards to the amount of compensation received to be referred to court instead of reference to arbitration.

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(Amendment)

This *clause* further seeks to provide that the definition of “resources” under Act 342 includes the human resources, facilities, utilities and assets and the controller or manager of such human resources, facilities, utilities and assets.

15. *Clause 14* seeks to insert new subsection 31(3) into Act 342 to empower the Minister to prescribe the penalty for the contravention of any regulations made under Act 342. The penalty that may be prescribed in the case of person who is an individual, is a fine not exceeding eight thousand ringgit or to imprisonment for a term not exceeding two years or both and in the case of a body corporate, a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or both.

16. Other amendments not specifically dealt with in this Explanatory Statement are minor or consequential in nature.

FINANCIAL IMPLICATIONS

This Bill will involve the Government in extra financial expenditure the amount of which cannot at present be ascertained.

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