

In the name of Allah, the Gracious, the Merciful

The National Public Health Act, 2008

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In the Name of Allah, the Gracious, the Merciful

The National Public Health Act, 2008¹

(27/7/2008)

Chapter I

Preliminary Provisions

Title

1. This Act may be cited as the, " National Public Health Act, 2008",

Repeal and Saving

2. The Public health Act, 1975 shall repealed, provided that all the regulations, orders and measures made thereunder shall remain in force until revoked or amended, in accordance with the provisions of this Act .

Interpretation

3. In this Act, unless the context otherwise requires :-
"Competent Health Authority", means the Ministry of Health in Southern Sudan, and any of the states of the Sudan;
"Liaison Officer", means the official appointed by the Minister, to execute the functions, provided for by the international health regulations, in accordance with the provisions of section 34 hereof;

¹ Act No. (18), 2008

- “Service recipient”** means any patient person, or beneficiary by rendering the health service hereto;
- "Council",** means the Public Health co-ordination National Council established under the provisions of section 4;
- "Service provider",** means any person, who works in the health field, or any public, or private health institution, which renders the medical service, as to such bases and safeguards, as may be specified by the Laws;
- "International Health Regulations",** means the Regulations made an International Regional Organization, in which the Sudan is a member;
- "Health Institution",** means any hospital parturition or nursing home, clinic, medical analysis laboratory, X-ray diagnostic clinic, physiotherapy institution or any health or medical institution, whether preventive or therapeutic, owned or managed by any person, other than the National or Southern Sudan Government, or state government, or disciplined forces, or Medicine Faculties of Universities or by any of the other public sector institutions;
- “Ministry”,** means the National Ministry of Health;
- “Minister”,** means the National Minister of Health;

“Under-Secretary”, means the Under-Secretary of the National Ministry of health.

Chapter II

The Public Health Co-ordination National Council

Establishment, constitution and seat of the Council

- 4.(1) There shall be established a Council to be known as the , " Public Health Co-ordination National Council".**
- (2) The Council shall be constituted by a decision of the President of the Republic, presided by the President of the Republic and an appropriate number of members from those possessed of experience, competence and knowhow of health affairs, and representatives of the Ministries having connection, and councils of the medical professions, provided that the Under-Secretary shall be a member and rapporteur, and the decision shall specify the remuneration of the Chairperson and members of the Council.**
- (3) The Seat of the Council shall be in the Khartoum State.**

Functions and powers of the Council

- 5. The Council shall have the following functions and powers, to :-**
 - (a) lay down the systems and standards of the national health system, with the aim of consolidation, and protection of the health of the human being;**
 - (b) approve the national health policies and strategies ;**

- (c) validate the bases, safeguards, and standards, which shall specify the standards of health services in the public, private and voluntary institutions and their nomenclatures, and description of the health units, and human resources;**
- (d) validate the safeguards and standards, which specify the nomenclatures and qualifications of the various health scopes, without prejudice to the powers and competence of the other competence organs;**
- (e) lay down the bases and safeguards of practicing the midwifery profession;**
- (f) propose health legislations in co-operation with the competent organs;**
- (g) supervise medical researches conducted on human beings and verify their comp ability with the profession ethics, values, traditions and heritages of the Sudanese society, in Co-ordination with the bodies concerned;**
- (h) lay-down the bases and control of monitoring epidemic diseases, and strive to prevent the spreading thereof, combat and eradicate the same, and organize procedure of quarantine in co-ordination with the various levels of government;**
- (i) lay down the national health and vital statistics system;**
- (j) organize the International relations in the field of health;**

(k) validate the bases and standards, pertaining to mummification and transport of bodies inside or outside the country;

(l) make the internal regulations for organizing its businesses;

National health Standards and systems

6. The various levels of government shall abide by the validated national health policies standards and systems with the aim of consolidating and protecting the health of the human beings.

Meetings of the Council

- 7.(1) The Council shall convene at least twice annually, and may hold an emergent meeting upon call from the Chairperson thereof, or by request of two thirds of the members.
- (2) The Chairperson shall preside meetings of the Council, and in case of his absence, presidency of such meeting shall be to person authorized by the Chairperson of the Council.
- (3) The quorum for meetings of the Council shall be by the attendance of more than one half of the members, and in case of its non-constitution call for another meeting shall be within a maximum period of two weeks, and the meeting shall be legal by attendance of one third of members;

- (4) The Council shall adopt its decisions by majority of the votes of members present.

Chapter III

Communicable and Epidemic Diseases

and their Reporting

Communicable diseases

- 8.(1) The diseases set out in lists (a) and (b) of the Schedule, hereto shall be deemed as communicable diseases and capable of spreading.
- (2) The Minister by an order to be published in the Gazette, may add to, or omit the communicable diseases, set out in the Lists (a) and (b) of the Schedule, upon recommendation of the competent health authorities,

Reporting of communicable and epidemic diseases

- 9.(1) The Competent health authorities shall forthwith report to the Ministry upon discovering any of the diseases, set out in List (a), of the Schedule hereto.
- (2) Every person shall report to the competent health authorities whenever he knew or comes to his knowledge, or suspects an infection, or death of any patient by reason of any of the communicable diseases provided for in list (a), of the Scheduled hereto.
- (3) Persons, who have to report the communicable diseases are:-

- (a) the administration of any health institution or the physician supervising treatment of the patient, or any of his assistants;
- (b) head of the family, with which the patient resides;
- (c) the person directly responsible at the place of work of the patient, or the suspected person;
- (d) the manager of the educational facility, where the patient studies;
- (e) the competent body in the locality, or quarter, where the patient, lives, or resides;
- (f) the master of the vessel, aircraft, or public vehicle, where the patient is traveling, by any one thereof, to any other destination;

Epidemic threatening the states
or any of the neighbouring states

10. Upon occurrence of epidemics, which threaten the States, or any of the neighbouring states, the Minister shall directly intervene in co-ordination with the competent State health authority.

State of epidemic declared

11. Declaration of the state of epidemic shall be made by the Minister, in co-ordination with the competent health authority, as to such manner, as the regulations may specify.

**Association, by the patient, of the public or use of any
equipment used or sold thereby prohibited**

- 12.(1) There shall be prohibited for the patients who is reported in accordance with the provisions of section 9, or any of his associates to expose himself to association of the public, by any method, as may likely lead to spreading of the disease.
- (2) The person, who is reported in accordance with the provisions of section 9, shall not offer, or sell, convey or give any food, drink, tools, clothes or things he has been using, or are subject to contamination, and they are probable to transfer the communicable disease.

Travel, or movement of the patient prohibited

- 13.(1) There shall be prohibited, for a patient of any of the communicable diseases, set out in List (a) of the Schedule, or any of the persons suspected of being infected with such diseases, or any of the associates thereof to travel, or move to any other place, save upon the approval of the competent health authorities.
- (2) No traveler, who is infected, or suspected to be infected with one of the communicable diseases, set out in List (a) of the Schedule, shall enter the intended destination, save after reporting the competent health authorities and obtaining the approval thereof to enter such destination .

Search

14. The competent health authority by a search warrant, from the competent Magistrate, or Prosecution Attorney, may enter, or order whoever it may appoint to enter, and search any premises, place, motorcar, vessel or aircraft, whenever it has reasonable belief suspicion that a person infected with a communicable disease has absconded, or is concealed in such place.

Entry of arrivals restricted

15. The competent authority may restrict the entry of arrivals to the country from any other country, by production of validated international vaccination certificates, ascertaining their obtaining the types of specified vaccinations.

Detention and disinfection

16. The competent health authority may order the detention of any land, sea or air means of conveyance or movable, or estate, pending disinfection thereof, in accordance with the followed health rules, in prevention of spreading of the disease.

Practice of a profession suspended

17. The competent health authority may order the suspension of any person from practicing any profession for such period, as it deem appropriate, where it is proved thereto that such person is infected, or suspected to be infected by a communicable disease, or is a

carrier of the microbe, and that the continuance of such person in practicing his profession is likely to lead to prejudice of the health of others.

Public Places closed

18. Upon likelihood of spreading of any of the communicable diseases, the competent health authorities may recommend to the competent administrative bodies, closing of any public place, for a period not exceeding two months; likewise such period may be extended for other appropriate periods.

Closure, or demolishing of buildings, and destruction of luggage and clothes

- 19.(1) The competent authority, after the issue of an order from the competent court, shall demolish, or order the demolishing any temporary building, or destroy any luggage, clothes, or otherwise, where it is proved thereto, that they are contaminated or likely to be contaminated with any communicable microbe.
- (2) The competent court may, where the matter requires the same, order payment of an appropriate compensation to the aggrieved person.

Chapter IV

Mother and Child health

Vaccination

- 20.(1) Every child shall be vaccinated against the diseases warded off by vaccination, which starts immediately after birth, provided that his vaccination from such diseases as may be specified by the Ministry shall be completed.**
- (2) There shall be excluded from the provisions of sub-section (1), the children whose state of health does not allow vaccination to be conducted.**

Other vaccination activities

- 21.(1) The competent health authority, upon holding national campaigns, to eradicate, or terminate any disease, may bind any person by the compulsory vaccination protecting from such disease.**
- (2) The Minister, upon recommendation of the competent health authority, in case of the appearance, or likelihood of appearance of cases of yellow fever, poliomyelitis, small pox, tetanus cerebrosppinal, meningitis, or any epidemic disease which may be contained by vaccination, may issue an official notice, where he specifies the infected area, and binds thereunder any person in such area by the compulsory vaccination protecting from such disease.**
- (3) There shall be excluded from the provisions of sub-section (1), the persons or children whose state of health does not allow vaccination to be conducted.**

Chapter V

Rights of Beneficiaries of the Service

Medical service in emergent cases

22. No provider of medical service shall delay, or refuse rendering medical services in emergent cases.

Notification of the health conditions

- 23.(1) Every supplier of the service shall notify the service receiver with the following :-

- (a) his health condition, save where the notification is not in interest of the service receiver;
- (b) the cases available therefor of the various methods and means of treatment;
- (c) The notification shall be made, as has come in paragraphs (a) and (b) in an understandable language .

- (2) Saving the cases of communicable and epidemic diseases, the patient shall have the right to refuse the medical services rendered thereto, provided that he shall bear the probable repercussions and hazards of such refusal .

Cases of rendering the service

24. The service shall be rendered to the beneficiary save in the following cases:-

- (a) his inability to give consent, provided that such consent shall be taken from a person authorized in writing by the receiver of the service, or in accordance with the law;
- (b) where the non-rendering of service to its receiver exposes public health to danger;
- (c) where the delay of rendering the service may exposes the life of the receiver to death, or permanent disability provided that the supplier of service shall exert the necessary effort to obtain the consent, mentioned in paragraph (a).

Rendering service without conscientious consent

25. In case of the entry of any person to a health insituation without his consent, such institution shall notify the competent health authorities within 48 hours.

Obligations of the service receiver

26. The service receiver shall :-
- (a) be abide by the regulations and the laws of the health institutions which render the service thereto;
 - (b) present the true information to the service supplier and co-operate therewith, upon receiving the service;
 - (c) sign the exit- certificate report from the health institution in case of his refusal of the treatment prescribed thereto.

Obligations of the health institutions

- 27.(1) Every health institution shall abide by the following, to:-**
- (a) establish a register of information, which shall be available to those specialized in information in the medical services;**
 - (b) notify the receiver of service of the practical steps of medical experiments and scientific researches, in pertaining to his health condition;**
 - (c) grant the exit-report to the service receiver, including his health condition, and practical steps for his treatment;**
 - (d) regard and preserve secrecy of information.**
- (2) The regulations shall specify the procedure, relating to such obligations.**

Right of the citizen to free treatment

- 28. The Citizen shall have the right to free treatment in the following cases :-**
- (a) treatment of emergent cases at the accidents ward free of charge in all government treatment institutions until the lapse of such emergent case;**
 - (b) treatment of children up to the age of five, free of charge , in all the government treatment institutions;**
 - (c) treatment of pregnant women in all government institutions, weather birth is natural or caesarean and follow-up the same after birth;**

(d) service of the basic health care .

Chapter VI

The Health Research Council

Establishment, constitution and quarters of the Health Research National Council

- 29.(1) There shall be established a council to be known as the, “Health Research National Council”.
- (2) The Health Research National Council shall be constituted by a decision of the Minister; presided by the Under-Secretary and representatives of the competent health institutions and bodies having connection;
- (3) The Health Research Administration at the Ministry shall be the permanent secretariate of the Health Research Council and rapporteur hereof.

Functions of the Health Research National Council

30. The health Research National Council, shall have competence of the following, to :-
- (a) propose the general policies and strategies of the health research in the Sudan, and submit the same to the Council for approval;
- (b) propose the national plan for health research and submit the same to the Council for approval;
- (c) attract subsidy for the health systems research;

- (d) approve the natural plan for health research;**
- (e) specify the polices of dealing with the health and medical innovations, such as reproduction, organs transplanting, genetic engineering and otherwise, in coordination with the competent bodies;**
- (f) constitute specialized technical committees, to help it in the performance of its tasks, and the regulations shall specify the powers, functions and terms thereof;**
- (g) made the regulations organizing its business and meetings.**

Chapter VII

Blood-Transfusion Services, and Abortion, and Exhumation of Tombs Prohibited

Blood transfusion

- 31.(1) No blood-transfusion for any patient shall be made without conducting the laboratory tests which guarantee the safety of blood, as the regulations may specify .**
- (2) Every public or private health institution which render the services of anesthetization of patients, or performing surgical operations, or dealing with medical emergent cases, shall establish an equipped unit for blood transfusion, as the Regulations may specify.**
- (3) Dealing in blood by sale or trading shall be prohibited.**

Abortion Prohibited

32. No abortion operation shall be conducted save inside hospitals and for medical reasons, as to such safeguards, as may be specified by the Ministry.

Exhumation of Tombs

- 33(1) No person shall exhume any tomb without obtaining the written consent of the competent prosecution attorney, or magistrate.
- (2) The competent prosecuting attorney or magistrate may issue an order exhume any tomb and disinter the corpse inside, for the purpose of forensic medicine, or any of the reasons, as he may deem fit.
- (3) Subject to the provisions of sub-sections (1) and (2), the competent health authorities shall be notified, to take the necessary measures, before executing the order .

Chapter VIII

General Provisions

Appointment of Liaison Officer

34. The Minister shall appoint a national liaison officer, to coordinate and implement the international health regulations.

Power to Make Regulations

- 35.(1) The Council, upon assent of Minister may make such regulations, as may be necessary for implementation of the provisions of this Act.

(2) Without affecting the generality of the provisions of sub-section (1), such regulations may include the disciplinary sanctions on public and private health institutions, in case of contravention of the provisions of this Act.

The Schedule

(See Sections 8,9,11)

Includes two Lists (A) and (B)

Diseases of List (A)

Epidemic diseases, which shall be reported promptly, on suspicion by any means and without delay within a maximum period of 24 hours and shall be detected by the Epidemics Administration and includes:-

- (1) Watery Diarrhea
- (2) Poliomyelitis
- (3) Epidemic typhus fever
- (4) Yellow fever
- (5) Hemorrhagic fever
- (6) Neonatal tetanus
- (7) Plague

Diseases of List (B)

Includes in addition to the diseases of List (A) other communicable diseases which have to be reported promptly each week of even if there are no cases (Zero Report). In case of an epidemic, it shall be reported in accordance with the directives and shall be by the Administration which are:-

- (1) Malaria**
- (2) Meningococcal Meningitis**
- (3) Measles**
- (4) Diphtheria**
- (5) Whooping Cough**
- (6) Pulmonary T.B.**
- (7) Enteric Fever**
- (8) Hepatitis (Virus)**
- (9) Anthrax**
- (10) Rabies**
- (11) Food Poisoning**
- (12) Dysentery**
- (13) Relapsing Fever**
- (14) Guinea worm**
- (15) Tetanus**