



DÁIL ÉIREANN

**AN BILLE SLÁINTE (LEASÚ), 2021
HEALTH (AMENDMENT) BILL 2021**

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

DÁIL ÉIREANN

AN BILLE SLÁINTE (LEASÚ), 2021 —ROGHCHOISTE

HEALTH (AMENDMENT) BILL 2021 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 2

1. In page 5, to delete line 2 and substitute the following:

“ ‘designated state’—

- (a) on the coming into operation of this Act, means any country, territory, region or other place outside the State other than Northern Ireland,
- (b) if at any time after passing a resolution under *section 9(5)* of the *Health (Amendment) Act 2021* both Houses of the Oireachtas so resolve, has the meaning assigned to it by section 38E(1);”.

—Alan Kelly, Ged Nash, Aodhán Ó Ríordáin, Seán Sherlock, Duncan Smith.

SECTION 3

2. In page 5, to delete lines 14 to 25.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

3. In page 5, to delete lines 27 and 28 and substitute the following:

“(c) in subsection (17)—

- (i) by the substitution of “sections 31B, 38A, 38B, 38C, 38D, 38E, 38F and 38G” for “section 31B and section 38A”, and
- (ii) by the deletion of “so specified as an infectious disease” in the definition of ‘Covid-19’.”.

—Thomas Pringle, Catherine Connolly, Joan Collins.

SECTION 5

Section opposed.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

[SECTION 6]

SECTION 6

Section opposed.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

SECTION 7

4. In page 6, line 17, to delete “certain”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

5. In page 6, line 18, to delete “certain”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

6. In page 6, lines 23 and 24, to delete all words from and including “having” in line 23 down to and including line 24.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

7. In page 6, to delete lines 25 to 32.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

8. In page 6, lines 33 and 34, to delete all words from and including “Subject” in line 33 down to and including “(iii),” in line 34.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

9. In page 6, line 37, to delete “where he or she is such a traveller by virtue of subsection (1)(a),”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

10. In page 7, line 1, to delete “subject to subparagraph (iii),”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

11. In page 7, between lines 3 and 4, to insert the following:

“(ia) alternatively, require to remain at the designated facility for a period of up to 72 hours, at their own expense, as they await results of a compulsory Covid-19 RT-PCR test, taken upon arrival,”.

—Mattie McGrath, Michael Healy-Rae, Danny Healy-Rae, Carol Nolan,
Richard O'Donoghue, Michael Collins.

12. In page 7, to delete lines 4 to 6.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

13. In page 7, to delete lines 27 to 43, and in page 8, to delete lines 1 to 16.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

14. In page 8, between lines 35 and 36, to insert the following:

“(d) in the case of paragraph (b)(ii), all reasonable efforts shall be made

[SECTION 7]

by the Minister for Health and Minister for Transport for passenger arrival data to be shared in real-time between authorities on both sides of the border, to ensure State authorities are aware of the persons required to present themselves at a designated facility.”.

—Darren O'Rourke, David Cullinane.

15. In page 9, line 10, to delete “shall” and substitute “may”.

—An tAire Sláinte.

16. In page 9, to delete lines 29 to 43, and in page 10, to delete lines 1 to 9.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

17. In page 12, to delete lines 25 to 33.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

18. In page 14, lines 6 and 7, to delete “where agreed with the responsible person”.

—Mick Barry.

19. In page 14, line 9, to delete “emergency” and substitute “treatment”.

—Mick Barry.

20. In page 14, to delete lines 18 to 25 and substitute the following:

“(21) (a) The responsible person shall, without delay, notify the Garda Síochána in writing where an applicable traveller—

(i) having left a designated facility for a purpose referred to in paragraph (b), (c) or (d) of subsection (19), fails to return at the expiration of the period which is strictly necessary for the purpose, or

(ii) leaves a designated facility for a purpose other than one referred to in any of paragraphs (a) to (d) of that subsection.

(b) The responsible person shall, at the request of a member of the Garda Síochána and to assist such member in the exercise of the powers, or performance of the functions, of such member in accordance with subsection (24)(b) or section 38C, provide to such member any other information in respect of the applicable traveller that is known to the responsible person.”.

—An tAire Sláinte.

21. In page 14, lines 26 and 27, to delete all words from “An applicable” in line 26 down to and including “subsection (2),” in line 27 and substitute “All international arrivals, apart from exempted travellers, shall”.

—Darren O'Rourke, David Cullinane.

[SECTION 7]

22. In page 15, line 30, to delete “designated by the Minister” and substitute the following:

“who shall be appointed following the passing of a resolution by both Houses of the Oireachtas approving that person’s appointment, that person shall have demonstrable experience as a human rights advocate and in human rights law”.

—Mick Barry.

23. In page 16, to delete lines 5 to 40.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

24. In page 16, line 23, to delete “either House of the Oireachtas or”.

—Mattie McGrath, Michael Healy-Rae, Danny Healy-Rae, Carol Nolan,
Richard O'Donoghue, Michael Collins.

25. In page 17, to delete line 11 and substitute the following:

“(b) a doctor on the specialist register in Public Health,”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

26. In page 17, to delete lines 16 and 17 and substitute the following:

“(e) a person or group of persons, appointed and employed directly by the Health Service Executive or other relevant state agency;”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

27. In page 19, to delete line 36.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

28. In page 20, line 17, to delete “person.” and substitute “person, or any other place where the member has reasonable cause to believe the person is located.”.

—An tAire Sláinte.

29. In page 21, to delete lines 3 to 5 and substitute the following:

“(11) (a) A member of the Garda Síochána may arrest without warrant any person whom the member has reasonable cause for believing has committed an offence under subsection (1)(a), (1)(c) or subsection (10).

(b) For the purpose of arresting a person in accordance with paragraph (a), a member of the Garda Síochána may enter (if need be, by use of reasonable force) and search any place (other than a dwelling) where the person is or where the member, with reasonable cause, suspects him or her to be.

(c) This subsection shall not affect the operation of any enactment or rule of law relating to powers of search or powers of arrest.”.

—An tAire Sláinte.

[SECTION 7]

30. In page 21, lines 8 and 9, to delete all words from and including “or imprisonment” in line 8 down to and including line 9.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

31. In page 22, to delete lines 6 to 42, and in page 23, to delete lines 1 to 6 and substitute the following:

“Designated state

38E. (1) ‘Designated state’ means any member state of the United Nations, Palestine or the Vatican City; but excludes the area of the north of Ireland.

(2) In this section, ‘North of Ireland’ means the counties of Antrim, Armagh, Down, Fermanagh, Derry and Tyrone on the island of Ireland.”.

—Darren O'Rourke, David Cullinane.

32. In page 22, to delete lines 6 to 42, and in page 23, to delete lines 1 to 6.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

33. In page 22, line 8, after “state” where it firstly occurs to insert “, group of states, or region”.

—Róisín Shortall.

34. In page 22, line 9, to delete “sustained” and substitute “any”.

—Thomas Pringle, Catherine Connolly, Joan Collins.

35. In page 22, line 10, to delete “high”.

—Thomas Pringle, Catherine Connolly, Joan Collins.

36. In page 22, line 12, after “state” to insert “, group of states, or region”.

—Róisín Shortall.

37. In page 22, between lines 26 and 27, to insert the following:

“(d) demonstrate that persons travelling from those states pose a clear and demonstrable higher risk of infection to variants of concern.”.

—Mick Barry.

38. In page 22, line 27, after “state” to insert “, group of states, or region”.

—Róisín Shortall.

39. In page 22, line 41, to delete “serious”.

—Thomas Pringle, Catherine Connolly, Joan Collins.

40. In page 22, line 42, after “Covid-19” to insert “of any variant thereof”.

—Thomas Pringle, Catherine Connolly, Joan Collins.

[SECTION 7]

41. In page 23, line 1, to delete “serious”.

—Thomas Pringle, Catherine Connolly, Joan Collins.

42. In page 23, line 6, after “P.1” to insert “or any other emerging variants of Covid-19”.

—Thomas Pringle, Catherine Connolly, Joan Collins.

43. In page 23, line 14, after “SARS-CoV-2” to insert “, the Minister shall not designate a facility that is being run on a for-profit basis”.

—Mick Barry.

44. In page 23, line 14, after “SARS-CoV-2.” to insert the following:

“The Minister shall ensure that all designated facilities for the purposes of this act are run on a not for profit basis”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

45. In page 23, to delete lines 22 to 34 and substitute the following:

“(4) An applicable traveller shall not be charged the costs incurred in the provision of the facilities.”.

—Mick Barry.

46. In page 23, line 22, after “shall” to insert “not”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

47. In page 23, line 22, to delete “charged the costs” and substitute “subject to one or more charges in respect of the costs”.

—An tAire Sláinte.

48. In page 23, line 29, to delete “transport”.

—An tAire Sláinte.

49. In page 23, to delete lines 31 to 34.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

50. In page 23, line 37, after “may” to insert the following:

“, after having consulted with the Chief Medical Officer and other Ministers or officials as appropriate,”.

—Darren O'Rourke, David Cullinane.

51. In page 25, line 36, to delete “paragraph (b)” and substitute “paragraph (d)”.

—An tAire Sláinte.

52. In page 26, between lines 7 and 8, to insert the following:

“Regulations for purpose of allowing travellers to quarantine at other locations

38GA.(1)The Minister may make regulations to allow persons who otherwise

[SECTION 7]

would be required to quarantine at a designated facility to quarantine at locations other than designated facilities in circumstances where they commit to complying with conditions of quarantine and to cooperating with provisions to monitor that compliance.

- (2) In making regulations under subsection (1), the Minister shall have regard to the availability and effectiveness of technologies for monitoring compliance with quarantine restrictions.
- (3) The obligations and offences applicable to a person quarantining in a designated facility shall apply to any person quarantining at another location by virtue of regulations under subsection (1).”.

—Marc Ó Cathasaigh.

53. In page 26, to delete lines 10 to 15 and substitute the following:

“38H. (1) The Minister or, at the direction of the Minister, the Health Service Executive may enter, on such terms and conditions as he or she or it considers appropriate, into one or more agreements with another public body, state agency or not for profit agency (in this act referred to as an ‘approved person’) for provision of services relating to any or all of the following:”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

54. In page 26, line 28, to delete “38C.” and substitute the following:

“38C;

- (f) the provision of security arrangements in respect of any of the services referred to in paragraphs (a) to (e).”.

—An tAire Sláinte.

55. In page 27, line 2, after “travellers.” to insert the following:

“All facilities shall provide the following facilities and services for applicable travellers—

- (i) access to IT and communication technology that will allow a person to communicate via internet platforms,
- (ii) access to TV and radio facilities,
- (iii) ability to have a choice in meals and for those meals to provide a balanced diet,
- (iv) access to on-site medical care including daily visits by medical staff,
- (v) access to legal and advocacy services, and
- (vi) access to Embassy and Consular staff where the person is a

national or resident of another state.”.

—Mick Barry.

56. In page 28, to delete lines 14 to 19 and substitute the following:

“38L. (1) The Minister or, at the direction of the Minister, the Health Service Executive may enter, on such terms and conditions as he or she or it considers appropriate, into one or more agreements with another public body, state agency or not for profit agency (in this act referred to as an ‘approved services provider’) for provision of services relating to any or all of the following:”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

57. In page 34, between lines 28 and 29, to insert the following:

“Parliamentary oversight of regulations made under sections 31 and 38

38N. (1) In this section ‘relevant statutory instrument’ means either—

- (a) regulations made in whole or in part under section 31A,
 - (b) regulations made in whole or in part under sections 38B to 38L, or
 - (c) an order made under section 31B.
- (2) Every relevant statutory instrument made by the Minister shall be laid before each House of the Oireachtas as soon as may be after it is made and—
- (a) where, before the date on which paragraph (b) would have effect, a resolution annulling the instrument is passed by either such House, the instrument shall be annulled accordingly but without prejudice to the validity of anything previously done under it, or
 - (b) if, in respect of each House, a resolution confirming the instruments is not passed by it—
 - (i) on the day it is laid before that House or within the next subsequent 14 days on which that House has sat after the instrument was so laid, or
 - (ii) in any other case, within 21 days after the instrument was made, whichever first occurs, then the instrument shall be deemed to be annulled accordingly but without prejudice to the validity of anything previously done under it.
- (3) The period of time to which subsection (2)(b) relates in respect of a relevant statutory instrument that has been subsequently amended is the period of time concerned for that instrument and not to any other period of time by reference to the amending instrument.
- (4) Notwithstanding subsection (3), subsection (2)(b) does not apply to a

[SECTION 7]

relevant statutory instrument where, before the date on which subsection (2)(b) would have had effect—

- (a) the instrument ceases to have effect in accordance with its provisions,
- (b) the instrument ceases to have effect in accordance with any subsequent amendment duly made to it or has been duly revoked, or
- (c) the instrument has been annulled by either House in accordance with subsection (2)(a).”.

—Darren O'Rourke, David Cullinane.

SECTION 9

- 58.** In page 35, line 6, after “provisions” to insert “, but no later than seven days after the passing of this Act”.

—Darren O'Rourke, David Cullinane.

- 59.** In page 35, line 13, to delete “3 months” and substitute “2 months”.

—Mattie McGrath, Michael Healy-Rae, Danny Healy-Rae, Carol Nolan,
Richard O'Donoghue, Michael Collins.

- 60.** In page 35, line 15, after “further” to insert “2 month”.

—Mattie McGrath, Michael Healy-Rae, Danny Healy-Rae, Carol Nolan,
Richard O'Donoghue, Michael Collins.

- 61.** In page 35, line 16, after “Oireachtas” to insert the following:

“following the laying of a detailed report before both Houses of the Oireachtas by the Minister, and a thorough debate in both Houses”.

—Mattie McGrath, Michael Healy-Rae, Danny Healy-Rae, Carol Nolan,
Richard O'Donoghue, Michael Collins.

- 62.** In page 35, line 16, after “*subsection (5)*” to insert “which shall not extend beyond 1 November 2021”.

—Mick Barry.

- 63.** In page 35, line 19, to delete “3 months” and substitute “2 months”.

—Mattie McGrath, Michael Healy-Rae, Danny Healy-Rae, Carol Nolan,
Richard O'Donoghue, Michael Collins.

- 64.** In page 35, line 23, to delete “3 months” and substitute “2 months”.

—Mattie McGrath, Michael Healy-Rae, Danny Healy-Rae, Carol Nolan,
Richard O'Donoghue, Michael Collins.

[SECTION 9]

65. In page 35, line 24, after “resolution” to insert “which shall not extend beyond 1 November 2021”.

—Mick Barry.

66. In page 35, after line 37, to insert the following:

“(8) Following the day of the passing of this Act, a dedicated TD representational support line and email address is established so to fully assist in dealing with constituent queries, connected to Covid-19 health related regulations and associated matters, in an efficient and timely manner.”.

—Mattie McGrath, Michael Healy-Rae, Danny Healy-Rae, Carol Nolan,
Richard O'Donoghue, Michael Collins.