

# **Biological Agents and Toxins Bill**

---

**Bill No.**     **/2005.**

*Read the first time on*                      *2005.*

## **THE BIOLOGICAL AGENTS AND TOXINS ACT 2005**

**(No.    of 2005)**

### **ARRANGEMENT OF SECTIONS**

#### **PART I PRELIMINARY**

Section

1. Short title and commencement
2. Interpretation

#### **PART II**

##### **ADMINISTRATION AND APPLICATION**

3. Administration of Act
4. Act not to apply in relation to use of biological agents or toxins for certain purposes

#### **PART III**

##### **BIOLOGICAL AGENTS AND INACTIVATED BIOLOGICAL AGENTS**

###### *Division 1 — General*

5. Prohibition against use of biological agents for non-peaceful purpose, etc.

###### *Division 2 — First Schedule biological agents*

###### *Subdivision (1) — Possession and use*

6. Prohibition against possession of First Schedule biological agents without approval
7. Prohibition against large-scale production of First Schedule biological agents without approval

*Subdivision (2) — Import and transshipment*

Section

8. Prohibition against import or transshipment of First Schedule biological agents without permit
9. Notification of failure of receipt of import
10. Storage of First Schedule biological agents upon import or pending transshipment

*Subdivision (3) — Transfer*

11. Prohibition against transfers of First Schedule biological agents except by certain persons
12. Notifications relating to transfers of First Schedule biological agents

*Subdivision (4) — Transportation*

13. Prohibition against transportation by certain means

*Division 3 — Second Schedule biological agents*

*Subdivision (1) — Possession and use*

14. Prohibition against use of Second Schedule biological agents without special approval
15. Prohibition against possession of Second Schedule biological agents without approval
16. Prohibition against large-scale production of Second Schedule biological agents

*Subdivision (2) — Import and transshipment*

17. Prohibition against import or transshipment of Second Schedule biological agents without permit
18. Notification of failure of receipt of import
19. Storage of Second Schedule biological agents upon import or pending transshipment

*Subdivision (3) — Transfer*

20. Prohibition against transfers of Second Schedule biological agents except by certain persons
21. Notifications relating to transfers of Second Schedule biological agents

*Subdivision (4) — Transportation*

22. Prohibition against transportation by certain means

*Division 4 — Third Schedule biological agents*

23. Prohibition against large-scale production of Third Schedule biological agents without approval
24. Prohibition against transportation by certain means

*Division 5 — Fourth Schedule biological agents*

25. Prohibition against import of Fourth Schedule biological agents without permit
26. Prohibition against transportation by certain means

*Division 6 — Inactivated biological agents*

Section

- 27. Prohibition against inactivation of biological agents
- 28. Prohibition against import of inactivated biological agents without permit
- 29. Prohibition against transportation by certain means

PART IV

TOXINS

*Division 1 — General*

- 30. Prohibition against use of toxins for non-peaceful purpose, etc.

*Division 2 — Possession and use*

- 31. Prohibition against possession of Fifth Schedule toxins without approval

*Division 3 — Import and transshipment*

- 32. Prohibition against import or transshipment of Fifth Schedule toxins without permit
- 33. Notification of failure of receipt of import
- 34. Storage of Fifth Schedule toxins upon import or pending transshipment

*Division 4 — Transfer*

- 35. Prohibition against transfers of Fifth Schedule toxins except by certain persons
- 36. Notifications relating to transfers of Fifth Schedule toxins

*Division 5 — Transportation*

- 37. Prohibition against transportation by certain means

PART V

DUTIES AND OBLIGATIONS IN RELATION TO  
BIOLOGICAL AGENTS AND TOXINS

*Division 1 — Duties and obligations of  
operators of facilities*

- 38. Application
- 39. Establishment of biosafety committee and appointment of biosafety co-ordinator
- 40. Maintaining facilities and equipment
- 41. Activities and staff
- 42. Visitors
- 43. Use of animals
- 44. Records and reporting requirements
- 45. Failure to perform duties and obligations

*Division 2 — Duties and obligations of carriers of  
biological agents and toxins*

Section

- 46. Application
- 47. Transportation of biological agents and toxins
- 48. Packaging and labelling of biological agents and toxins
- 49. Failure to perform duties and obligations

PART VI

APPROVALS, PERMITS AND CERTIFICATION  
OF FACILITIES

- 50. Approvals and permits
- 51. Certification of facilities

PART VII

ENFORCEMENT

- 52. Power of entry, inspection, search and seizure, etc.
- 53. Power to make orders for cessation of activity on facilities, etc.
- 54. Power of seizure
- 55. Obstruction of public officers
- 56. Offences by bodies corporate, etc.
- 57. Liability for offences by agents or servants
- 58. Composition of offences

PART VIII

MISCELLANEOUS

- 59. Appeal to Minister
  - 60. General exemption
  - 61. Amendment of Schedules
  - 62. Regulations
  - 63. Related amendment to Infectious Diseases Act
  - 64. Transitional provision
    - First Schedule — First Schedule biological agents
    - Second Schedule — Second Schedule biological agents
    - Third Schedule — Third Schedule biological agents
    - Fourth Schedule — Fourth Schedule biological agents
    - Fifth Schedule — Fifth Schedule toxins
-

A BILL

*i n t i t u l e d*

An Act to prohibit or otherwise regulate the possession, use, import, transfer and transportation of biological agents, inactivated biological agents and toxins, to provide for safe practices in the handling of such biological agents and toxins, and to make a related amendment to the Infectious Diseases Act (Chapter 137 of the 2003 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

## PART I

## PRELIMINARY

**Short title and commencement**

- 5     **1.** This Act may be cited as the Biological Agents and Toxins Act 2005 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

**Interpretation**

- 2.** In this Act, unless the context otherwise requires —

“approval” means an approval granted by the Director under this Act;

10     “biological agent” means —

      (a) any micro-organism (including any bacterium, virus, fungus, rickettsia and parasite);

      (b) any infectious substance (including any prion); or

15     (c) any component of a microorganism or an infectious substance (but not including any toxin),

that is capable of causing death, disease or other biological malfunction in a human;

20     “biological agent waste” means any unwanted, unused or obsolete biological agent or any material or waste contaminated with any biological agent;

“biosafety committee” means a biosafety committee appointed under section 39;

“certification”, in relation to a facility, means a certification under section 51, and includes a re-certification of the facility;

25     “certified facility” means a facility certified under section 51;

“diagnosis” means any activity undertaken solely with the intention of analysing any specimen from a person or an animal in which a biological agent is or is suspected of being present for the purpose of —

30     (a) determining the cause of any disease suffered by any person or animal;

- (b) assessing the clinical progress of any person or animal;
- (c) carrying out the clinical management of any person or animal; or
- (d) determining the cause of death of any person or animal in an autopsy;

“Director” means the Director of Medical Services;

“enforcement officer” means any person appointed by the Director to be an enforcement officer under section 3(2);

“excluded purpose” means any purpose specified in section 4(1);

“facility” means any premises or conveyance that is being used for —

- (a) the storage of any biological agent or toxin; or
- (b) the carrying out of any activity involving any biological agent or toxin;

“Fifth Schedule toxin” means any toxin specified in the Fifth Schedule;

“First Schedule (Part I) biological agent” means any biological agent specified in Part I of the First Schedule;

“First Schedule (Part II) biological agent” means any biological agent specified in Part II of the First Schedule;

“First Schedule biological agent” means any biological agent specified in the First Schedule;

“Fourth Schedule biological agent” means any biological agent specified in the Fourth Schedule;

“goods in transit” means goods that are brought into Singapore solely for the purpose of taking them out of Singapore, whether on the same conveyance on which they were brought into Singapore or on another conveyance, without the goods being landed and kept at any place in Singapore pending their being taken out of Singapore;

“import” means to bring into Singapore any goods other than goods in transit or goods which are to be transshipped;

“inactivated”, in relation to a biological agent, means that the biological agent has been rendered unable to replicate itself under any condition;

“large-scale production”, in relation to a biological agent, means the production by any person of the biological agent using equipment at a facility capable of producing in aggregate 10 or more litres of culture of the biological agent at any one time;

5 “operator”, in relation to a facility, means the person who operates the facility or who has the management or control of the facility;

“permit” means a permit granted by the Director under this Act;

“protected place” means any premises declared to be a protected place under the Protected Areas and Protected Places Act (Cap. 256);

10 “public transportation” means transportation by bus, taxi, rail or any other conveyance, whether publicly or privately operated, which provides general or special service to the general public on a regular and continuing basis, and includes such other means of transportation as may be prescribed as a type of public  
15 transportation for the purposes of this Act;

“registered medical practitioner” means a medical practitioner registered under the Medical Registration Act (Cap. 174), and includes a dentist registered under the Dentists Act (Cap. 76);

20 “Second Schedule biological agent” means any biological agent specified in the Second Schedule;

“Singapore Civil Defence Force” means the Singapore Civil Defence Force raised and maintained under the Civil Defence Act (Cap. 42);

“staff”, in relation to any facility, means —

25 (a) any person employed at the facility to do any work under a contract of service;

(b) any consultant assisting the operator of the facility in the carrying out of any activity involving any biological agent or toxin at the facility; and

30 (c) any other person (including any student or intern) authorised by the operator of the facility to carry out any activity involving any biological agent or toxin at the facility;

“Third Schedule biological agent” means any biological agent specified in the Third Schedule;



“toxin” means any poisonous substance that is produced and extracted from any micro-organism;

“toxin waste” means any unwanted, unused or obsolete toxin or any material or waste contaminated with any toxin;

5 “transferee”, in relation to any biological agent or toxin, means the person to whom the biological agent or toxin is provided;

“transferor”, in relation to any biological agent or toxin, means the person who provides the biological agent or toxin to another person;

10 “transship” means to bring any goods into Singapore solely for the purpose of taking them out of Singapore, whether on the same conveyance on which they were brought into Singapore or on another conveyance, where the goods are landed and kept at any place in Singapore pending their being taken out of Singapore;

15 “uncertified facility” means a facility that is not certified under section 51.

## PART II

### ADMINISTRATION AND APPLICATION

#### **Administration of Act**

20 **3.—**(1) The Director shall, subject to any general or special directions of the Minister, be responsible for the administration of this Act.

(2) The Director may in writing appoint any public officer, officer of any statutory authority or any other person to be an enforcement officer for the purposes of this Act.

25 (3) Every enforcement officer, when exercising his powers and carrying out his duties under this Act, shall comply with such general or special directions as may, from time to time, be given to him by the Director.

(4) The Director may delegate all or any of the powers conferred on him by this Act to any enforcement officer, subject to such conditions or  
30 limitations as the Director may specify, except the power of delegation conferred by this subsection.

(5) The Director may establish one or more advisory committees consisting of such persons as he may appoint for the purpose of advising him on any matter arising out of the administration and enforcement of this Act.

5 **Act not to apply in relation to use of biological agents or toxins for certain purposes**

4.—(1) Subject to subsections (2) and (3), this Act, with the exception of section 41(e), shall not apply in relation to —

- 10 (a) the disposal of any biological agent by a hazardous waste contractor;
- (b) the handling of any biological agent in the course of carrying out a diagnosis or an autopsy;
- 15 (c) the collection of food samples or samples from the environment for the purpose of carrying out any laboratory analysis to determine or identify, for public health purposes, the nature of any biological agent that is present in such samples or in the environment from which such samples have been taken; or
- 20 (d) the use or possession by any of the following persons of any finished cosmetic or medicinal product consisting of any Fifth Schedule toxin:
  - (i) any person lawfully manufacturing, supplying, selling or dispensing the finished cosmetic or medicinal product;
  - 25 (ii) any registered medical practitioner using the finished cosmetic or medicinal product in the course of treating another person;
  - (iii) any person using the finished cosmetic or medicinal product for the cosmetic or medical purposes for which it is intended.

30 (2) Notwithstanding subsection (1), where any biological agent is provided to any person for any excluded purpose and the person uses the biological agent for any purpose other than an excluded purpose, this Act shall apply in relation to the possession and use of the biological agent by that person.

35 (3) Notwithstanding subsection (1), where any biological agent is provided to any person for any excluded purpose and the person transfers

the biological agent to any other person for any purpose other than an excluded purpose, this Act shall apply in relation to the transfer and transportation of the biological agent to, and the possession and use of the biological agent by, that other person.

5

### PART III

## BIOLOGICAL AGENTS AND INACTIVATED BIOLOGICAL AGENTS

### *Division 1 — General*

10

#### **Prohibition against use of biological agents for non-peaceful purpose, etc.**

**5.**—(1) No person shall use or possess any biological agent for biological warfare or any non-peaceful purpose.

(2) Any person who contravenes subsection (1) —

15

(a) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1 million or to imprisonment for a term which may extend to life imprisonment or to both; and

(b) may be arrested without warrant by a police officer or an enforcement officer.

### *Division 2 — First Schedule biological agents*

20

#### *Subdivision (1) — Possession and use*

#### **Prohibition against possession of First Schedule biological agents without approval**

25

**6.**—(1) No person shall possess any First Schedule biological agent unless his possession of the First Schedule biological agent is authorised by and is in accordance with the conditions of an approval granted by the Director.

(2) Subject to subsection (3), for the purpose of subsection (1), no approval to possess a First Schedule biological agent shall be granted to any person unless —

- (a) he is the operator of a certified facility; and
- (b) where the biological agent is a First Schedule (Part II) biological agent, the facility is a protected place.

5 (3) Notwithstanding subsection (2)(a), the Director may grant an approval to possess a First Schedule biological agent to the operator of an uncertified facility if the Director is satisfied that any activity involving the use of the First Schedule biological agent will be carried out at such facility in a safe and proper manner.

10 (4) A person who has been granted an approval to possess a First Schedule biological agent shall keep or use the First Schedule biological agent only at the following places:

- (a) where he is the operator of a certified facility, at the certified facility specified in the approval to possess; and
- (b) where he is the operator of an uncertified facility, at such facility  
15 as may be specified in the approval to possess.

(5) Any person who —

- (a) possesses any First Schedule biological agent in contravention of subsection (1); or
- (b) keeps or use such biological agent at any facility in contravention  
20 of subsection (4),

shall be guilty of an offence and shall be liable on conviction to be punished as follows:

- (i) in the case of a First Schedule (Part I) biological agent, with a fine not exceeding \$10,000 or with imprisonment for a term not  
25 exceeding 12 months or with both; and
- (ii) in the case of a First Schedule (Part II) biological agent, with a fine not exceeding \$100,000 or with imprisonment for a term not exceeding 10 years or with both.

30 (6) Where any person possesses any First Schedule biological agent in contravention of subsection (1) or keeps or use such biological agent at any facility in contravention of subsection (4), the Director may order any one or more of the following:

- (a) the immediate cessation of any activity involving the First Schedule biological agent carried out by the person at the facility;
  - (b) the destruction of the First Schedule biological agent at the facility;
  - (c) the decontamination of the facility;
  - (d) the closure or cordoning off of the facility until such time as the Director is satisfied that the facility may safely resume operation;
  - (e) that any person who is or was at the facility (whether as a member of the staff of the facility or otherwise) and who may be or may have been exposed to the First Schedule biological agent at the facility should —
    - (i) undergo such medical examination and medical treatment at such place or hospital as the Director may specify in the order; or
    - (ii) be quarantined at such place and for such period as the Director may specify in the order.
- (7) Any person who contravenes any order made by the Director under subsection (6) shall be guilty of an offence and shall be liable on conviction to be punished as follows:
- (a) where the order has been made in relation to or in connection with a First Schedule (Part I) biological agent, with a fine not exceeding \$10,000 or with imprisonment not exceeding 12 months or with both; and
  - (b) where the order has been made in relation to or in connection with a First Schedule (Part II) biological agent, with a fine not exceeding \$100,000 or with imprisonment not exceeding 10 years or with both.
- (8) This section shall not apply to —
- (a) any person who has been engaged to transport any First Schedule biological agent within Singapore and whose possession of the First Schedule biological agent is merely incidental to his transporting it in accordance with such engagement; or
  - (b) any person who has been engaged to store any First Schedule biological agent within Singapore pending —

- (i) the delivery of the First Schedule biological agent to the person who has procured its import into Singapore; or
- (ii) the exportation of the First Schedule biological agent from Singapore in the course of transshipment,

5 and whose possession of the First Schedule biological agent is merely incidental to his storing it in accordance with such engagement.

**Prohibition against large-scale production of First Schedule biological agents without approval**

10 **7.—**(1) No person shall carry out or procure any large-scale production of any First Schedule biological agent unless the large-scale production of the First Schedule biological agent —

(a) is authorised by an approval granted by the Director; and

(b) is carried out —

15 (i) at the facility specified in the approval; and

(ii) in accordance with the conditions of the approval.

(2) For the purposes of subsection (1), no approval to produce a First Schedule biological agent shall be granted to any person unless he has already been granted an approval to possess the First Schedule biological agent as referred to in section 6.

20

(3) Where any person produces any First Schedule biological agent at any facility in contravention of subsection (1) —

(a) he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 10 years or to both; and

25

(b) the Director may order any one or more of the following:

(i) the immediate cessation of any activity involving the First Schedule biological agent carried out by the person at the facility;

30 (ii) the destruction of the First Schedule biological agent at the facility;

(iii) the decontamination of the facility;

- (iv) the closure or cordoning off of the facility until such time as the Director is satisfied that the facility may safely resume operation;
  - (v) that any person who is or was at the facility (whether as a member of the staff of the facility or otherwise) and who may be or may have been exposed to the First Schedule biological agent at the facility should —
    - (A) undergo such medical examination and medical treatment at such place or hospital as the Director may specify in the order; or
    - (B) be quarantined at such place and for such period as the Director may specify in the order.
- (4) Any person who contravenes any order made by the Director under subsection (3)(b) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 10 years or to both.

*Subdivision (2) — Import and transshipment*

**Prohibition against import or transshipment of First Schedule biological agents without permit**

- 8.—(1) No person shall import or procure the import of any First Schedule biological agent unless the import of the First Schedule biological agent is authorised by and is carried out in accordance with the conditions of a permit granted by the Director.
- (2) No person shall transship any First Schedule biological agent unless the transshipment of the First Schedule biological agent is authorised by and is carried out in accordance with the conditions of a permit granted by the Director.
- (3) For the purposes of subsection (1), no permit to import a First Schedule biological agent shall be granted to any person unless he has already been granted an approval to possess the First Schedule biological agent as referred to in section 6.
- (4) Every permit to import or transship a First Schedule biological agent shall be valid only in respect of one consignment of the First Schedule biological agent for which an application for the permit has been made.

(5) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to be punished as follows:

- 5       (a) in the case of a First Schedule (Part I) biological agent, with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 12 months or with both; and
- (b) in the case of a First Schedule (Part II) biological agent, with a fine not exceeding \$100,000 or with imprisonment for a term not exceeding 10 years or with both.

### **Notification of failure of receipt of import**

10     **9.**—(1) Every holder of a permit to import any First Schedule (Part II) biological agent shall immediately notify the Director, in such form and manner as the Director may require, in the event he fails to receive the consignment of the First Schedule (Part II) biological agent to which the permit to import relates.

15     (2) For the purposes of subsection (1), the holder of the permit to import shall be deemed to have failed to receive the consignment of the First Schedule (Part II) biological agent to which the permit to import relates if he does not receive the consignment within 24 hours of such time as may be reasonably estimated by him for the receipt.

20     (3) Any person who fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

### **Storage of First Schedule biological agents upon import or pending transshipment**

25     **10.**—(1) Where any First Schedule biological agent that has been imported into Singapore is required to be stored temporarily at any place before it is delivered to the facility for which it is destined, the person to whom the permit to import the First Schedule biological agent has been granted shall ensure that the storage of the First Schedule biological agent  
30     at such place is carried out in accordance with such requirements as may be prescribed.

      (2) Where any First Schedule biological agent that is being transshipped through Singapore is required to be landed and stored temporarily at any place before it is delivered to the conveyance on which it will be taken out  
35     of Singapore, the person to whom the permit to transship the First



Schedule biological agent has been granted shall ensure that the storage of the First Schedule biological agent at such place is carried out in accordance with such requirements as may be prescribed.

(3) Where a holder of a permit to import or transship any First Schedule biological agent stores the biological agent in contravention of subsection (1) or (2), as the case may be —

(a) he shall be guilty of an offence and shall be liable on conviction to be punished as follows:

(i) in the case of a First Schedule (Part I) biological agent, with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 12 months or with both; and

(ii) in the case of a First Schedule (Part II) biological agent, with a fine not exceeding \$100,000 or with imprisonment for a term not exceeding 10 years or with both; and

(b) the Director may order the holder of the permit, at his own expense, to do any one or more of the following:

(i) take such measures as the Director may specify to ensure that the First Schedule biological agent is properly stored;

(ii) destroy the First Schedule biological agent;

(iii) decontaminate the place at which the First Schedule biological agent was stored in contravention of subsection (1) or (2).

(4) Any holder of a permit to import any First Schedule biological agent and any holder of a permit to transship any First Schedule biological agent who contravenes any order made by the Director under subsection (3)(b) shall be guilty of an offence and shall be liable on conviction to be punished as follows:

(a) where the order has been made in relation to or in connection with a First Schedule (Part I) biological agent, with a fine not exceeding \$10,000 or with imprisonment not exceeding 12 months or with both; and

(b) where the order has been made in relation to or in connection with a First Schedule (Part II) biological agent, with a fine not exceeding \$100,000 or with imprisonment not exceeding 10 years or with both.

*Subdivision (3) — Transfer***Prohibition against transfers of First Schedule biological agents except by certain persons**

5 **11.**—(1) Subject to subsection (2), no person shall transfer any First Schedule biological agent unless —

(a) he has an approval to possess the First Schedule biological agent as referred to in section 6; and

(b) the transferee —

10 (i) has also been granted an approval to possess the First Schedule biological agent as referred to in section 6; or

(ii) is outside Singapore.

(2) No person to whom any First Schedule biological agent has been provided for any excluded purpose shall transfer the First Schedule biological agent to any other person for any purpose other than an  
15 excluded purpose unless the transferee —

(a) has been granted an approval to possess the First Schedule biological agent as referred to in section 6; or

(b) is outside Singapore.

20 (3) Any transferor who transfers any First Schedule biological agent to any transferee in Singapore, knowing or having reason to believe that such transferee does not have an approval to possess the First Schedule biological agent as referred to in section 6, shall be guilty of an offence and shall be liable upon conviction to be punished as follows:

25 (a) where the biological agent is a First Schedule (Part I) biological agent, with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 12 months or with both; and

(b) where the biological agent is a First Schedule (Part II) biological agent, with a fine not exceeding \$100,000 or with imprisonment for a term not exceeding 10 years or with both.

30 **Notifications relating to transfers of First Schedule biological agents**

**12.**—(1) Any transferor who wishes to transfer any First Schedule (Part II) biological agent to a transferee shall notify —

- (a) the Director of the proposed transfer within such time and in such form and manner as the Director may require;
  - (b) the transferee of an estimated time of receipt by the transferee of the biological agent being transferred; and
  - 5 (c) the carrier of the biological agent (where he is not the transferor or transferee) prior to the dispatch of the biological agent of a 24-hour emergency number that is monitored at all times by a person who —
    - 10 (i) has knowledge of the hazards and characteristics of the biological agent being transported; or
    - (ii) has immediate access to a person who possesses such knowledge and information.
- (2) Where a transferee fails to receive any First Schedule (Part II) biological agent which is being transferred to him, the transferee shall  
15 immediately notify the Director, in such form and manner as the Director may require, of the failure of receipt.
- (3) For the purposes of subsection (2), a transferee shall be deemed to have failed to receive the First Schedule (Part II) biological agent which is being transferred to him if he does not receive the biological agent within  
20 24 hours of the estimated time of receipt of the biological agent provided by transferor.
- (4) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

25 *Subdivision (4) — Transportation*

**Prohibition against transportation by certain means**

- 13.**—(1) No person shall transport or procure the transportation of any First Schedule biological agent within Singapore by mail or public transportation.
- 30 (2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to be punished as follows:
- (a) where the biological agent is a First Schedule (Part I) biological agent, with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 12 months or with both; and

- (b) where the biological agent is a First Schedule (Part II) biological agent, with a fine not exceeding \$100,000 or with imprisonment for a term not exceeding 10 years or with both.

*Division 3 — Second Schedule biological agents*

5

*Subdivision (1) — Possession and use*

**Prohibition against use of Second Schedule biological agents without special approval**

10 **14.**—(1) No person shall use any Second Schedule biological agent for any purpose unless the use of the Second Schedule biological agent is authorised by and is carried out in accordance with the conditions of a special approval to handle the Second Schedule biological agent granted by the Director.

(2) No special approval to handle any Second Schedule biological agent shall be granted to any person unless the Director is satisfied that —

- 15 (a) the use for which the person requires the Second Schedule biological agent is necessary in the public interest; and
- (b) the person who requires the Second Schedule biological agent has put in place adequate measures to contain the risks to public health and security posed by the Second Schedule biological agent.
- 20

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 10 years or to both.

(4) This section shall not apply to —

- 25 (a) any person who has been engaged to transport any Second Schedule biological agent within Singapore and whose possession of the Second Schedule biological agent is merely incidental to his transporting it in accordance with such engagement; or
- 30 (b) any person who has been engaged to store any Second Schedule biological agent within Singapore pending —
- (i) the delivery of the Second Schedule biological agent to the person who has procured its import into Singapore; or

(ii) the exportation of the Second Schedule biological agent from Singapore in the course of transshipment,

and whose possession of the Second Schedule biological agent is merely incidental to his storing it in accordance with such engagement.

**Prohibition against possession of Second Schedule biological agents without approval**

**15.**—(1) No person shall possess any Second Schedule biological agent unless his possession of the Second Schedule biological agent is authorised by and is in accordance with the conditions of an approval granted by the Director.

(2) For the purposes of subsection (1), no approval to possess a Second Schedule biological agent shall be granted to any person unless he —

(a) is the operator of a certified facility which is a protected place; and

(b) has been granted a special approval to handle the Second Schedule biological agent as referred to in section 14.

(3) A person who has been granted an approval to possess a Second Schedule biological agent shall keep or use the Second Schedule biological agent only at the certified facility specified in the approval to possess.

(4) Any person who —

(a) possesses any Second Schedule biological agent in contravention of subsection (1); or

(b) keeps or use such biological agent at any facility in contravention of subsection (3),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 10 years or to both.

(5) Where any person possesses any Second Schedule biological agent in contravention of subsection (1) or keeps or uses such biological agent at any facility in contravention of subsection (3), the Director may order any one or more of the following:

- (a) the immediate cessation of any activity involving the Second Schedule biological agent carried out by the person at the facility;
  - (b) the destruction of the Second Schedule biological agent at the facility;
  - (c) the decontamination of the facility;
  - (d) the closure or cordoning off of the facility until such time as the Director is satisfied that the facility may safely resume operation;
  - (e) that any person who is or was at the facility (whether as a member of the staff of the facility or otherwise) and who may be or may have been exposed to the Second Schedule biological agent at the facility should —
    - (i) undergo such medical examination and such medical treatment at such place or hospital as the Director may specify in the order; or
    - (ii) be quarantined at such place and for such period as the Director may specify in the order.
- (6) Any person who contravenes any order made by the Director under subsection (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 10 years or to both.
- (7) This section shall not apply to —
- (a) any person who has been engaged to transport any Second Schedule biological agent within Singapore and whose possession of the Second Schedule biological agent is merely incidental to his transporting it in accordance with such engagement; or
  - (b) any person who has been engaged to store any Second Schedule biological agent within Singapore pending —
    - (i) the delivery of the Second Schedule biological agent to the person who has procured its import into Singapore; or
    - (ii) the exportation of the Second Schedule biological agent from Singapore in the course of transshipment,

and whose possession of the Second Schedule biological agent is merely incidental to his storing it in accordance with such engagement.

**Prohibition against large-scale production of Second Schedule biological agents**

**16.**—(1) No person shall carry out or procure any large-scale production of any Second Schedule biological agent.

(2) Where any person produces any Second Schedule biological agent at any facility in contravention of subsection (1) —

- 10       (a) he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 10 years or to both; and
- (b) the Director may order any one or more of the following:
  - 15           (i) the immediate cessation of any activity involving the Second Schedule biological agent carried out by the person at the facility;
  - (ii) the destruction of the Second Schedule biological agent at the facility;
  - (iii) the decontamination of the facility;
  - 20           (iv) the closure or cordoning off of the facility until such time as the Director is satisfied that the facility may safely resume operation;
  - (v) that any person who is or was at the facility (whether as a member of the staff of the facility or otherwise) and who may be or may have been exposed to the Second Schedule biological agent at the facility should —
    - 25               (A) undergo such medical examination and medical treatment at such place or hospital as the Director may specify in the order; or
    - 30               (B) be quarantined at such place and for such period as the Director may specify in the order.

(3) Any person who contravenes any order made by the Director under subsection (2)(b) shall be guilty of an offence and shall be liable on

conviction to a fine not exceeding \$1 million or to imprisonment for a term which may extend to life imprisonment or to both.

*Subdivision (2) — Import and transshipment*

**Prohibition against import or transshipment of Second Schedule biological agents without permit**

**17.**—(1) No person shall import or procure the import of any Second Schedule biological agent unless the import of the Second Schedule biological agent is authorised by and is carried out in accordance with the conditions of a permit granted by the Director.

(2) No person shall transship any Second Schedule biological agent unless the transshipment of the Second Schedule biological agent is authorised by and is carried out in accordance with the conditions of a permit granted by the Director.

(3) For the purposes of subsection (1), no permit to import a Second Schedule biological agent shall be granted to any person unless he has already been granted an approval to possess the Second Schedule biological agent as referred to in section 15.

(4) Every permit to import or transship a Second Schedule biological agent shall be valid only in respect of one consignment of the Second Schedule biological agent for which an application for the permit has been made.

(5) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 10 years or to both.

**Notification of failure of receipt of import**

**18.**—(1) Every holder of a permit to import any Second Schedule biological agent shall immediately notify the Director, in such form and manner as the Director may require, in the event he fails to receive the consignment of the Second Schedule biological agent to which the permit to import relates.

(2) For the purposes of subsection (1), the holder of the permit to import shall be deemed to have failed to receive the consignment of the Second Schedule biological agent to which the permit to import relates if he does



not receive the consignment within 24 hours of such time as may be reasonably estimated by him for the receipt.

(3) Any person who fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

### **Storage of Second Schedule biological agents upon import or pending transshipment**

**19.**—(1) Where any Second Schedule biological agent that has been imported into Singapore is required to be stored temporarily at any place before it is delivered to the facility for which it is destined, the person to whom the permit to import the Second Schedule biological agent has been granted shall ensure that the storage of the Second Schedule biological agent at such place is carried out in accordance with such requirements as may be prescribed.

(2) Where any Second Schedule biological agent that is being transshipped through Singapore is required to be landed and stored temporarily at any place before it is delivered to the conveyance on which it will be taken out of Singapore, the person to whom the permit to transship the Second Schedule biological agent has been granted shall ensure that the storage of the Second Schedule biological agent at such place is carried out in accordance with such requirements as may be prescribed.

(3) Where a holder of a permit to import or transship any Second Schedule biological agent stores the biological agent in contravention of subsection (1) or (2), as the case may be —

(a) he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or with imprisonment for a term not exceeding 10 years or with both; and

(b) the Director may order the holder of the permit, at his own expense, to do any one or more of the following:

(i) take such measures as the Director may specify to ensure that the Second Schedule biological agent is properly stored;

(ii) destroy the Second Schedule biological agent;

- (iii) decontaminate the place at which the Second Schedule biological agent was stored in contravention of subsection (1) or (2).

5 (4) Any holder of a permit to import any Second Schedule biological agent and any holder of a permit to transship any Second Schedule biological agent who contravenes any order made by the Director under subsection (3)(b) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or with imprisonment not exceeding 10 years or with both.

#### 10 *Subdivision (3) — Transfer*

### **Prohibition against transfers of Second Schedule biological agents except by certain persons**

**20.**—(1) Subject to subsection (2), no person shall transfer any Second Schedule biological agent unless —

- 15 (a) he has an approval to possess the Second Schedule biological agent as referred to in section 15; and
- (b) the transferee —
  - (i) has also been granted an approval to possess the Second Schedule biological agent as referred to in section 15; or
  - 20 (ii) is outside Singapore.

(2) No person to whom any Second Schedule biological agent has been provided for any excluded purpose shall transfer the Second Schedule biological agent to any other person for any purpose unless the transferee —

- 25 (a) has been granted an approval to possess the Second Schedule biological agent as referred to in section 15; or
- (b) is outside Singapore.

30 (3) Any transferor who transfers any Second Schedule biological agent to any transferee in Singapore, knowing or having reason to believe that such transferee does not have an approval to possess the Second Schedule biological agent as referred to in section 15, shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 10 years or to both.

### **Notifications relating to transfers of Second Schedule biological agents**

**21.**—(1) Any transferor who wishes to transfer any Second Schedule biological agent to a transferee shall notify —

- 5       (a) the Director of the proposed transfer within such time and in such form and manner as the Director may require;
- (b) the transferee of an estimated time of receipt by the transferee of the biological agent being transferred; and
- 10       (c) the carrier of the biological agent (where he is not the transferor or transferee) prior to the dispatch of the biological agent of a 24-hour emergency number that is monitored at all times by a person who —
  - (i) has knowledge of the hazards and characteristics of the biological agent being transported; or
  - 15       (ii) has immediate access to a person who possesses such knowledge and information.

20       (2) Where a transferee fails to receive any Second Schedule biological agent which is being transferred to him, the transferee shall immediately notify the Director, in such form and manner as the Director may require, of the failure of receipt.

25       (3) For the purposes of subsection (2), a transferee shall be deemed to have failed to receive the Second Schedule biological agent which is being transferred to him if he does not receive the biological agent within 24 hours of the estimated time of receipt of the biological agent provided by transferor.

      (4) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

### *Subdivision (4) — Transportation*

### **30   Prohibition against transportation by certain means**

**22.**—(1) No person shall transport or procure the transportation of any Second Schedule biological agent within Singapore by mail or public transportation.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 10 years or to both.

*Division 4 — Third Schedule biological agents*

5 **Prohibition against large-scale production of Third Schedule biological agents without approval**

**23.**—(1) No person shall carry or procure any large-scale production of any Third Schedule biological agent unless the large-scale production of the Third Schedule biological agent —

- 10 (a) is authorised by an approval granted by the Director; and  
 (b) is carried out —  
     (i) at the facility specified in the approval; and  
     (ii) in accordance with the conditions of the approval.

15 (2) Where any person produces any Third Schedule biological agent at any facility in contravention of subsection (1), the Director may order any one or more of the following:

- (a) the immediate cessation of any activity involving the Third Schedule biological agent carried out by the person at the facility;  
 20 (b) the destruction of the Third Schedule biological agent at the facility;  
 (c) the decontamination of the facility;  
 (d) the closure or cordoning off of the facility until such time as the Director is satisfied that the facility may safely resume operation;  
 25 (e) that any person who is or was at the facility (whether as a member of the staff of the facility or otherwise) and who may be or may have been exposed to the Third Schedule biological agent at the facility should —  
     (i) undergo such medical examination and medical treatment at  
 30 such place or hospital as the Director may specify in the order; or

(ii) be quarantined at such place and for such period as the Director may specify in the order.

(3) Any person who contravenes any order made by the Director under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

### **Prohibition against transportation by certain means**

**24.**—(1) No person shall transport or procure the transportation of any Third Schedule biological agent within Singapore by mail or public transportation.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

### *Division 5 — Fourth Schedule biological agents*

### **Prohibition against import of Fourth Schedule biological agents without permit**

**25.**—(1) No person shall import or procure the import of any Fourth Schedule biological agent unless the import of the Fourth Schedule biological agent is authorised by and is carried out in accordance with the conditions of a permit granted by the Director.

(2) Every permit to import a Fourth Schedule biological agent shall be valid only in respect of one consignment of the Fourth Schedule biological agent for which an application for a permit to import has been made.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

### **Prohibition against transportation by certain means**

**26.**—(1) No person shall transport or procure the transportation of any Fourth Schedule biological agent within Singapore by mail or public transportation.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

*Division 6 — Inactivated biological agents*

5 **Prohibition against inactivation of biological agents**

27.—(1) No person shall inactivate or procure the inactivation of any First Schedule biological agent or Second Schedule biological agent unless —

10 (a) he has been granted an approval to possess the First Schedule biological agent as referred to in section 6, or an approval to possess the Second Schedule biological agent as referred to in section 15 (as the case may be); and

(b) the inactivation of the biological agent is carried out —  
 15 (i) in accordance with such method as may be approved by his biosafety committee; and  
 (ii) at the facility specified in his approval to possess the First Schedule biological agent or Second Schedule biological agent.

20 (2) Subsection (1) shall not apply insofar as the inactivation relates to the decontamination of any First Schedule biological agent waste or Second Schedule biological agent waste.

(3) Where any person inactivates any First Schedule biological agent or Second Schedule biological agent at any facility in contravention of subsection (1), the Director may order any one or more of the following:

25 (a) the immediate cessation of any activity involving the inactivated First Schedule biological agent or the inactivated Second Schedule biological agent that is being carried out by the person at the facility;

30 (b) the destruction of the inactivated First Schedule biological agent or inactivated Second Schedule biological agent at the facility;

(c) the decontamination of the facility;

(d) the closure or cordoning off of the facility until such time as the Director is satisfied that the facility may safely resume operation;

(e) that any person who is or was at the facility (whether as a member of the staff of the facility or otherwise) and who may be or may have been exposed to the First Schedule biological agent or Second Schedule biological agent at the facility should —

5 (i) undergo such medical examination and medical treatment at such place or hospital as the Director may specify in the order; or

(ii) be quarantined at such place and for such period as the Director may specify in the order.

10 (4) Any person who contravenes any order made by the Director under subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

15 **Prohibition against import of inactivated biological agents without permit**

**28.**—(1) No person shall import or procure the import of —

(a) any inactivated First Schedule biological agent; or

(b) any inactivated Second Schedule biological agent,

20 for any purpose unless the import of the inactivated First or Second Schedule biological agent (as the case may be) is authorised by and is carried out in accordance with the conditions of a permit granted by the Director.

25 (2) The Director shall not grant any permit to import any inactivated First Schedule biological agent or any inactivated Second Schedule biological agent to any person unless the Director is satisfied that the biological agent has been properly inactivated.

30 (3) Without prejudice to section 50, for the purpose of satisfying himself that any First Schedule biological agent or Second Schedule biological agent has been properly inactivated, the Director may require an applicant for a permit to import to provide such information relating to —

(a) the person by whom the inactivation of the First Schedule biological agent or Second Schedule biological agent (as the case may be) has been carried out; and

(b) the method of the inactivation used and its efficacy.

(4) Every permit to import an inactivated First Schedule biological agent or an inactivated Second Schedule biological agent shall entitle the holder of the permit to import from the person referred to in subsection (3)(a) any number of consignments of the inactivated First Schedule biological agent or the inactivated Second Schedule biological agent, as specified in the permit, which has been so inactivated using the method referred to in subsection (3)(b).

(5) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

### **Prohibition against transportation by certain means**

**29.**—(1) No person shall transport or procure the transportation of any inactivated First Schedule (Part II) biological agent or any inactivated Second Schedule biological agent within Singapore by mail or public transportation.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

## **PART IV**

### **TOXINS**

#### *Division 1 — General*

### **Prohibition against use of toxins for non-peaceful purpose, etc.**

**30.**—(1) No person shall use or possess any toxin for biological warfare or any non-peaceful purpose.

(2) Any person who contravenes subsection (1) —

(a) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1 million or to imprisonment for a term which may extend to life imprisonment or to both; and

(b) may be arrested without warrant by a police officer or an enforcement officer.



*Division 2 — Possession and use***Prohibition against possession of Fifth Schedule toxins without approval**

5     **31.**—(1) No person shall possess any Fifth Schedule toxin unless his possession of the Fifth Schedule toxin is authorised by and is in accordance with the conditions of an approval granted by the Director.

(2) For the purpose of subsection (1), no approval to possess a Fifth Schedule toxin shall be granted to any person unless he is the operator of a facility which is a protected place.

10    (3) A person who has been granted an approval to possess a Fifth Schedule toxin shall keep or use the Fifth Schedule toxin only at such facility as may be specified in the approval to possess.

15    (4) Where any person possesses any Fifth Schedule toxin in contravention of subsection (1) or keeps or uses any Fifth Schedule toxin at any facility in contravention of subsection (3) —

(a) he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 10 years or to both; and

(b) the Director may order any one or more of the following:

20       (i) the immediate cessation of any activity involving the Fifth Schedule toxin carried out by the person at the facility;

(ii) the destruction of the Fifth Schedule toxin at the facility;

(iii) the decontamination of the facility;

25       (iv) the closure or cordoning off of the facility until such time as the Director is satisfied that the facility may safely resume operation;

30       (v) that any person who is or was at the facility (whether as a member of the staff of the facility or otherwise) and who may be or may have been exposed to the Fifth Schedule toxin at the facility should —

(A) undergo such medical examination and medical treatment at such place or hospital as the Director may specify in the order; or

(B) be quarantined at such place and for such period as the Director may specify in the order.

(5) Any person who contravenes any order made by the Director under subsection (4)(b) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 10 years or to both.

(6) This section shall not apply to —

(a) any person who has been engaged to transport any Fifth Schedule toxin within Singapore and whose possession of the Fifth Schedule toxin is merely incidental to his transporting it in accordance with such engagement; or

(b) any person who has been engaged to store any Fifth Schedule toxin within Singapore pending —

(i) the delivery of the Fifth Schedule toxin to the person who has procured its import into Singapore; or

(ii) the exportation of the Fifth Schedule toxin from Singapore in the course of transshipment,

and whose possession of the Fifth Schedule toxin is merely incidental to his storing it in accordance with such engagement.

### *Division 3 — Import and transshipment*

#### **Prohibition against import or transshipment of Fifth Schedule toxins without permit**

**32.**—(1) No person shall import or procure the import of any Fifth Schedule toxin unless the import of the Fifth Schedule toxin is authorised by and is carried out in accordance with the conditions of a permit granted by the Director.

(2) No person shall transship any Fifth Schedule toxin unless the transshipment of the Fifth Schedule toxin is authorised by and is carried out in accordance with the conditions of a permit granted by the Director.

(3) For the purposes of subsection (1), no permit to import a Fifth Schedule toxin shall be granted to any person unless he has already been granted an approval to possess the Fifth Schedule toxin as referred to in section 31.

(4) Every permit to import or transship a Fifth Schedule toxin shall be valid only in respect of one consignment of the Fifth Schedule toxin for which an application for the permit has been made.

5 (5) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 10 years or to both.

### **Notification of failure of receipt of import**

10 **33.**—(1) Every holder of a permit to import any Fifth Schedule toxin shall immediately notify the Director, in such form and manner as the Director may require, in the event he fails to receive the consignment of the Fifth Schedule toxin to which the permit to import relates.

15 (2) For the purposes of subsection (1), the holder of the permit to import shall be deemed to have failed to receive the consignment of the Fifth Schedule toxin to which the permit to import relates if he does not receive the consignment within 24 hours of such time as may be reasonably estimated by him for the receipt.

(3) Any person who fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

### **20 Storage of Fifth Schedule toxins upon import or pending transshipment**

25 **34.**—(1) Where any Fifth Schedule toxin that has been imported into Singapore is required to be stored temporarily at any place before it is delivered to the facility for which it is destined, the person to whom the permit to import the Fifth Schedule toxin has been granted shall ensure that the storage of the Fifth Schedule toxin at such place is carried out in accordance with such requirements as may be prescribed.

30 (2) Where any Fifth Schedule toxin that is being transshipped through Singapore is required to be landed and stored temporarily at any place before it is delivered to the conveyance on which it will be taken out of Singapore, the person to whom the permit to transship the Fifth Schedule toxin has been granted shall ensure that the storage of the Fifth Schedule toxin at such place is carried out in accordance with such requirements as may be prescribed.

(3) Where a holder of a permit to import or transship any Fifth Schedule toxin stores the biological agent in contravention of subsection (1) or (2), as the case may be —

- 5 (a) he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or with imprisonment for a term not exceeding 10 years or with both; and
- (b) the Director may order the holder of the permit, at his own expense, to do any one or more of the following:
  - 10 (i) take such measures as the Director may specify to ensure that the Fifth Schedule toxin is properly stored;
  - (ii) destroy the Fifth Schedule toxin;
  - (iii) decontaminate the place at which the Fifth Schedule toxin was stored in contravention of subsection (1) or (2).

15 (4) Any holder of a permit to import any Fifth Schedule toxin and any holder of a permit to transship any Fifth Schedule toxin who contravenes any order made by the Director under subsection (3)(b) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or with imprisonment not exceeding 10 years or with both.

#### *Division 4 — Transfer*

#### 20 **Prohibition against transfers of Fifth Schedule toxins except by certain persons**

**35.—**(1) No person shall transfer any Fifth Schedule toxin unless —

- (a) he has an approval to possess the Fifth Schedule toxin as referred to in section 31; and
- 25 (b) the transferee —
  - (i) has also been granted an approval to possess the Fifth Schedule toxin as referred to in section 31; or
  - (ii) is outside Singapore.

30 (2) Any transferor who transfers any Fifth Schedule toxin to any transferee in Singapore, knowing or having reason to believe that such transferee does not have an approval to possess the Fifth Schedule toxin as referred to in section 31, shall be guilty of an offence and shall be liable

upon conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 10 years or to both.

### **Notifications relating to transfers of Fifth Schedule toxins**

**36.**—(1) Any transferor who wishes to transfer any Fifth Schedule toxin to a transferee shall notify —

- (a) the Director of the proposed transfer within such time and in such form and manner as the Director may require;
- (b) the transferee of an estimated time of receipt by the transferee of the toxin being transferred; and
- (c) the carrier of the toxin (where he is not the transferor or transferee) prior to the dispatch of the toxin of a 24-hour emergency number that is monitored at all times by a person who —
  - (i) has knowledge of the hazards and characteristics of the toxin being transported; or
  - (ii) has immediate access to a person who possesses such knowledge and information.

(2) Where a transferee fails to receive any Fifth Schedule toxin which is being transferred to him, the transferee shall immediately notify the Director, in such form and manner as the Director may require, of the failure of receipt.

(3) For the purposes of subsection (2), a transferee shall be deemed to have failed to receive the Fifth Schedule toxin which is being transferred to him if he does not receive the toxin within 24 hours of the estimated time of receipt of the toxin provided by transferor.

(4) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

### *Division 5 — Transportation*

#### **Prohibition against transportation by certain means**

**37.**—(1) No person shall transport or procure the transportation of any Fifth Schedule toxin within Singapore by mail or public transportation.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 10 years or to both.

## PART V

### 5 DUTIES AND OBLIGATIONS IN RELATION TO BIOLOGICAL AGENTS AND TOXINS

#### *Division 1 — Duties and obligations of operators of facilities*

#### **Application**

10 **38.**—(1) Except as otherwise specified, the duties and obligations specified in this Division shall apply to the operator of a facility who has been granted —

- (a) an approval to possess any First Schedule biological agent or Second Schedule biological agent;
- 15 (b) an approval to produce on a large scale any First Schedule biological agent or Third Schedule biological agent; or
- (c) an approval to possess any Fifth Schedule toxin,

in relation to or in connection with the possession or production allowed by such approval.

(2) In this Division —

20 “biological agent” means —

- (a) any First Schedule biological agent;
- (b) any Second Schedule biological agent; or
- (c) any Third Schedule biological agent produced on a large-scale;

25 “toxin” means any Fifth Schedule toxin.

#### **Establishment of biosafety committee and appointment of biosafety co-ordinator**

**39.**—(1) Every operator of a facility shall establish a biosafety committee in accordance with such requirements as may be prescribed.

(2) It shall be the duty of the biosafety committee to —

- 5       (a) advise the operator of the facility on such biosafety measures as may be required to be taken by him in order to comply with the provisions of this Division or with such other duty or obligation as may be imposed on him by this Act;
- (b) formulate and review institutional biosafety policies, programs and codes of practices for the facility;
- 10       (c) conduct risk assessments in relation to the activities involving biological agents or toxins that are being carried out or proposed to be carried out at the facility and to devise measures for the management of such risks;
- (d) review research protocols relating to any work being carried out at the facility that involves any biological agent or toxin;
- 15       (e) arbitrate in any dispute relating to biosafety measures at the facility;
- (f) formulate protocols and guidelines in relation to the inactivation of biological agents at the facility and approve and review the methods used at the facility for the inactivation of biological agents;
- 20       (g) verify that the inactivation of any biological agent at the facility has been properly carried out;
- (h) formulate and review policies for the training of the staff of the facility in relation to biosafety measures; and
- (i) carry out such other duties as may be prescribed.

25       (3) Every operator of a facility shall appoint a biosafety co-ordinator in accordance with such requirements as may be prescribed.

(4) It shall be the duty of the biosafety co-ordinator to —

- 30       (a) oversee the implementation of such biosafety measures as the operator of the facility may adopt for the purposes of this Division;
- (b) ensure that the institutional biosafety policies, programs and codes of practice referred to in subsection (2)(b) are properly implemented at the facility;

- (c) ensure that the staff of the facility are properly trained in biosafety measures in accordance with the policies referred to in subsection (2)(h);
  - (d) develop and implement standard operating procedures for the facility in accordance with such standards and requirements as may be prescribed under this Act, or as may be otherwise specified by the Director; and
  - (e) carry out such other duties as may be prescribed.
- (5) A biosafety co-ordinator shall undergo such training as the Director may from time to time require.

### **Maintaining facilities and equipment**

**40.** Every operator of a facility shall —

- (a) ensure that the facility is appropriate for its purpose and complies with such requirements as may be prescribed;
- (b) maintain the facility, and any equipment therein, in an optimal and a safe working condition;
- (c) establish and implement adequate security systems to control access to the facility itself, to those parts of the facility where the biological agents or toxins are kept or handled, and to such biological agents or toxins themselves; and
- (d) implement a pest control programme within the facility.

### **Activities and staff**

**41.** Every operator of a facility shall —

- (a) ensure that proper assessments of risk, management of risk, operational monitoring, supervision and review of the storage of or activities involving biological agents or toxins at the facility are carried out;
- (b) ensure that the storage of or activities involving biological agents are carried out at an appropriate biosafety level at the facility and in accordance with such requirements as may be prescribed;
- (c) ensure that no research, teaching or operational activity involving biological agents or toxins at the facility is undertaken until a risk assessment of the activity is conducted by the



biosafety committee and it is demonstrated that any hazard that may arise from the activity can be controlled;

- 5 (d) ensure that emergencies arising from any storage of or activity involving biological agents or toxins carried out at the facility are dealt with in accordance with appropriate procedures;
- (e) ensure that no biological agent waste or toxin waste is discharged into the environment without the appropriate decontamination and ensure that such waste is lawfully discharged and disposed of;
- 10 (f) ensure that activities involving biological agents or toxins are conducted by staff of the facility who are properly trained to conduct such activities, or conducted under the supervision of such persons;
- 15 (g) ensure that all staff of the facility receive such training as may be required by the Director;
- (h) ensure that all staff of the facility are properly protected against any risk of exposure to any biological agent or toxin, including —
  - (i) ensuring that all staff of the facility are appropriately attired;
  - 20 (ii) ensuring that all staff of the facility adhere to safe working practices and techniques;
  - (iii) making available to all staff of the facility the appropriate vaccination or prophylaxis; and
  - 25 (iv) ensuring that all staff of the facility are not exposed to hazards arising out of the use, handling, transport or storage of any biological agent or toxin; and
  - (i) establish a health and medical surveillance system for the staff of the facility so that any member of the staff who has been infected by or who has been exposed to any biological agent in the course of carrying out any activity involving biological agents may be
  - 30 expeditiously identified and treated.

## Visitors

**42.**—(1) Where a person who is not a member of the staff of a facility is required to carry out any work at the facility, the operator of the facility

shall ensure that that person is made aware of the biological hazards associated with the storage of and activities involving biological agents and toxins carried out at the facility.

5 (2) Subject to subsection (3), where a person who is not a member of the staff of a facility is required to enter any part of the facility where there is a risk of exposure to biological agents or toxins, the operator of the facility shall ensure that that person —

(a) is accompanied by a member of the staff of the facility —

(i) when he enters the facility;

10 (ii) when he leaves the facility; and

(iii) for such time that he is in the facility as the operator of the facility thinks necessary; and

(b) is properly protected against any risk of exposure to such biological agent or toxin at the facility.

15 (3) Where a person who is not a member of the staff of a facility is required to enter the facility at which any First Schedule (Part II) biological agent or Second Schedule biological agent is kept, the operator of the facility shall ensure that that person —

20 (a) is accompanied by a member of the staff of the facility at all times and in all parts of the facility; and

(b) is properly protected against any risk of exposure to such biological agent at the facility.

### **Use of animals**

25 **43.** Every operator of a facility who uses any animal for experimentation involving biological agents or toxins at his facility shall comply with such requirements as may be prescribed in relation to animal containment.

### **Records and reporting requirements**

**44.** Every operator of a facility shall —

30 (a) maintain records of inventory of all biological agents and toxins at the facility, including records of the quantities received, the quantities transferred out, and the quantities destroyed or disposed of; and

(b) report immediately to the Director in such form and manner as the Director may require —

(i) all confirmed or suspected infections acquired by any member of the staff of the facility in the course of carrying out any activities involving biological agents at the facility;

(ii) all adverse incidents involving biological agents that may potentially cause transmission of any infectious disease;

(iii) all adverse incidents involving toxins;

(iv) all loss, whether through theft or otherwise, of biological agents and toxins; and

(v) the destruction by the operator of the facility of any of his stocks of First Schedule (Part II) biological agents, Second Schedule biological agents and Fifth Schedule toxins.

#### **Failure to perform duties and obligations**

**45.**—(1) Where the operator of a facility fails to comply with any duty or obligation imposed under this Division (including any matter prescribed under this Division) —

(a) he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction; and

(b) the Director may order any one or more of the following:

(i) the immediate cessation of any activity involving any biological agent or toxin at the facility;

(ii) the destruction of any biological agent or toxin at the facility;

(iii) the decontamination of the facility;

(iv) the closure or cordoning off of the facility until such time as the Director is satisfied that the facility may safely resume operation;

(v) that any person who is or was at the facility (whether as a member of the staff of the facility or otherwise) and who

may be or may have been exposed to any biological agent or toxin at the facility should —

- (A) undergo such medical examination and medical treatment at such place or hospital as the Director may specify in the order; or
- (B) be quarantined at such place and for such period as the Director may specify in the order.

(2) Any person who contravenes any order made by the Director under subsection (1) shall be guilty of an offence and shall be liable on conviction to be punished as follows:

- (a) where the offence involves a First Schedule (Part I) biological agent or a Third Schedule biological agent, with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 12 months or with both; and
- (b) where the offence involves a First Schedule (Part II) biological agent, a Second Schedule biological agent or a Fifth Schedule toxin, with a fine not exceeding \$100,000 or with imprisonment for a term not exceeding 10 years or with both.

*Division 2 — Duties and obligations of carriers  
of biological agents and toxins*

### **Application**

**46.**—(1) Except as otherwise specified, the duties and obligations specified in this Division shall apply to any carrier, being a person (including a transferor or transferee) who undertakes the transportation in Singapore of —

- (a) any First Schedule biological agent;
- (b) any Second Schedule biological agent;
- (c) any Third Schedule biological agent in quantities aggregating 10 litres or more carried on any conveyance at any one time; or
- (d) any Fifth Schedule toxin.

(2) In this Division —

“biological agent” means —

- (a) any First Schedule biological agent;
- (b) any Second Schedule biological agent;
- (c) any Third Schedule biological agent transported in quantities aggregating 10 litres or more on any conveyance at any one time;

5

“toxin” means any Fifth Schedule toxin.

### **Transportation of biological agents and toxins**

**47.**—(1) A carrier shall ensure that there are no unreasonable delays in his transportation of any biological agent or toxin.

- 10 (2) The carrier shall ensure that any person employed by him to drive any conveyance for the purpose of transporting biological agents and toxins is trained in the management of accidents involving biohazardous materials.

- 15 (3) For the purpose of subsection (2), the training of any person employed by a carrier to drive any conveyance for the purpose of transporting biological agents and toxins shall include such training as the Director may specify.

- 20 (4) The carrier shall ensure that any conveyance used for the transportation of biological agents and toxins is affixed with such biohazard warning panel or label as the Director may require when transporting biological agents or toxins.

- 25 (5) Where, in the course of transporting biological agents or toxins on any conveyance, there is any spillage or leakage of the biological agents or toxins, the person employed by the carrier to drive the conveyance shall —

- (a) immediately cordon off the area surrounding the conveyance and the spillage or leakage; and
  - (b) immediately notify the Commissioner of the Singapore Civil Defence Force or such officer as the Commissioner may authorise for the purpose of this section.

30

- (6) For the purpose of transporting —

- (a) any First Schedule (Part II) biological agent;
  - (b) any Second Schedule biological agent;

(c) any Third Schedule biological agent in quantities aggregating 10 litres or more; or

(d) any Fifth Schedule toxin,

the carrier shall take all necessary steps to ensure the security of the biological agent or toxin in the course of the transportation, including the use of security personnel and the prevention of unauthorised access to the biological agent or toxin.

### **Packaging and labelling of biological agents and toxins**

**48.** The transferor shall ensure that the packing and labelling of biological agents and toxins being transported comply with such requirements as may be prescribed.

### **Failure to perform duties and obligations**

**49.** Any person who contravenes any provision of this Division (including any matter prescribed under this Division) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

## **PART VI**

### **APPROVALS, PERMITS AND CERTIFICATION OF FACILITIES**

#### **Approvals and permits**

**50.**—(1) An application for any approval or permit required under this Act shall be made to the Director in such form and manner as the Director may require, and shall be accompanied by —

(a) such particulars, information and documents as the Director may specify; and

(b) if required by the Director, a statutory declaration by the applicant verifying any information contained in or relating to the application.

(2) An applicant for any approval required under this Act shall, if required by the Director or an enforcement officer, provide the Director or enforcement officer access to the facility of the applicant in order that the Director or enforcement officer may inspect such facility and observe the work processes and procedures undertaken thereat.

(3) Upon considering an application made under subsection (1), the Director may —

(a) grant the approval or permit applied for, with or without conditions; or

5 (b) refuse to grant the approval or permit applied for.

(4) The Director may at any time vary or revoke any of the existing conditions imposed under subsection (3)(a) or impose new conditions.

10 (5) Where the Director refuses to grant any approval or permit under subsection (3)(b), he shall, if requested to do so in writing by the applicant, state in writing the reasons for his refusal.

(6) An approval to possess any biological agent or toxin shall cease to be valid upon the occurrence of any of the following events:

15 (a) upon the person to whom the approval has been granted ceasing to be the operator of the facility (whether certified or uncertified) specified in the approval; or

(b) where the facility in respect of which the approval has been granted is required under this Act to be a certified facility, upon that facility ceasing to be such a certified facility.

(7) If the Director has reason to believe that —

20 (a) the grant of any approval or permit was obtained by fraud or misrepresentation;

25 (b) the person to whom the approval or permit was granted has contravened, is contravening or is likely to contravene any provision of the Act or any condition imposed under subsection (3)(a) or (4); or

(c) any activity carried out at the facility to which the approval or permit relates poses a risk to public health,

he may do all or any of the following:

(i) suspend or cancel the approval or permit;

30 (ii) order any one or more of the following:

(A) the immediate cessation of any activity involving any biological agent or toxin at the facility;

- (B) the destruction of any biological agent or toxin at the facility;
  - (C) the decontamination of the facility;
  - (D) the closure or cordoning off of the facility until such time as the Director is satisfied that the facility may safely resume operation;
  - (E) that any person who is or was at the facility (whether as a member of the staff of the facility or otherwise) and who may be or may have been exposed to any biological agent or toxin at the facility should undergo such medical examination and medical treatment at such place or hospital as the Director may specify in the order, or be quarantined at such place and for such period as the Director may specify in the order.
- (8) The Director may suspend or cancel any approval or permit without any prior notice of such suspension or revocation.
- (9) Where any approval or permit ceases to be valid or is suspended or cancelled, the Director or an enforcement officer may seize any biological agent or toxin to which the approval or permit relates, and any other material arising out of any activity carried out in relation to or in connection with the biological agent or toxin to which the approval or permit relates.
- (10) Any person who contravenes any order made by the Director under subsection (7) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

### **Certification of facilities**

- 51.**—(1) Any facility which is required to be a certified facility for the purposes of this Act shall be certified by an approved certification body.
- (2) For the purpose of this Act, a certification of a facility under subsection (1) shall cease to be valid —
- (a) upon the expiry of one year from the date of the certification; or
  - (b) upon any design or structural change made to the facility,



whichever is the earlier.

(3) Where a certification of a facility ceases to be valid under subsection (2), the facility may be re-certified as a certified facility for the purposes under subsection (1).

5 (4) Where a facility is certified by an approved certification body under this section, the operator of the facility shall inform the Director of its certification in such form and manner as the Director may specify and provide to the Director a copy of the certification report issued by the approved certification body, before storing or carrying out any activity  
10 involving any biological agent at the certified facility.

(5) The operator of a certified facility shall comply with such requirements as may be prescribed.

(6) Where —

15 (a) the operator of a facility stores or carries out any activity involving any biological agent without the facility being certified in accordance with this section;

(b) the operator of a facility stores or carries out any activity involving any biological agent to which the certification relates without notifying the Director of the certification under this  
20 section or providing to the Director a copy of the certification report as required under subsection (4); or

(c) the operator of a certified facility fails to comply with any prescribed requirement referred to in subsection (5),

the Director may order any one or more of the following:

25 (i) the immediate cessation of any activity involving any biological agent at the facility;

(ii) the destruction of any biological agent at the facility;

(iii) the decontamination of the facility;

30 (iv) the closure or cordoning off of the facility until such time as the Director is satisfied that the facility may safely resume operation;

(v) that any person who is or was at the facility (whether as a member of the staff of the facility or otherwise) and who may be or may have been exposed to any biological agent at the facility should —

(A) undergo such medical examination and medical treatment at such place or hospital as the Director may specify in the order; or

(B) be quarantined at such place and for such period as the Director may specify in the order.

(7) Any person who contravenes any order made by the Director under subsection (6) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

(8) In this section, “approved certification body” means a certification body approved by the Director for the purpose of subsection (1).

## PART VII

### ENFORCEMENT

#### **Power of entry, inspection, search and seizure, etc.**

**52.**—(1) For the purpose of the administration and enforcement of this Act, the Director or any enforcement officer may —

(a) at any time and without warrant, enter, inspect and search any premises that are being used or that the Director or the enforcement officer has reason to suspect are being used in contravention of this Act, and may —

(i) examine any practice or procedure that is being applied to any activity that has been or is being carried out on the premises;

(ii) inspect, or remove for inspection, any apparatus, appliance, equipment or instrument used or found on the premises;

(iii) inspect, test and examine, or remove for inspection, testing and examination, any container or receptacle found on the premises that the Director or enforcement officer reasonably believes to contain or to have contained any biological agent or toxin;

- 5 (iv) inspect, test and examine, or remove for inspection, testing and examination, any substance or material found on the premises (including the product of any activity carried out on the premises) that the Director or enforcement officer reasonably believes to be or to include a biological agent or toxin;
- 10 (v) seize any such apparatus, appliance, equipment, instrument, container, receptacle, substance or material that the Director or enforcement officer reasonably believes to be the subject matter of, or to be connected with the commission of, an offence under this Act; and
- (vi) require the owner of, or the operator of any facility on, the premises to —
- 15 (A) decontaminate the premises in such manner as the Director or enforcement officer may specify; and
- (B) stop using, and to prevent any other person from entering or using, the premises until the Director or enforcement officer is satisfied that the premises are safe for use;
- 20 (b) at any time and without warrant, stop, board, inspect and search any conveyance that is being used or that the Director or enforcement officer has reason to suspect is being used in contravention of this Act, and may —
- 25 (i) inspect, or remove for inspection, any apparatus, appliance, equipment or instrument used or found on the conveyance;
- (ii) inspect, test and examine, or remove for inspection, testing and examination, any container or receptacle found on the conveyance that the Director or enforcement officer reasonably believes to contain or to have contained any
- 30 biological agent or toxin;
- (iii) inspect, test and examine, or remove for inspection, testing and examination, any substance or material found on the conveyance that the Director or enforcement officer reasonably believes to be or to include a biological agent or
- 35 toxin;

- 5 (iv) seize any such apparatus, appliance, equipment, instrument, container, receptacle, substance or material that the Director or enforcement officer reasonably believes to be the subject matter of, or to be connected with the commission of, an offence under this Act; and
- (v) require the owner of or the person using the conveyance to —
- 10 (A) decontaminate the conveyance in such manner as the Director or enforcement officer may specify; and
- (B) stop using, and to prevent any other person from using, the conveyance until the Director or enforcement officer is satisfied that the conveyance is safe for use;
- 15 (c) require any person to furnish any information within his knowledge, including information relating to —
- (i) any activity that has been or is being carried out on any premises;
- (ii) any person involved in the carrying out of any activity on any premises;
- 20 (iii) any practice or procedure that has been or is being applied to any activity carried out on any premises;
- (iv) any apparatus, appliance, equipment or instrument that has been or is being used in carrying out any activity on any premises; and
- 25 (v) the source of any biological agent or toxin that has been or is being used in the carrying out of any activity on any premises, or which is found on any conveyance;
- 30 (d) require any person to produce in a form which is visible and legible and may be taken away, any information stored in any electronic form relating to —
- (i) any activity that has been or is being carried out on any premises;
- (ii) any person involved in the carrying out of any activity on any premises;

- (iii) any practice or procedure that has been or is being applied to any activity carried out on any premises;
  - (iv) any apparatus, appliance, equipment or instrument that has been or is being used in carrying out any activity on any premises; and
  - (v) the source of any biological agent or toxin that has been or is being used in the carrying out of any activity on any premises, or which is found on any conveyance;
- (e) require any person to produce for inspection any book or document relating to —
- (i) any activity that has been or is being carried out on any premises;
  - (ii) any person involved in the carrying out of any activity on any premises;
  - (iii) any practice or procedure that has been or is being applied to any activity carried out on any premises;
  - (iv) any apparatus, appliance, equipment or instrument that has been or is being used in carrying out any activity on any premises; and
  - (v) the source of any biological agent or toxin that has been or is being used in the carrying out of any activity on any premises, or which is found on any conveyance,
- and retain, make or cause to be made copies of, or extracts from, any such book or document;
- (f) require any person who was or is present on any premises or on any conveyance and whom the Director or enforcement officer has reason to suspect has been exposed to any biological agent or toxin to undergo such medical examination and medical treatment at such place or hospital the Director may specify; and
- (g) arrest without warrant any person whom the Director or enforcement officer has reason to believe has committed any offence under this Act if —
- (i) the name and address of that person are unknown;

(ii) that person refuses or declines to give his name or address when required; or

(iii) the enforcement officer has reason to doubt the accuracy of any name or address given by that person.

5 (2) Any person who —

(a) refuses or fails, without reasonable excuse, to comply with any requirement of the Director or an enforcement officer under this section; or

10 (b) gives any false or misleading information when required to furnish any information to the Director or an enforcement officer under this section,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

15 **Power to make orders for cessation of activity on facilities, etc.**

**53.**—(1) Where the Director has reason to suspect that any storage of or activity involving any biological agent, inactivated biological agent or toxin at or carried out on any facility —

20 (a) has or is suspected to have given rise, or is likely to give rise, to an adverse incident;

(b) poses an imminent threat to public health;

(c) is a threat to national security; or

(d) is contrary to the public interest,

the Director may order any one or more of the following:

25 (i) the immediate cessation of any activity involving any biological agent or toxin at the facility;

(ii) the destruction of any biological agent or toxin at the facility;

(iii) the decontamination of the facility;

30 (iv) the closure or cordoning off of the facility until such time as the Director is satisfied that the facility may safely resume operation;

(v) that any person who is or was at the facility (whether as a member of the staff of the facility or otherwise) and who may be

or may have been exposed to any biological agent or toxin at the facility should —

- 5 (A) undergo such medical examination and medical treatment at such place or hospital as the Director may specify in the order; or
- (B) be quarantined at such place and for such period as the Director may specify in the order.

10 (2) Any person who contravenes any order made by the Director under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 10 years or to both.

(3) Subsection (1) shall be in addition to, and not in derogation of, any other provision in this Act empowering the Director to make any similar order referred to in paragraphs (i) to (v) of that subsection.

15 (4) Where an order is made under this Act by the Director —

- (a) for the cessation of any activity at any facility;
- (b) for the destruction of any biological agent, inactivated biological agent or toxin;
- (c) for the decontamination of any facility;
- 20 (d) for the closure or cordoning off of any facility; or
- (e) that any person who may be or may have been exposed to any biological agent or toxin at the facility should undergo any medical examination or medical treatment or be quarantined,

25 the Director or an enforcement officer may take such measures as may be reasonable and necessary to ensure that the order is properly carried out, including any remedial or precautionary measure as may be necessary for ensuring the safety of persons carrying out the order or who are present at the facility when the order is being carried out.

30 (5) Where any order has been made by the Director under this Act for —

- (a) the cessation of any activity involving any biological agent, inactivated biological agent or toxin;
- (b) the destruction of any biological agent, inactivated biological agent or toxin; or

- (c) the closure or cordoning off of any facility at which there is any biological agent, inactivated biological agent or toxin,

the Director or an enforcement officer may seize any biological agent, inactivated biological agent or toxin to which the order relates, and any other material arising out of any activity carried out involving the biological agent or toxin.

### **Power of seizure**

**54.**—(1) Where the Director or an enforcement officer has exercised his power of seizure under this Act —

- (a) the Director or enforcement officer shall immediately give notice in writing of the seizure to the owner of the matter seized, or the person from whom the matter was seized, and may —

(i) direct that the matter under seizure be kept or stored in the premises or conveyance where it was seized or be removed to any other place to be kept or stored thereat; or

(ii) dispose of the matter seized immediately if the Director or enforcement officer is of the view that it is decayed, putrefied or deleterious to health; and

- (b) any person aggrieved by the seizure may, within 48 hours after the seizure, complain thereof to a Magistrate's Court and the Magistrate's Court may —

(i) confirm the seizure wholly or in part;

(ii) disallow the seizure wholly or in part;

(iii) order that any matter that has been seized be returned to its owner, subject to any condition which the Court may think fit to impose to ensure that the matter seized is preserved for any purpose for which it may subsequently be required; or

(iv) order payment to be made to the owner of or person entitled to the matter seized of such amount as the Court considers reasonable compensation to him for any loss or depreciation resulting from the seizure.

- (2) Where —

- (a) no complaint is received by the Magistrate's Court within 48 hours of the seizure under subsection (1)(b); or



(b) the Magistrate's Court confirms the seizure under subsection (1)(b)(i),

the matter seized in its entirety or to the extent to which its seizure was confirmed by the Magistrate's Court, as the case may be, shall become the property of the Government and shall be destroyed, disposed of or otherwise dealt with in such manner as the Director thinks fit.

### **Obstruction of public officers**

**55.**—(1) No person shall at any time hinder, obstruct or molest the Director or any enforcement officer in the performance and execution of his duty or of anything which he is empowered or required to do by virtue or in consequence of or under this Act.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

(a) in the case of a first offence, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both; and

(b) in the case of a second or subsequent offence, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

### **Offences by bodies corporate, etc.**

**56.**—(1) Where an offence under this Act committed by a body corporate is proved —

(a) to have been committed with the consent or connivance of an officer; or

(b) to be attributable to any neglect on his part, the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Where an offence under this Act committed by a partnership is proved —

(a) to have been committed with the consent or connivance of a partner; or

(b) to be attributable to any neglect on his part,

the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

(a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or

(b) to be attributable to any neglect on the part of such an officer or member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section —

“officer” —

(a) in relation to a body corporate, means any director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; or

(b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of president, secretary or member of a committee and includes any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner.

(6) Regulations may provide for the application of any provision of this section, with such modifications as the Authority considers appropriate, to any body corporate or unincorporated association formed or recognised under the law of a territory outside Singapore.

### **Liability for offences by agents or servants**

57. Where an offence under this Act is committed by any person acting as an agent or a servant of another person, or being otherwise subject to the supervision or instruction of another person for the purposes of any employment in the course of which the offence was committed, that other person shall, without prejudice to the liability of the first-mentioned person, be liable under this Act in the same manner and to the same extent as if he had personally committed the offence if it is proved that the act which constituted the offence was committed with his consent or connivance or that it was attributable to any neglect on his part.

### **Composition of offences**

58.—(1) The Director may, in his discretion, compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding —

(a) one half of the amount of the maximum fine that is prescribed for the offence; or

(b) \$5,000,

whichever is the lower.

(2) On payment of such sum of money, no further proceedings shall be taken against that person in respect of such offence.

(3) The Minister may make regulations to prescribe the offences which may be compounded.

(4) All sums collected under this section shall be paid into the Consolidated Fund.

## **PART VIII**

### **MISCELLANEOUS**

#### **Appeal to Minister**

59.—(1) Any person who is aggrieved by —

(a) any refusal of the Director to grant any approval or permit required under this Act;

(b) any decision of the Director to suspend or revoke any such approval or permit; or

5 (c) any order of the Director for the cessation of any activity carried out on any facility, the destruction of any biological agent, inactivated biological agent or toxin at any facility, the decontamination of any facility or the closure or cordoning off of any facility,

may appeal to the Minister in writing within such time as may be prescribed.

10 (2) The decision of the Minister shall be final.

(3) Notwithstanding any appeal, an order made by the Director for the cessation of any activity, or the closure or cordoning off of any facility, shall take effect from date specified in the order, unless Minister otherwise directs.

### 15 **General exemption**

**60.** The Minister may, either permanently or for such period as he may think fit, exempt any person or premises or any class of persons or premises from all or any of the provisions of this Act.

### **Amendment of Schedules**

20 **61.** The Minister may at any time, by order published in the *Gazette*, amend any Schedule.

### **Regulations**

**62.—**(1) The Minister may make regulations for carrying out the purposes and provisions of this Act.

25 (2) Without prejudice to the generality of subsection (1), the Minister may make regulations for or with respect to all or any of the following matters:

30 (a) the regulation of the possession, storage, use, import, transfer, transportation and disposal of scheduled biological agents, inactivated scheduled biological agents and Fifth Schedule toxins, including —

(i) the imposition of duties and obligations of persons who possess, store, use, import, transfer, transport or dispose of

such biological agents, inactivated biological agents and toxins; and

- 5 (ii) the measures, practices, procedures, processes and standards to be adopted and implemented in the possession, storage, use, import, transfer, transportation and disposal of such biological agents, inactivated biological agents and toxins;
- (b) the regulation of the design and structural requirements of facilities;
- 10 (c) the qualifications of persons controlling, managing or carrying out the storage or disposal of, or activities involving, any scheduled biological agent, inactivated scheduled biological agent or Fifth Schedule toxin at any facility;
- 15 (d) the measures to be adopted and implemented for dealing with and investigating into any adverse incident and the procedures for the reporting of such adverse incident to the Director;
- (e) the composition, procedures, duties and responsibilities of biosafety committees;
- (f) the prescribing of fees payable for the purposes of this Act;
- (g) such matters as may be required by this Act to be prescribed;
- 20 (h) such other matter as the Minister thinks necessary for the administration and enforcement of this Act.
- (3) The Minister may, in making any regulations under this section —
- 25 (a) provide that where there has been any contravention of any provision thereof, the Director may, as may be appropriate, order —
- (i) the immediate cessation of any activity involving any scheduled biological agent, inactivated scheduled biological agent or Fifth Schedule toxin;
- 30 (ii) the destruction of any scheduled biological agent, inactivated scheduled biological agent or Fifth Schedule toxin;
- (iii) the decontamination of any facility;

(iv) the closure or cordoning off of any facility until such time as the Director is satisfied that the facility may safely resume operation; and

(v) that any person who is or was at any facility (whether as a member of the staff of the facility or otherwise) and who may be or may have been exposed to any scheduled biological agent, inactivated scheduled biological agent or Fifth Schedule toxin at the facility should —

(A) undergo such medical examination and medical treatment at such place or hospital as the Director may specify in the order; or

(B) be quarantined at such place and for such period as the Director may specify in the order; and

(b) provide that a contravention of any provision of the regulations or an order referred to in paragraph (a) made under the regulations shall be an offence punishable —

(i) in relation to or in connection with any First Schedule (Part I) biological agent, Third Schedule biological agent or Fourth Schedule biological agent, with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 12 months or with both; and

(ii) in relation to or in connection with any First Schedule (Part II) biological agent, Second Schedule biological agent or Fifth Schedule toxin, with a fine not exceeding \$100,000 or with imprisonment for a term not exceeding 10 years or with both.

(4) In this section —

“inactivated scheduled biological agent” means a First Schedule biological agent, a Second Schedule biological agent, a Third Schedule biological agent or a Fourth Schedule biological agent that has been inactivated;

“scheduled biological agent” means a First Schedule biological agent, a Second Schedule biological agent, a Third Schedule biological agent or a Fourth Schedule biological agent.

## Related amendment to Infectious Diseases Act

**63.** Section 41 of the Infectious Diseases Act (Cap. 137) is repealed.

## Transitional provision

**64.**—(1) Where the operator of any facility was immediately before the appointed day carrying out any activity involving any First Schedule (Part I) biological agent at that facility, he may continue carrying out such activity at such facility as if this Act had not been enacted —

- (a) for a period of 6 months from the appointed day; or
- (b) if before the expiry of that period he applies under this Act for certification of his facility and for an approval to possess the biological agent in question, until the date on which his applications are approved, refused or withdrawn.

(2) In this section, “appointed day” means the date of commencement of the Biological Agents and Toxins Act 2005.

## FIRST SCHEDULE

Section 2

### FIRST SCHEDULE BIOLOGICAL AGENTS

#### PART I

#### *BACTERIA*

1. *Brucella canis*
2. *Chlamydia psittaci* (avian strains)
3. *Mycobacterium canettii*
4. *Mycobacterium africanum*
5. *Mycobacterium bovis* (non-BCG strains)
6. *Mycobacterium microti*
7. *Mycobacterium tuberculosis*

#### *FUNGI*

1. *Blastomyces dermatitidis*

2. *Histoplasma capsulatum* var. *capsulatum*
3. *Histoplasma capsulatum* var. *duboisii*
4. *Paracoccidioides brasiliensis*

## VIRUSES

- 5     1. *Arenaviridae*
  - (a) Lymphocytic choriomeningitis virus
  - (b) Mopeia virus
  - (c) LCM-Lassa complex viruses (except Lassa virus)
- 10    2. *Bunyaviridae*
  - (a) Akabane virus
  - (b) California encephalitis virus
  - (c) Oropouche virus
  - (d) Hantaviruses (except Hantaan, Seoul and Sin Nombre)
  - (e) Bhanja virus
  - 15   (f) Nairobi sheep disease virus
- 15    3. *Flaviviridae*
  - (a) Japanese encephalitis virus
  - (b) Murray Valley encephalitis virus
  - (c) Rocio virus
  - 20   (d) St. Louis encephalitis virus
  - (e) Wesselsbron virus
  - (f) West Nile virus
  - (g) Louping ill virus
  - (h) Negishi virus
  - 25   (i) Powassan virus
4. *Herpesviridae*
  - (a) Herpesvirus ateles
5. *Orthomyxoviridae*
  - (a) Dhori virus
  - 30   (b) Thogoto virus
  - (c) Influenza A virus subtype H5N1



6. *Picornaviridae*
  - (a) Poliovirus
7. *Reoviridae*
  - (a) Orungo virus
- 5 8. *Retroviridae*
  - (a) Human immunodeficiency virus (HIV) Types 1 and 2
  - (b) Human T lymphotropic virus (HTLV) Types 1 and 2
  - (c) Simian immunodeficiency virus
9. *Rhabdoviridae*
  - 10 (a) Rabies virus
  - (b) Vesicular stomatitis virus
10. *Togaviridae*
  - (a) Chikungunya virus
  - (b) Everglades virus
  - 15 (c) Getah virus
  - (d) Mayaro virus
  - (e) Mucambo virus
  - (f) Ndumu virus
  - (g) Semliki forest virus
  - 20 (h) Tonate virus
  - (i) Western equine encephalitis virus
11. Unconventional agents associated with the transmission of Spongiform Encephalitis
  - 25 (a) Bovine spongiform encephalopathy prion and other related animal transmissible spongiform encephalopathy prion
  - (b) Gerstmann-Straussler-Scheinker syndrome prion
  - (c) Kuru prion
  - (d) Creutzfeldt-Jakob disease prion
  - (e) Variant Creutzfeldt-Jakob disease prion
  - 30 (f) Fatal familial insomnia prion

#### *PARASITIC AGENTS*

1. *Plasmodium falciparum*

PART II  
BACTERIA

1. *Bacillus anthracis*
2. *Brucella abortus*
- 5 3. *Brucella melitensis*
4. *Brucella suis*
5. *Burkholderia mallei*
6. *Burkholderia pseudomallei*
7. *Clostridium botulinum*
- 10 8. *Francisella tularensis*
9. *Yersinia pestis*

RICKETTSIAE

1. *Coxiella burnetii*
2. *Rickettsia* - all species

15 FUNGI

1. *Coccidioides immitis*
2. *Coccidioides posadasii*

VIRUSES

1. *Arenaviridae*
- 20 (a) Flexal virus
2. *Bunyaviridae*
- (a) Hantaan virus
- (b) Seoul virus
- (c) Sin Nombre virus
- 25 (d) Rift Valley fever virus
3. *Coronaviridae*
- (a) SARS coronavirus
4. *Flaviviridae*
- (a) Yellow fever virus
- 30 5. *Poxviridae*

- (a) Monkeypox virus

6. *Togaviridae*

- (a) Eastern equine encephalitis virus
- (b) Venezuelan equine encephalitis virus

## SECOND SCHEDULE

## Section 2

## SECOND SCHEDULE BIOLOGICAL AGENTS

1. Crimean-Congo haemorrhagic fever virus
- 5 2. Cercopithecine herpesvirus 1
3. Ebola virus
4. Guaranito virus
5. Hendra virus
6. Junin virus
- 10 7. Lassa fever virus
8. Machupo virus
9. Marburg virus
10. Nipah virus
11. Sabia virus
- 15 12. Tick-borne encephalitis viruses (including Central European tick-borne encephalitis virus, Far Eastern tick-borne encephalitis virus, Russian spring-summer encephalitis virus, Kyasanur forest virus, Omsk haemorrhagic fever virus, with the exception of Louping ill, Negishi and Powassan viruses listed in Schedule 1)
- 20 13. Variola major (Smallpox) virus
14. Variola minor (Alastrim) virus

## THIRD SCHEDULE

Section 2

### THIRD SCHEDULE BIOLOGICAL AGENTS

#### *BACTERIA*

- 5 1. *Bordetella pertussis*
2. *Legionella* - all species and all Legionella-like organisms

#### *VIRUSES*

1. Hepatitis B virus

## FOURTH SCHEDULE

10

Section 2

### FOURTH SCHEDULE BIOLOGICAL AGENTS

Any biological agent other than —

- (a) a First Schedule biological agent or a Second Schedule biological agent; and
- (b) any biological agent that is unlikely to cause human disease.

15

## FIFTH SCHEDULE

Section 2

### FIFTH SCHEDULE TOXINS

1. Botulinum toxins (Types A, B, C, D, E, F and G)
  2. *Clostridium perfringens* toxins
  - 20 3. Staphylococcal Enterotoxin B
  4. Shigatoxins
  5. Verotoxins
-

## EXPLANATORY STATEMENT

This Bill seeks to prohibit or otherwise regulate the possession, use, import, transfer and transportation of biological agents, inactivated biological agents and toxins, to provide for the practice of biological safety in the handling of such biological agents and toxins; and to make a related amendment to the Infectious Diseases Act (Cap. 137).

### PART I

#### PRELIMINARY

Clause 1 relates to the short title and commencement.

Clause 2 defines certain terms used in the Bill.

### PART II

#### ADMINISTRATION AND APPLICATION

Clause 3 provides that the Director of Medical Services (the Director) will be responsible for the administration of the Bill, subject to any general or special directions of the Minister for Health (the Minister).

The clause further empowers the Director to appoint enforcement officers for the purposes of the Bill, to delegate certain of his powers to enforcement officers, and to establish advisory committees to advise him on the administration and enforcement of the Bill.

Clause 4 sets out certain purposes in relation to which the Bill will not apply.

### PART III

#### BIOLOGICAL AGENTS AND INACTIVATED BIOLOGICAL AGENTS

##### *Division 1 — General*

Clause 5 prohibits the use and possession of any biological agent for biological warfare or any non-peaceful purpose.

##### *Division 2 — First Schedule biological agents*

##### *Subdivision (1) — Possession and use*

Clause 6 prohibits any person from possessing any biological agent specified in the First Schedule (First Schedule biological agent) unless his possession of the First Schedule biological agent is authorised by and is in accordance with the conditions of an approval granted by the Director.

The clause further provides, among other things, that an approval to possess any First Schedule biological agent is not to be granted to any person who is not the operator of a certified facility, except as the Director may otherwise think fit.

The clause does not apply to any person who has been engaged to transport or store any First Schedule biological agent in certain circumstances and whose possession of the First Schedule biological agent is merely incidental to his carrying out his engagement.

Clause 7 prohibits any person from carrying out the large-scale production of any First Schedule biological agent unless the large-scale production of the First Schedule biological agent is authorised by an approval granted by the Director and is carried out at the facility specified in the approval and in accordance with the conditions of the approval.

The clause further provides, among other things, that an approval to produce any First Schedule biological agent is not to be granted to any person who has not been granted an approval to possess the First Schedule biological agent.

*Subdivision (2) — Import and transshipment*

Clause 8 prohibits any person from importing or transshipping any First Schedule biological agent unless the import or transshipment of the First Schedule biological agent is authorised by and is carried out in accordance with the conditions of a permit granted by the Director.

The clause further provides, among other things, that a permit to import any First Schedule biological agent is not to be granted to any person who has not been granted an approval to possess the First Schedule biological agent.

Clause 9 requires the holder of a permit to import any biological agent specified in Part II of the First Schedule (First Schedule (Part II) biological agent) to notify the Director in the event he fails to receive a consignment of the First Schedule (Part II) biological agent pursuant to the permit to import granted by the Director in respect of that consignment.

Clause 10 requires holders of permits to import First Schedule biological agents and holders of permits to transship First Schedule biological agents to store the biological agents imported or transshipped, as the case may be, at certain places and in accordance with prescribed requirements.

*Subdivision (3) — Transfer*

Clause 11 prohibits the transfer of any First Schedule biological agent except by a person who has been granted an approval to possess the First Schedule biological agent (transferor) to another person who (if he is in Singapore) has also been granted an approval to possess the First Schedule biological agent (transferee).

In the case of a First Schedule biological agent provided to any person for an excluded purpose (that is to say, for disposal or for use in diagnosis, proficiency testing or analysis to determine the nature of the biological agent), although such person does not have an approval to possess the First Schedule biological agent, he may transfer the First Schedule biological agent to a transferee who (if he is in Singapore) has been granted an approval to possess the First Schedule biological agent.

Clause 12 provides for various notifications to be made by a transferor and a transferee in relation to the transfer of a First Schedule (Part II) biological agent from the former to the latter.

*Subdivision (4) — Transportation*

Clause 13 prohibits the transportation and the procuring of the transportation of any First Schedule biological agent within Singapore by mail or public transportation.

*Division 3 — Second Schedule biological agents*

*Subdivision (1) — Possession and use*

Clause 14 prohibits any person from possessing any biological agent specified in the Second Schedule (Second Schedule biological agent) unless his possession of the Second Schedule biological agent is authorised by and is in accordance with the conditions of an approval granted by the Director.

The clause does not apply to any person who has been engaged to transport or store any Second Schedule biological agent in certain circumstances and whose possession of the Second Schedule biological agent is merely incidental to his carrying out his engagement.

Clause 15 prohibits, in addition to clause 14, any person from possessing any Second Schedule biological agent unless his possession of the Second Schedule biological agent is authorised by and is in accordance with the conditions of an approval granted by the Director.

The clause further provides, among other things, that an approval to possess any Second Schedule biological agent is not to be granted to any person who is not the operator of a certified facility.

The clause does not apply to any person who has been engaged to transport or store any Second Schedule biological agent in certain circumstances and whose possession of the Second Schedule biological agent is merely incidental to his carrying out his engagement.

Clause 16 prohibits the large-scale production and the procuring of the large-scale production of any Second Schedule biological agent.

*Subdivision (2) — Import and transshipment*

Clause 17 prohibits any person from importing or transshipping any Second Schedule biological agent unless the import or transshipment of the Second Schedule biological agent is authorised by and is carried out in accordance with the conditions of a permit granted by the Director. Permits to import are granted on a per consignment basis.

The clause further provides, among other things, that a permit to import any Second Schedule biological agent is not to be granted to any person who has not been granted an approval to possess the Second Schedule biological agent.



Clause 18 requires the holder of a permit to import any Second Schedule biological agent to notify the Director in the event he fails to receive a consignment of the Second Schedule biological agent pursuant to the permit to import granted by the Director in respect of that consignment.

Clause 19 requires holders of permits to import Second Schedule biological agents and holders of permits to transship Second Schedule biological agents to store the biological agents imported or transshipped, as the case may be, at certain places and in accordance with prescribed requirements.

#### *Subdivision (3) — Transfer*

Clause 20 prohibits the transfer of any Second Schedule biological agent except by a person who has been granted an approval to possess the Second Schedule biological agent (transferor) to another person who (if he is in Singapore) has also been granted an approval to possess the Second Schedule biological agent (transferee).

In the case of a Second Schedule biological agent provided to any person for an excluded purpose (that is to say, for disposal or for use in diagnosis, proficiency testing or analysis to determine the nature of the biological agent), although such person does not have an approval to possess the Second Schedule biological agent, he may transfer the Second Schedule biological agent to a transferee who (if he is in Singapore) has been granted an approval to possess the Second Schedule biological agent.

Clause 21 provides for various notifications to be made by a transferor and a transferee in relation to the transfer of a Second Schedule biological agent from the former to the latter.

#### *Subdivision (4) — Transportation*

Clause 22 prohibits the transportation and the procuring of the transportation of any Second Schedule biological agent within Singapore by mail or public transportation.

### *Division 4 — Third Schedule biological agents*

Clause 23 prohibits any person from carrying out the large-scale production of any biological agent specified in the Third Schedule (Third Schedule biological agent) unless the large-scale production of the Third Schedule biological agent is authorised by an approval granted by the Director and is carried out at the facility specified in the approval and in accordance with the conditions of the approval.

Clause 24 prohibits the transportation and the procuring of the transportation of any Third Schedule biological agent within Singapore by mail or public transportation.

### *Division 5 — Fourth Schedule biological agents*

Clause 25 prohibits any person from importing any biological agent specified in the Fourth Schedule (Fourth Schedule biological agent) unless the import of the Fourth Schedule biological agent is authorised by and is carried out in accordance with the conditions of a permit granted by the Director. Permits to import are granted on a per consignment basis.

Clause 26 prohibits the transportation and the procuring of the transportation of any Fourth Schedule biological agent within Singapore by mail or public transportation.

*Division 6 — Inactivated biological agents*

Clause 27 prohibits the inactivation and the procuring of the inactivation of any First Schedule biological agent or Second Schedule biological agent by any person unless —

- (a) he has been granted an approval to possess the First Schedule biological agent or Second Schedule biological agent; and
- (b) the inactivation is carried out —
  - (i) in accordance with the method approved by a biosafety committee appointed by him; and
  - (ii) at the facility specified in his approval to possess the First Schedule biological agent or Second Schedule biological agent.

Clause 28 prohibits any person from importing any inactivated First Schedule biological agent or inactivated Second Schedule biological agent unless the import of the inactivated First or Second Schedule biological agent is authorised by and is carried out in accordance with the conditions of a permit granted by the Director.

Clause 29 prohibits the transportation and the procuring of the transportation of any inactivated First Schedule (Part II) biological agent or inactivated Second Schedule biological agent within Singapore by mail or public transportation.

PART IV

TOXINS

*Division 1 — General*

Clause 30 prohibits the use and possession of any toxin for biological warfare or any non-peaceful purpose.

*Division 2 — Possession and use*

Clause 31 prohibits any person from possessing any toxin specified in the Fifth Schedule (Fifth Schedule toxins) unless his possession of the Fifth Schedule toxin is authorised by and is in accordance with the conditions of an approval granted by the Director.

The clause does not apply to any person who has been engaged to transport or store any Fifth Schedule toxin in certain circumstances and whose possession of the Fifth Schedule toxin is merely incidental to his carrying out his engagement.

*Division 3 — Import and transshipment*

Clause 32 prohibits any person from importing or transshipping any Fifth Schedule toxin unless the import or transshipment of the Fifth Schedule toxin is authorised by

and is carried out in accordance with the conditions of a permit granted by the Director. Permits to import are granted on a per consignment basis.

The clause further provides, among other things, that a permit to import any Fifth Schedule toxin is not to be granted to any person who has not been granted an approval to possess the Fifth Schedule toxin.

Clause 33 requires the holder of a permit to import any Fifth Schedule toxin to notify the Director in the event he fails to receive a consignment of the Fifth Schedule toxin pursuant to the permit to import granted by the Director in respect of that consignment.

Clause 34 requires holders of permits to import Fifth Schedule toxins and holders of permits to transship Fifth Schedule toxins to store the toxins imported or transshipped, as the case may be, at certain places and in accordance with prescribed requirements.

#### *Division 4 — Transfer*

Clause 35 prohibits the transfer of any Fifth Schedule toxin except by a person who has been granted an approval to possess the Fifth Schedule toxin (transferor) to another person who (if he is in Singapore) has also been granted an approval to possess the Fifth Schedule toxin (transferee).

Clause 36 provides for various notifications to be made by a transferor and a transferee in relation to the transfer of a Fifth Schedule toxin from the former to the latter.

#### *Division 5 — Transportation*

Clause 37 prohibits the transportation and the procuring of the transportation of any Fifth Schedule toxin within Singapore by mail or public transportation.

### PART V

#### DUTIES AND OBLIGATIONS IN RELATION TO BIOLOGICAL AGENTS AND TOXINS

##### *Division 1 — Duties and obligations of operators of facilities*

Clauses 38 to 45 relate to the duties and obligations of persons who have been granted —

- (a) approvals to possess any First Schedule biological agent or Second Schedule biological agent;
- (b) approvals to produce any First Schedule biological agent or Third Schedule biological agent; or
- (c) approvals to possess any Fifth Schedule toxin,

in relation to or in connection with their possession or production of the same.

*Division 2 — Duties and obligations of carriers of  
biological agents and toxins*

Clauses 46 to 49 relate to the duties and obligations of persons (whether transferors, transferees or otherwise) who undertake the transportation in Singapore of —

- (a) any First Schedule biological agent;
- (b) any Second Schedule biological agent;
- (c) any Third Schedule biological agent being transported in quantities aggregating 10 litres or more carried on any conveyance at any one time; or
- (d) any Fifth Schedule toxin.

PART VI

APPROVALS, PERMITS AND  
CERTIFICATION OF FACILITIES

Clause 50 sets out various provisions relating to the granting of approvals to possess, special approvals to handle, approvals to produce and permits to import and handle.

Clause 51 sets out various provisions relating to the certification of facilities.

PART VII

ENFORCEMENT

Clause 52 provides for the powers of enforcement, including powers of entry, inspection, search and seizure, which the Director and enforcement officers may exercise in the administration and enforcement of the Bill.

Clause 53 provides for the power of the Director to order, where necessary —

- (a) the cessation of activities involving biological agents, inactivated biological agents or toxins;
- (b) the destruction of biological agents, inactivated biological agents or toxins;
- (c) the decontamination of facilities; and
- (d) the closure or cordoning off of facilities at which biological agents, inactivated biological agents or toxins may be found.

The power under the clause is in addition to similar powers granted to the Director elsewhere in the Bill. The clause further provides for various matters relating to such powers generally.

Clause 54 sets out various provisions relating to the power of seizure which may be exercised by the Director and enforcement officers.

Clause 55 makes it an offence to hinder, obstruct or molest the Director or any enforcement officer in the performance and execution of his duty or of anything which he is empowered or required to do by virtue or in consequence of the Bill.

Clause 56 provides that where an offence under the Bill is committed by a corporation with the consent or connivance of an officer or is attributable to any neglect on his part, the officer will also be guilty of the offence. The principle also applies to partners in partnerships, and officers and members of the governing body of unincorporated associations. A person convicted under the clause will be punished with the fine or imprisonment as prescribed in the offence-creating provision.

Clause 57 makes a person liable, in certain circumstances, for the offences under the Bill which are committed by his agent or servant.

Clause 58 relates to the compounding of offences under the Bill.

## PART VIII

### MISCELLANEOUS

Clause 59 provides for appeals to the Minister by a person aggrieved by various decisions and orders made by the Director.

Clause 60 empowers the Minister to exempt any person or premises, or class of persons or premises, from all or any provisions of the Bill.

Clause 61 empowers the Minister to amend the Schedules to the Bill by order published in the *Gazette*.

Clause 62 empowers the Minister to make regulations for carrying out the purposes and provisions of the Bill.

Clause 63 makes a related amendment to the Infectious Diseases Act (Cap. 137) by repealing section 41.

Clause 64 deals with transitional matters.

The First, Second, Third, Fourth and Fifth Schedules specify various biological agents and toxins for the purposes of the Bill.

## EXPENDITURE OF PUBLIC MONEY

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