

THE KHYBER PAKHTUNKHWA

VACCINATION AND EPIDEMICS CONTROL ACT 2015

An Act whereas it is expedient to consolidate the laws relating to Vaccination against vaccine preventable diseases and Control of Epidemics in the province of Khyber Pakhtunkhwa

PART- I

PRELIMINARY

1. Short Title Commencement and Extent. – (1) This Act may be called the Khyber Pakhtunkhwa Compulsory Vaccination and Epidemics Control Act 2015.

(2) It shall come into force at once.

(3) It extends to the whole of the Khyber Pakhtunkhwa Province.

2. Definitions

In this Act, unless the context otherwise requires, the following expressions shall have the meanings, hereby respectively assigned to them, that is to say:

- a) “Authority” means Khyber Pakhtunkhwa Health Department/ (HRA)
- b) “Coordinator Disease Control”/EPI Coordinator/ District Epidemiologist means a person appointed to perform the duties of disease control (communicable/infectious diseases) at district level under this act.
- c) “Epidemic” means unusual number of cases of a certain disease, in a given human population, and during a given period, substantially exceeding what is expected based on recent experience.
- d) “Government” means the Government of the Khyber Pakhtunkhwa
- e) “Guardian” includes any person who has accepted or assumed the care or custody of any person/child;
- f) “Juvenile” means a person less than 18 years of age
- g) “Local Authority” means the District Health Officer and the Deputy District Health Officer and the Coordinators etc.
- h) “Parent” means the father and mother/both or any one of a person/child;
- i) “Person” means any person irrespective of age eligible for a vaccination according to the vaccination schedule declared by the government
- j) “Prescribed” means prescribed by rules made under this Act;
- k) “Public Place” means any premises , Tent, roofed or open including offices, used for recreation, relaxation dinning, fun fair, meetings workshops,

seminars, weddings, beddings, or any other purpose specified by the government irrespective of whether public or private

l) "Unprotected" means a person who had not been protected from vaccine preventable disease though vaccination, or unsuccessfully vaccinated, "Vaccination" means the introduction of Vaccine into the body for the purpose of inducing immunity against vaccine preventable/certain diseases

m) "Vaccination Officer" means an officer appointed by Government to perform the function and duties of the Vaccination Officer under this Act to oversee the function of vaccinators/Technicians.

n) "Vaccinator" means any person appointed to perform vaccination to a person.

o) "Vaccine Preventable Disease" means any disease preventable by vaccination including Tuberculosis(TB), Polio, Diphtheria, Pertusis, Tetanus, Hepatitis B, infections caused by Haemophilus Influenza B, Measles, Mumps Rubella, and infections caused by Pneumococcus, Meningococcus and any other disease so declared/included in the vaccination program by the Government

p) "Authorized Person" means a Public Servant within the meaning of section-21 of the Pakistan penal Code (Act XLV-1860) and

q) "Rumour-Mongering" means the spread of negative perceptions against the immunization process.

PART – II

VACCINATION

3. Duty of Every Local Authority to Carry Out the Provisions of this Act

(1) The Government by Notification in Official Gazette, publish schedule of vaccination to carry out the provisions of this act with power to delete or add any vaccination as required.

(2) It shall be the duty of every Concerned Authority or Vaccination Officer, including Superintendent of Prison, In charge of Dar Ul Amaan, Borstal Institution, Remand Home and other Institution to enforce the provisions of this act within their jurisdiction so that all unprotected persons are vaccinated."

(3) If the District Administration receives information that a concerned authority has failed to execute or enforce any of the provisions of this Act relating to the vaccination of unprotected persons, he may, after making such enquiry from the concerned authority as he thinks fit, by order, empower any public servant to execute or enforce the said provisions or to procure the execution or

enforcement thereof, and the order may fix a reasonable remuneration to be paid to such public servant, and such remuneration together with any expenses incurred by the said public servant in performing the duties of the concerned authority under this Act shall be paid by the concerned authority.

(4) If the expenses and the remuneration are not so paid, the District Administration may make an order directing any person who for the time being has custody of any moneys on behalf of the concerned authority, as its officer, treasurer, banker, or other wise to pay such expenses and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order

4. Duty of the Parents or Guardian or the Person or the Vaccinator regarding vaccination

(1) When the vaccination becomes due as per provided vaccination schedule, the parent, guardian or caretaker of such person or the person him/ herself shall take him/ her or cause him/ her to be taken to a vaccinator or any other person authorised by Government in this behalf, to be vaccinated, or send to a vaccinator, or other authorised person to vaccinate him/ her.

(2) Vaccinator or any other person authorised by Government in this behalf shall vaccinate the person and deliver to its parent or guardian a memorandum stating the name of vaccine(s) and its dose administered with date on which the vaccination has been performed and the date on which the person is to be further vaccinated in compliance with the schedule of vaccination.

5. Certificate of Vaccination, Unfitness and Insusceptibility

(1) After completion of vaccination as provided in the vaccination schedule, a certificate of vaccination shall be delivered by the vaccinator or any other person authorised by Government in this behalf to the parent or guardian of such person to that effect and such person thereafter is deemed to be protected.

(2) If the vaccinator or any other person authorised by Government in this behalf finds that person to be vaccinated is in a state unfit for vaccination, shall deliver to the person or the parent or guardian a certificate under his hand to the effect that the person is in a state unfit for vaccination for the whole or part of the scheduled vaccine, and requiring revisit for vaccination on next due date. On given date the parent or guardian of such person or the person him/herself shall take the person or cause him/her to be taken to a vaccinator to be vaccinated; provided that if the person is still found unfit for vaccination the certificate so granted shall be renewed.

(3) If the Vaccination officer or any other officer authorised in this behalf by the Government is of the opinion that a person who has been three times unsuccessfully vaccinated is insusceptible of successful vaccination, he shall deliver to the person or parent or guardian of such person, a certificate under his hand to that effect.

6. Re-Vaccination in Case of Unsuccessful Vaccination

When it is ascertained as aforesaid that the vaccination has been unsuccessful, the person or parent or guardian shall, if the vaccinator any other person authorised by Government in this behalf so directs cause the person to be again vaccinated and subsequently inspected in the manner hereinbefore provided.

7. Vaccination of Un-protected Persons

(1) Every person who has been partially vaccinated and to whom a certificate of insusceptibility has not been granted under section 5 (3), shall complete the remaining vaccination schedule, starting from the due dose if within the applicable age group by a vaccinator or other person authorised in this behalf by Government.

(2) In case of an out-break of vaccine preventable disease in the Province or any part thereof, or if in the opinion of Government mass vaccination campaign is necessary in any area, Government may issue a notification in the official Gazette, specifying, the area or areas where vaccine preventable disease has broken out or the mass vaccination campaign is being started and on the issue of such a notification, every person residing in the area or areas specified in the said notification, who has been previously vaccinated and has not been declared insusceptible to vaccination, shall get itself or himself re-vaccinated by a vaccinator or other person authorised under within such period as may be specified in the said notification.

(3) A certificate of re-vaccination shall be delivered by the vaccinator or other person authorised to every person who is vaccinated under the provisions of this section.

8. Fees

No fee shall be charged by any vaccinator, health care provider, institution or organization whether in public or private sector for vaccination with vaccines supplied by the government.

9. Enquiry by Coordinator Disease Control

If the Coordinator Disease Control or any other person authorised in this behalf by Government, after an on the spot enquiry, has reason to believe that an unprotected person or the parent or guardian of an unprotected person has contravened the provisions of this Act, he shall deliver a notice in the prescribed manner to such person, parent or guardian requiring him to comply with such provisions of the Act as he may have contravened.

10. Report to the sub-Divisional Magistrate and Punishment:-

(1) If the notice delivered under the last preceding section is not complied with, the Coordinator Disease Control or other person authorised under Section 12 shall report the matter to a Magistrate of the first class who shall thereupon summon the person, parent or guardian to whom the notice was issued to comply with the notice within a time to be fixed by the Magistrate.

(2) If such person, parent or guardian fails to comply with the orders of the Magistrate passed under sub-section (1), then the Magistrate may punish such person, parent or guardian with simple imprisonment for a term which may extend to three months or with fine which may extend to Ten Thousand, or with both

PART III

SPECIAL MEASURE TO PREVENT AND CURTAIL EPIDEMICS

11. The government will establish an epidemic control cell with an epidemic control committee chaired by DGHS, responsible for investigation of all epidemics, especially related to vaccine preventable diseases. The committee will have representation from public health section, EPI cell, technical partners and respective districts. The committee will be responsible for investigations of outbreaks and recommend response measures.

12. When at any time the Government is satisfied that the Province or any part thereof is visited by, or threatened with an outbreak of any dangerous epidemic disease, the Government, if it thinks that the ordinary provisions of the law for the time being in force are insufficient for the purpose, may take, or require or empower any person to take, such measures and, by public notice, prescribe such temporary and permanent regulations to be observed by the public or by any person or class of persons as it shall deem necessary to prevent the outbreak of such disease or the spread thereof, and may determine in what manner and by whom any expenses incurred (including compensation, if any) shall be defrayed.

13. The Government may take measures for the inspection of persons travelling by any means, and the segregation, in hospital, temporary accommodation or otherwise, of persons suspected by the vaccination officer or any other authorized officer of being infected with any such disease.
14. Any person disobeying any regulation or order made under this Act pertaining to vaccination shall be deemed to have committed an offence punishable under section 188 of the Pakistan Penal Code.
15. **Power of Government to Make Rules:** - Government may frame rules for the purpose of carrying out the provisions of this Act Including Prescribe qualifications, conditions of service, uniform, forms for notice/certificates, prescribe vaccines to be used for vaccinations, maintenance of registers and registry.
16. **Penalty:** - Any person disobeying any regulation or order made under this Act shall be deemed to have committed an offence punishable and is liable to punishment for a term which may extend to three months or with fine which may extend to Ten Thousand, or with both
17. **Protection to Persons Acting under the Act:-** No suit or other legal proceeding shall lie against any person for anything done or in good faith intended to be done under this Act.
18. Whosoever propagating rumour-mongering, obstructing, refusing or distributing expired vaccines against the immunization program under this Act, shall be punished with imprisonment either description for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.
19. No Court other than magistrate of first class can try an offence under this Act.

PART IV

REPEAL

20. The following enactments are hereby repealed:
 - 1) The West Pakistan Vaccination Ordinance 1958
 - 2) The West Pakistan Epidemic Diseases Act 1958

21. Vaccination Schedule for children

S No	Age	Vaccination
1.	Birth	BCG, Hep B and OPV0 Birth Dose

2.	6 weeks	Pentavalent-1 (Diphtheria, Tetanus, Pertussis, HepB, HIB) Pneumococcal-2, OPV-3
3.	10 weeks	Pentavalent-2, Pneumococcal-2, OPV-2
4.	14 weeks	Pentavalent-3, Pneumococcal-3, OPV-3
5.	9 months	Measles-1
6.	15 months	Measles-2

21. Vaccination schedule for Child Bearing Aged Women (15 – 49 years)

Vaccine	When to give
Tetanus Toxoid 1	First contact during first pregnancy
Tetanus Toxoid 2	At least 4 weeks after TT 1
Tetanus Toxoid 3	At least 6 months after TT 2
Tetanus Toxoid 4	At least 1 year after TT 3
Tetanus Toxoid 5	At least 1 year after TT 4