

STATES OF JERSEY



REGULATION OF COVID-19 TESTING UNDERTAKEN BY PRIVATE ENTITIES

Lodged au Greffe on 18th May 2020
by Deputy K.F. Morel of St. Lawrence

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

- (a) that a regulatory regime should be introduced to govern the quality, supply and use of Covid-19 testing made available by private (non-governmental) entities for public purchase in Jersey, with the regime to cover both polymerase chain reaction (P.C.R.) testing and antibody (serology) testing; and
- (b) to request the Minister for Health and Social Services to bring forward the necessary legislation for debate by the States Assembly by 1st July 2020.

DEPUTY K.F. MOREL OF ST. LAWRENCE

REPORT

Following the news that a private Covid-19 testing facility has been set up in the Island, it has become clear that the Island needs a basic regulatory regime to govern the sale, application and processing of tests, for the safety and wellbeing of Islanders.

It is, of course, understandable that private suppliers will seek to fill the void created by the Government of Jersey's failure to implement on-demand or Island-wide testing, a situation which has a number of causes, many of which are outside of the Government's control.

The fact that the Government is not able to provide something that is in demand by Islanders does not automatically mean that the private sector is in a position to fulfil that demand, and given the reported lack of consistency in the effectiveness and safety of Covid-19 'test kits', it is important that Islanders do not find themselves in a situation where they are paying for tests which may be neither effective nor accurate.

No matter how minor, the 'pin prick' testing that is being offered privately in Jersey still constitutes a clinical process, and so it is reasonable for Islanders to be able to undertake such procedures in a clean, safe and appropriate environment. Whether a drive-through situation is such an environment is one of the elements that the States Assembly could expect the Minister for Health and Social Services to regulate appropriately.

The fact that, according to media reports, Government officials have felt the need to warn Islanders away from using such facilities, but at the same time those officials did not feel empowered to immediately close down the unlicensed facilities, proves the need for a basic regulatory framework.

This proposition leaves it entirely up to the Minister to decide the level of regulation, and how complex or otherwise the regulations may be. It could be the case that the Minister simply chooses to prohibit the opening of private Covid-19 testing facilities; that would be entirely within his remit should this proposition be adopted.

Given the enormous uncertainties created by the Covid-19 crisis, Islanders do not need extra stress caused by the creation of unregulated testing and so, States Members are urged to adopt the proposition and request the Minister for Health and Social Services to create a basic regulatory framework for private Covid-19 testing facilities.

Link to a relevant media report:

<https://www.bailiwickepress.com/jsy/news/government-issues-warning-response-private-test-facility/>

Financial and manpower implications

This proposition will require resources from policy officers and legislative drafters to bring new Regulations forward, but does not include any direct financial implications.