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**CONTENTS • INHOUD**

No.

Page Gazette  
No. No.

**GOVERNMENT NOTICE**

Health, Department of

*Government Notice*

R. 944 National Health Act (61/2003): Regulations relating to the taking of buccal sample or withdrawal of blood from a living person for testing: Amendment .....

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**GOVERNMENT NOTICE**

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**DEPARTMENT OF HEALTH**

No. R. 944

11 November 2011

**NATIONAL HEALTH ACT, 2003 (ACT No. 61 OF 2003)****REGULATIONS RELATING TO THE TAKING OF BUCCAL SAMPLE OR WITHDRAWAL  
OF BLOOD FROM A LIVING PERSON FOR TESTING: AMENDMENT**

The Minister of Health has, after consultation with the National Health Council, in terms of section 68(1)(h) read with sections 55, 56(1), 90(1)(a) and 90(4)(c) of the National Health Act, 2003 (Act No. 61 Of 2003), made the regulations in the Schedule.

**SCHEDULE****Definitions**

1. In these regulations, "the Act" means the National Health Act, 2003 (Act No. 61 of 2003) and any word or expression to which a meaning has been assigned in the Act shall have that meaning unless the context indicates otherwise; and

"health care provider" includes a retired health care provider.

**Taking of Buccal sample or withdrawal of Blood**

2. A health care provider or a person contemplated in section 56 of the Act who is not a health care provider may, subject to regulation 3, take a buccal (cellular material inside the mouth) sample or remove blood from another living person in accordance with sections 55 and 56(1) of the Act.
3. A person who is not a health care provider may take a buccal (cellular material inside the mouth) sample or remove blood from another living person only if –
  - (a) that person has received training at a health establishment that is specifically designed for the taking of a buccal (cellular material inside

the mouth ) sample or removal of blood by persons including persons who are not health care providers; and

(b) that person's name has been recorded by the person in charge of the relevant health establishment in a register specifically designated for recording such person's names.

4. The taking of a buccal (cellular material inside the mouth) sample or the removal of blood by persons who are not health care professionals shall only be by means of swabbing inside the cheek in the mouth or pricking a finger with designated equipment to obtain a small quantity of cellular material or capillary blood respectively sufficient for testing.

### **Training**

5. The training contemplated in regulation 3 shall –

(a) only be offered to persons who, in the opinion of the person providing the training, are capable of understanding the subject matter of such training;

(b) be for a period not less than three hours; and

(c) include-

- (i) information on obtaining informed consent of the person from whom the buccal (cellular material inside the mouth) or blood is drawn;
- (ii) preparation for and the actual taking of the buccal (cellular inside the mouth) or removal of blood;
- (iii) ensuring process quality;
- (iv) the use of equipment ;

- (v) stopping the bleeding in the case where blood is removed and the disposal of used but unwanted material;
- (vi) information on tests to be conducted;
- (vii) interpretation of test results; and
- (viii) submission of buccal (cellular material inside the mouth) or blood for further management.

6. A person in charge of a health establishment must, when required, confirm in writing that a particular person received training for taking buccal (cellular material inside the mouth) or removal of blood at the relevant health establishment.

#### **Repeal and commencement**

7. The regulations published under Government Notice No. R.401 of 15 May 2010 is hereby repealed and the regulations contained in this Schedule shall come into operation on the date of publication thereof.

**DR A MOTSOLEDI**  
**MINISTER OF HEALTH**

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