

# Health (Tobacco, Nicotine etc. and Care) (Scotland) Bill

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## 2nd Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 35

Long Title

Amendments marked \* are new (including manuscript amendments) or have been altered.

### Section 21

**Maureen Watt**

- 3 In section 21, page 15, line 26, leave out <medical practitioner> and insert <health professional>

**Maureen Watt**

- 4 In section 21, page 15, line 30, after <paragraph> insert <(b) or>

### After section 21

**Rhoda Grant**

- 11 After section 21, insert—

#### <Incident which does not activate duty of candour procedure

- (1) Subsection (2) applies to a person if an unintended or unexpected incident occurred in the provision of a health service, a care service or a social work service to the person and in the reasonable opinion of a registered health professional that incident—
- (a) affected the person's care, but
  - (b) did not result in or could not have resulted in an outcome mentioned in section 21(4).
- (2) A responsible person must—
- (a) notify the relevant person,
  - (b) provide an account of the incident,
  - (c) provide information about further steps taken,
  - (d) provide any other information the responsible person considers relevant to the incident.>

## Section 22

### Malcolm Chisholm

17 In section 22, page 15, line 34, at end insert—

- <( ) Before taking any such actions, the responsible person must ask the relevant person whether the relevant person wishes the duty of candour procedure to apply to that person.
- ( ) If the relevant person does not wish the duty of candour procedure to apply—
  - (a) a written record is to be kept of the communications with that person by which that person’s wishes have been ascertained, and
  - (b) the duty of candour procedure does not apply to that person.>

### Rhoda Grant

12 In section 22, page 16, line 13, after <In> insert <section (*Incident which does not activate duty of candour procedure*) and>

## Section 25

### Maureen Watt

6 In section 25, page 18, line 8, at end insert—

<“provide” in relation to a health service, a care service and a social work service means to carry on or manage such a service,>

### Maureen Watt

7 In section 25, page 18, line 19, at end insert—

- <( ) a person (other than an individual) who provides a care service,
- ( ) an individual who provides a care service and who employs, or has otherwise made arrangements with, other persons to assist with the provision of that service (unless the assistance in providing that service is merely incidental to the carrying out of other activities),>

### Maureen Watt

8 In section 25, page 18, line 20, leave out from <any> to <or> and insert <a person (other than an individual) who provides>

### Maureen Watt

5 In section 25, page 18, line 22, leave out <Sector> and insert <Services>

### Maureen Watt

9 In section 25, page 18, line 23, at end insert—

- <(2) The Scottish Ministers may by regulations modify the definition of “responsible person” in subsection (1).>

## Section 26

### Mary Scanlon

- 18 In section 26, page 18, line 30, at beginning insert <abuses,>

### Mary Scanlon

- 19 In section 26, page 18, leave out lines 32 and 33

### Mary Scanlon

- 20 In section 26, page 18, line 35, at end insert—

<(3) The Scottish Ministers must by regulations make provision to ensure that an individual convicted of an offence under subsection (1) is prevented from having the care of another individual by virtue of being a care worker.>

## Section 27

### Mary Scanlon

- 21 In section 27, page 19, line 2, after <arrangements> insert <abuses,>

### Mary Scanlon

- 22 In section 27, page 19, line 5, after <is> insert <abused,>

### Mary Scanlon

- 23 In section 27, page 19, line 6, after third <the> insert <abuse,>

### Mary Scanlon

- 24 In section 27, page 19, leave out line 23

## Section 29

### Mary Scanlon

- 25 In section 29, page 20, line 37, after <the> insert <abuse,>

## After section 31

### Maureen Watt

- 1 After section 31, insert—

### <PART

#### PROVISION OF COMMUNICATION EQUIPMENT

#### **Duty to provide or secure communication equipment**

After section 46 of the National Health Service (Scotland) Act 1978, insert—

#### **“46A Provision of communication equipment**

The Scottish Ministers must, to such extent as they consider necessary to meet all reasonable requirements, provide or secure the provision of—

- (a) communication equipment, and

(b) support in using that equipment,  
to any person who has lost their voice or has difficulty speaking.”.>

**Section 32**

**Maureen Watt**

- 10** In section 32, page 22, line 30, at end insert—  
<( ) under section 25(2),>

**Mary Scanlon**

- 26** In section 32, page 22, line 30, at end insert—  
<( ) under section 26(3),>

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