

Ministry of Social Affairs and Health, Finland  
N.B. Unofficial translation. Legally binding only in Finnish and Swedish

No. 584/2015

## **Act**

### **on Ships' Medical Stores**

#### Section 1

##### *Purpose of the Act*

The purpose of this Act is to ensure that members of a ship's crew have the possibility to receive appropriate first aid and medical care on board the vessel in case of illness or injury.

#### Section 2

##### *Scope of application*

This Act applies to vessels sailing under the Finnish flag with crew personnel working on board.

This Act does not apply to:

- 1) vessels of the Finnish Defence Forces or the Finnish Border Guard, which are not regularly used in general traffic for the carriage of passengers or cargo;
- 2) vessels of 10 metres in length or less, which are used in distinctly separated port areas of industrial establishments only;
- 3) vessels of 10 metres in length or less, which are not used in general traffic for the carriage of passengers, for the carriage of cargo on a regular basis, or for towage;
- 4) vessels used non-commercially for voluntary search and rescue operations;
- 5) cable ferries;
- 6) charter boats;
- 7) pleasure yachts and recreational craft.

#### Section 3

##### *Definitions*

For the purposes of this Act and the provisions issued under it:

- 1) crew means all persons serving on board; crew does not, however, include maritime pilots, personnel doing temporary inspection or maintenance work or performing other similar tasks on board, or persons working on board only when the vessel is in port;
- 2) shipowner means the owner or charterer of a vessel, or other natural or legal person, who, either alone or together with other persons, has effective control of the vessel;

3) dangerous goods mean substances which, due to a risk of explosion, fire, infection or radiation, or due to their toxic or corrosive nature or other similar feature, may cause damage to people, the environment or property; dangerous goods also include mixtures, articles, devices, goods and empty packagings containing hazardous substances;

4) domestic voyages mean voyages between Finnish ports; voyages to Vyborg via the Saimaa Canal and its connecting Russian territorial waters, and voyages between Vichrevoy and Vyborg are considered equivalent to domestic voyages.

#### Section 4

##### *Vessel categories*

For the purposes of this Act, vessels are categorized as follows:

1) category A comprises vessels operating beyond the limitations set for vessel categories B, C and D;

2) category B comprises vessels operating within a maximum of 150 nautical miles of the nearest medically adequately equipped port of a European Union Member State or Norway; category B also includes vessels operating within a maximum of 175 nautical miles of the nearest medically adequately equipped port of a European Union Member State or Norway, if the vessel can at all times be reached by a rescue helicopter;

3) category C comprises vessels operating within a maximum of 50 nautical miles of the nearest medically adequately equipped port of a European Union Member State or Norway;

4) category D comprises vessels engaged on domestic voyages.

#### Section 5

##### *Responsibilities of the shipowner, master and medical store manager*

The shipowner shall see to it that the ship's medical store and the drugs and medical supplies of lifeboats and liferafts are in compliance with this Act and provisions issued under it.

The master shall:

1) ensure that the vessel has an appropriate medical store and that the medical store is managed in accordance with this Act and provisions issued under it;

2) decide whether the medical store should carry more drugs and medical supplies than what is required by the provisions issued under this Act; however, the medical store may not hold more drugs classified as narcotics or agents that influence the central nervous system than what is specified in the provisions issued under this Act;

3) see to it that, if necessary and on the basis of medical prescriptions, the ship's medical store also holds other drugs and medical supplies than what is specified in the provisions issued under this Act;

4) provide those in need of medical care with the necessary drugs;

5) give first aid and medical care to anyone in need;

6) see to it that the ship's lifeboats and liferafts are equipped with the appropriate drugs and medical supplies;

7) ensure that the ship's medical store and the drugs and medical supplies of lifeboats and liferafts are inspected in accordance with sections 10–12 of this Act.

A deck officer or a crew member who is a health care professional (medical store manager) shall perform the tasks referred to in subsection 2(4–5) and sections 7 and 9 if the master has delegated the tasks in question to him/her. The master and medical store manager shall have sufficient training to perform these tasks.

## Section 6

### *Contents of a ship's medical store*

A ship's medical store must carry a sufficient quantity of drugs and medical supplies which is determined by the vessel category and the number of crew members, a first aid kit, a medical journal, necessary guides regarding first aid and medical care provided on board, and this Act and the provisions issued under it.

Vessels carrying dangerous goods must hold drugs and medical supplies which are required by the cargo carried to prevent and treat direct and indirect adverse effects caused by the dangerous goods.

## Section 7

### *Storage of the ship's medical store, first aid kit, drugs and medical supplies*

The ship's medical store must be locked. The first aid kit must be stored in a clearly marked place beyond the reach of unauthorised persons and it must be easily accessible when needed. Drugs and medical supplies must be stored appropriately in suitable packages.

## Section 8

### *Use of a ship's medical store*

A ship's medical store is primarily meant for the ship's crew. In situations where urgent care is required, drugs and medical supplies may also be used to treat passengers or other persons on board.

Correctness of a medical procedure must be ensured in uncertain cases by consulting a doctor. If a person is to be given drugs that state "use only as directed by a doctor", a doctor must be consulted if possible.

## Section 9

### *Medical journal*

Vessels that belong to categories A, B or C must have a medical journal regarding the operation of their medical store, in which the relevant personnel shall enter all acquisitions made to the medical store, any drugs dispensed to patients and all performed procedures, as well as drugs and medical supplies removed from the medical store. All personal data must be stored separately from the information regarding drugs and medical supplies. All medical journal entries shall be made in the working language of the ship. The medical journal must be kept in such a way that the entered data remains intact and unchanged.

The medical journal must be preserved for at least five years after the last entry. The medical journal must be kept with the ship's medical store.

The provisions on the secrecy of patient record information laid down in the Act on the Status and Rights of Patients (785/1992) are applied to the secrecy of all information entered into the medical journal.

## Section 10

### *Inspection of a ship's medical store*

The medical store of a ship in vessel category A, B or C must be inspected at least once a year, and the medical store of a ship in vessel category D must be inspected at least once every three years to ensure compliance with this Act and the provisions issued under it.

The medical store shall be inspected by a pharmacist licensed in Finland.

Notwithstanding the secrecy provisions, a licensed pharmacist performing a medical store inspection shall be provided with all the information contained in the medical journal regarding drugs and medical supplies that is deemed necessary for carrying out the inspection. A notice of the inspection shall be recorded in the medical journal.

Provisions concerning criminal liability for acts in office apply to a licensed pharmacist performing a medical store inspection, while the pharmacist is performing the public administrative task referred to in subsection 1. Provisions regarding liability for damages are laid down in the Tort Liability Act (412/1974).

## Section 11

### *Inspection report*

A licensed pharmacist performing an inspection on a ship's medical store shall issue an inspection report as a certificate of an approved inspection. The inspection report shall be prepared in Finnish or Swedish for vessels engaged on domestic voyages and in English for vessels on international voyages.

The inspection report shall be kept with the medical store.

## Section 12

### *Drugs and medical supplies of lifeboats and liferafts and their inspection*

Each lifeboat and liferaft of a ship in vessel category A, B or C must hold the appropriate drugs and medical supplies.

The drugs and medical supplies of lifeboats shall be inspected in connection with the inspection of the ship's medical store. The provisions laid down in sections 10 and 11 of this Act regarding the inspection of a ship's medical store shall apply to the inspection.

Drugs and medical supplies of liferafts shall be inspected in connection with the periodic maintenance of liferafts. The inspection shall be carried out by the person performing the periodic maintenance work.

## Section 13

### *Exceptions*

Upon application and for special reasons, the Finnish Transport Safety Agency may, in individual cases, grant exceptions from the provisions on medical store contents referred to in section 6(1), provided that the exception does not substantially undermine the crew's possibility to receive appropriate first aid and health care on board the vessel.

A claim for revision of a decision made by the Finnish Transport Safety Agency as referred to in subsection 1 may be submitted to the Agency in accordance with the Administrative Procedure Act (434/2003). Provisions concerning appeal of a decision made on account of a claim for a revised decision are laid down in the Administrative Judicial Procedure Act (586/1996). Decisions issued by the Administrative Court may be appealed only for cases in which leave of appeal is granted by the Supreme Administrative Court.

Provisions concerning appeal of a charge levied by the Finnish Transport Safety Agency for a decision referred to in subsection 1 are laid down in the Act on Criteria for Charges Payable to the State (150/1992).

#### Section 14

##### *Supervision and obligation to provide information*

Compliance with this Act and the provisions issued under it is supervised by the Finnish Transport Safety Agency, occupational safety authorities and health care supervisory authorities.

Notwithstanding the secrecy provisions, the Finnish Transport Safety Agency and occupational safety authorities are obligated, upon request, to provide the National Supervisory Authority for Welfare and Health and the Regional State Administrative Agencies with such information concerning the use of drugs and medical supplies and any performed procedures that is necessary for the agencies to carry out their statutory supervisory duties laid down elsewhere in the law. Notwithstanding the secrecy provisions, the Finnish Medicines Agency shall be provided with such information concerning drugs and their quantities contained in a ship's medical store and medicine acquisitions made to the medical store that is necessary for the Agency to perform its supervisory duties as laid down in the Medicines Act (395/1987) and provisions issued under it. All information shall be provided free of charge.

#### Section 15

##### *Medical store violation*

Any person who intentionally

- 1) neglects the obligation of a shipowner laid down in section 5(1),
  - 2) neglects the obligation of a master laid down in section 5(2)(1) or 5(2)(4–7) or
  - 3) neglects the obligation of a medical store manager laid down in section 5(3),
- shall be sentenced for a ship's medical store violation to a fine.

#### Section 16

##### *Competent court*

For matters dealt with under this Act, excluding matters referred to in section 13, the competent court is determined by Chapter 21 in the Maritime Act (674/1994).

#### Section 17

##### *Competence to issue decrees*

Further provisions on the following may be given by Ministry of Social Affairs and Health decree:

- 1) the dispensing and use of drugs as referred to in section 5(2)(4) and section 8(1);
- 2) training referred to in section 5(3);
- 3) contents of a ship's medical store referred to in section 6;
- 4) storage of drugs and medical supplies in a ship's medical store referred to in section 7;
- 5) keeping of a medical journal as referred to in section 9;
- 6) the inspection of drugs and medical supplies in the medical store and in lifeboats and liferafts referred to in sections 10 and 12, and the inspection report referred to in section 11;
- 7) drugs and medical supplies of lifeboats and liferafts referred to in section 12.

## Section 18

### *Entry into force*

This Act enters into force on 15 May 2015.

This Act repeals the Finnish Maritime Administration's resolution (No. 33/033/94) on ships' medical stores issued on 12 December 1994.

All drugs and medical supplies in ships' medical stores and in lifeboats must comply with this Act and the provisions issued under it in the first medical store inspection carried out, at the latest, one year after this Act enters into force, and the drugs and medical supplies of liferafts must similarly comply with the provisions of this Act when the first periodic liferaft maintenance work is carried out, at the latest, one year after this Act enters into force.