



## AFKONDIGINGSBLAD VAN SINT MAARTEN

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Jaargang 2022

No. 34

### **Regulation of the Minister of Tourism, Economic Affairs, Traffic and Telecommunication of July 07, 2022 to determine the maximum consumer price for COVID-19 testing (Regulation maximum price for COVID 19 testing)**

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THE MINISTER OF TOURISM, ECONOMIC AFFAIRS, TRAFFIC AND  
TELECOMMUNICATION,

Having considered that it is desirable to establish the maximum price for COVID-19 testing, which is desirable at this time, given the dependency on COVID-19 tests for amongst others work, travel and monitoring of public health. Additionally, given the price developments since the start of the pandemic, establishing a maximum price will prevent any possible price gouging and ensure that COVID-19 tests are accessible to all. Maximum prices are therefore being established on PCR, Antigen (Ag) and Serology tests as well as on self-test kits.

In view of Article 2 of the Pricing Regulation;

#### **DECISION:**

##### **Article 1**

This regulation understands under:

- a. Tests: PCR, Antigen (Ag) and Serology COVID-19 tests, including self-test kits.
- b. Price: Fees charged for the purchase of, and where applicable, the administering of tests as well as the processing and delivery of test results.

##### **Article 2**

It is forbidden to offer tests at higher prices than the prices indicated in the Appendix.

##### **Article 3**

This Ministerial Regulation, given the urgent importance under Article 127, third and fourth paragraph, of the Constitution, shall go into effect on the first day following the date of issue of the Official Publication in which it is placed.

#### **Article 4**

This regulation shall be cited as: Regulation maximum prices COVID-19 testing.

This regulation along with the elucidation will be placed in the Official Publication.

The *seventh* July 2022  
The Minister of Tourism, Economic Affairs,  
Traffic and Telecommunication

Uitgegeven de *vijftiende* juli 2022  
De Minister van Algemene Zaken  
Namens deze,  
Hoofd afdeling Juridische Zaken & Wetgeving

**Appendix attached to the Ministerial Regulation of July 07, 2022  
(Ministerial Regulation prices of COVID-19 testing).**

**A. Maximum price for the administering of PCR, Antigen and Serology tests:**

<b>Test Type</b>	<b>Maximum price at Clinics, labs and other service providers</b>	<b>Maximum price at the Airport &amp; Harbor</b>
<b>PCR</b>	Naf. 135.00 / US\$75.00	Naf. 162.00 / US\$90.00
<b>Antigen</b>	Naf. 99.00 / US\$55.00	Naf. 117.00 / US\$65.00
<b>Serology</b>	Naf. 99.00 / US\$55.00	Naf. 117.00 / US\$65.00

**B. Maximum price for the purchase of self-test kits:**

<b>Per unit</b>	<b>Per pack of five (5)</b>
Naf 12.60 / US\$7.00	Naf 54 / US\$ 30.00

## **ELUCIDATION**

In this Ministerial Regulation, the maximum price for COVID-19 testing is established, based on article 2 of the Price Ordinance, which gives the Minister the authority to issue conditions pertaining to the prices of goods and services, when it is the opinion of the Minister that prices violate or threaten to violate the public interest. This will be elaborated on further below.

Following the global outbreak of COVID-19, local COVID-19 testing started on April 1st, 2020, with the Health Care Laboratory Sint Maarten (HCLS) performing PCR tests and SLS doing the same by the end of May that same year. Around the end of last year (2020) both laboratories also introduced the option of Antigen (Ag) tests. In line with the CDC directive of January 2021, the Inspectorate of VSA (IVSA) issued a guideline for local Antigen(Ag) testing in order to not only maintain the quality of testing but to also comply with the US and European requirements. The guidelines stipulated that all Ag testing must be supervised/operated by a recognized laboratory and must use approved Ag test kits. Several testing sites have since been set up at different locations on the Dutch side of the island. However, so far both the PCR and Ag COVID-19 testing tariffs have not been regulated. The costs for COVID-19 testing are established by the laboratories, General Practitioners and other service providers individually, which has led to variations in pricing. PCR testing at the airport for example is the highest in the Dutch Caribbean. This also has consequences for travelers and can be a deterrent for visitors. Additionally, with the introduction of self-test kits at varying prices, the prices for these have also been taken up in this regulation.

Therefore, in order to ensure price stability and to ensure that the prices remain affordable and accessible to all, the Minister of Tourism, Economic Affairs, Traffic and Telecommunication, supported by the Ministry of Health, Social Development and Labor, has decided to exercise the authority provided to him in article 2 of the Price Ordinance, to regulate the prices of COVID-19 tests.

### **Article specific**

Article 1 governs the definitions.

Article 2 governs the maximum price for COVID-19 tests, as indicated in the table attached.

Article 4 governs the entry into force.

The Minister has decided that the prices shall go into effect on the first day following the date of issue of the official public bulletin in which it is placed.

The Minister of Tourism, Economic Affairs,  
Traffic and Telecommunication