



Republic of Palau

Ministry of Health

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NOTICE OF PUBLIC HEARING

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December 2, 2020

Notice of Rulemaking:

Regulations have been promulgated to govern the isolation and quarantine of contagious diseases pursuant to 34 PNC § 102(M) and 34 PNC § 701. These regulations define the Ministry of Health's isolation and quarantine authority and provide minimum standards for isolation and quarantine facilities and will replace the emergency regulations promulgated on April 3, 2020 pursuant to 6 PNC § 126.

Public Hearing:

The public is hereby informed that the Bureau of Public Health, Ministry of Health (MOH) will hold a public hearing on these regulations at the Ministry of Health conference room, at 2:00 PM on December 30, 2020.

Comment Period:

The public is hereby informed that the public notice period has commenced and will continue until 5:00 PM on December 31, 2020. Questions, comments, or concerns may be forwarded to the Office of Health Policy, Research and Development (HPRD) of the Bureau of Public Health, or by email to gaafar.uherbelau@palahealth.org. Copies of the regulations are available at the Bureau of Domestic Affairs and on the MOH website at www.palahealth.org.

Sbedel tia el llach:

A kerebil a llach el kirel a ulekereuil a charm me a lechub e te chad el smecher er a bekoiiuul el rakt a kltmokl el oltirakl er a 34 PNC subsection 102(M) me a 34 PNC subsection 701. Tia el kerebil a llach a mekngerrecheli e msa klisiich a Ministry er a Health el kutmokl a olsechall el kirir a rechad el mo smecher er tia el rakt.

Orenges Buai:

A buai a sbadel el kirel a orenges buai el mo er ngii el mo ouchais a urerel a Ministry er a Health, me a Bureau er a Public Health el di mo er ngii er a Ministry of Health conference room, era 2:00pm, December 30, 2020.

Klemengetel a Orenge Buai:

A buai a dirrek el sbadel el kirel tia el mla duubech el tekoi er chelecha el mo lmuut era 5:00 PM, December 31, 2020. A ngii di el ker me a uldasu, rrau el reng el kirel tiang a sebechel el muchais el mo er a obis er a Health Policy, Research, and Development (HPRD) era Bureau era Public Health. A mui el omesodel tia el kerebil a llechul a urerel a Ministry er a Health a sebechel el mengai er a Obis er a Domestic Affairs.



RULES AND REGULATIONS
FOR
ISOLATION AND QUARANTINE OF CONTAGIOUS
DISEASES

Ministry of Health

Republic of Palau

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Ministry of Health
Bureau of Public Health

Certificate of Adoption

It is hereby certified that these Regulations Governing the Isolation and Quarantine of Contagious Diseases were adopted by the Bureau of Public Health on July 15, 2020, pursuant to 34 PNC § 102(4), 34 PNC § 701, and 6 PNC Chapter 1 (the Administrative Procedure Act). These regulations replace the emergency regulations promulgated on April 3, 2020 pursuant to 6 PNC § 126.

Sherilynn Madraisau
Director of the Bureau of Public Health Services

Dr. Emais Roberts, M.D.
Minister of Health

Regulations approved by:

Tommy E. Remengesau, Jr.
President of the Republic of Palau

Date

PUBLIC HEALTH REGULATIONS

ISOLATION AND QUARANTINE OF CONTAGIOUS DISEASES

1. Authority and Purpose. These regulations are promulgated as authorized under 34 PNC § 102(m), and to implement 34 PNC § 701.
2. Severability. If any section, subsection, item, clause, or phrase contained in these regulations is found to be illegal, unconstitutional, or otherwise incorrect or inapplicable, such finding shall not affect the validity of the remaining provisions of these regulations.
3. Applicability. These rules and regulations shall apply to any Isolation or Quarantine effected pursuant to 34 PNC § 102(m) or 34 PNC § 701. They are complementary to any regulations promulgated pursuant to the Biosecurity Act of 2014, or to any regulations promulgated pursuant to other sections of 34 PNC.
4. Definitions. The following definitions shall apply to these regulations:
 - 4.1. “Contagious Disease” means any disease, illness, infection, infirmity, virus, or malady including but not limited to coronavirus, influenza, tuberculosis, or plague that is capable of Transmission to a human from an animal or another human.
 - 4.2. “Critical Infrastructure” means necessary infrastructure for food, water, sewer, energy, healthcare, communication, and transportation.
 - 4.3. “Essential Workers” or “Essential Workforce” means public safety personnel, health professionals, military personnel, members of the diplomatic corps, those responsible for operating, maintaining, supplying, or developing Critical Infrastructure, those responsible for providing emergency services, environmental quality services, or transportation services, or those otherwise specifically identified by the Minister.
 - 4.4. “Exposure” or “Exposed” means direct contact with a Contagious Disease, or direct contact with a person or animal that has been Infected by a Contagious Disease. Based on the nature of the Contagious Disease, Exposure may include indirect contact with a Contagious Disease, direct contact with an animal or person that has been Exposed to that Contagious Disease, or presence in a region or community with high incidence of that Contagious Disease.
 - 4.5. “Infection” or “Infected” means proven or strongly suspected infection by a Contagious Disease. Infection may be proven by or strongly suspected based on scientific test results or the exhibition of known symptoms.
 - 4.6. “International Arrival” means arrival at a port of entry or at any other place, by sea or air, from any destination outside the sovereign territory of the Republic.
 - 4.7. “Isolation” means the restricted freedom of movement and/or relocation of an animal or person to reduce or eliminate their contact with any other animal or person.
 - 4.8. “Isolation Facility” is a facility established pursuant to Section 10 of these regulations.
 - 4.9. “Ministry” means the Ministry of Health.
 - 4.10. “Minister” means the Minister of Health or his designee.
 - 4.11. “Quarantine” means the restricted freedom of movement and/or relocation of an animal or person to reduce or eliminate their contact with the general population.

- 4.12. "Quarantine Facility" is a facility established pursuant to Section 8 of these regulations.
- 4.13. "Quarantine in Place" means a requirement to stay at home, in one's residence, indoors, or in another specified location. An order to Quarantine in Place may apply to the entire population, or to a defined subset of the population. An order to Quarantine in Place may include exceptions allowing movement by specific persons or groups, during specific hours, for specific purposes, or to specific destinations.
- 4.14. "Transmission" means the direct or indirect spread of a disease by infectious bacteria or viral or pathogenic organisms through airborne, tactile, or fluid transmission.
5. Identification of a Contagious Disease. The Minister may, by directive, identify a Contagious Disease that exists within the Republic or that exists outside of the Republic and threatens to enter the Republic. In such directive the Minister shall:
- 5.1. Identify known or suspected methods of Transmission;
 - 5.2. Identify known or suspected areas of origin;
 - 5.3. Identify known or suspected vulnerable populations; and
 - 5.4. Identify any regions or communities with high incidence of that contagious disease.
6. Authorization of Isolation or Quarantine. In a directive identifying a Contagious Disease pursuant to Section 5, the Minister may:
- 6.1. Authorize the Isolation of animals or persons Infected by that Contagious Disease;
 - 6.2. Authorize the Quarantine of animals or persons Exposed to that Contagious Disease;
 - 6.3. Authorize Quarantine in Place to prevent or reduce the Transmission of a Contagious Disease;
 - 6.4. Authorize exemptions, special rules, or special requirements applicable to Essential Workers, if any;
 - 6.5. Advise that indirect contact with a Contagious Disease shall constitute Exposure to that Contagious Disease;
 - 6.6. Advise that contact with a person or animal that has been Exposed to that Contagious Disease shall constitute Exposure to that Contagious Disease; or
 - 6.7. Advise that presence in a specified region or community of high incidence, during a specified period of time, shall constitute Exposure to that Contagious Disease.
7. Quarantine Order. If authorized pursuant to Section 6 of these regulations, the Minister may order the Quarantine of any Exposed animal(s) or person(s) upon International Arrival, or upon their Exposure. An Exposed animal or person may be Quarantined for an appropriate period of time, at the sole discretion of the Minister:
- 7.1. In a Quarantine Facility established pursuant to Section 8;
 - 7.2. On public property other than a Quarantine Facility for a period of time no longer than necessary to assess or diagnose the animal or person or to arrange transportation; or
 - 7.3. On the animal owner's or person's own property with adequate modifications, arrangements, or other measures for the protection of the household, neighborhood, and public. Protective measures shall be approved by the Minister at his sole discretion, and the location of Quarantine shall not affect the enforceability of any Quarantine order.

8. Quarantine in Place. If authorized pursuant to Section 6 of these regulations, the Minister may order Quarantine in Place to prevent or reduce the Transmission of a Contagious Disease. A Quarantine in Place order must:
 - 8.1. Specify the specific, finite duration for which the order shall remain in effect;
 - 8.2. Clearly identify the portion of the population to which the order applies and, if it applies to less than the entire population, articulate a clear factual basis for its applicability;
 - 8.3. Clearly identify any permissible exceptions, including any hours in which quarantined persons may leave their quarantine locations, any purposes for which quarantined persons may leave their quarantine locations, or any destinations for which quarantined persons may leave their quarantine locations; and
 - 8.4. State the applicable penalties for any violation.
9. Quarantine Facility. The Minister may establish one or more Quarantine Facilities in the Republic. Such facilities shall be constructed or modified to secure Quarantined animals or persons and to prevent their Exposure to a Contagious Disease or Transmission of a Contagious Disease to the public. A Quarantine Facility may be:
 - 9.1. On public property;
 - 9.2. On private property with the consent of the owner; or
 - 9.3. On private property without the consent of the owner, only as a final resort and subject to just compensation.
10. Isolation Order. If authorized pursuant to Section 6, the Minister may order the Isolation of any Infected animal(s) or person(s) at any time. An Infected animal or person may be Isolated for an appropriate period of time, at the sole discretion of the Minister:
 - 10.1. In an Isolation Facility established pursuant to Section 11; or
 - 10.2. On the animal owner's or person's own property with adequate modifications, arrangements, or other measures for the protection of the household, neighborhood, and public. Protective measures shall be approved by the Minister at his sole discretion, and the location of Isolation shall not affect the enforceability of any Isolation order.
11. Isolation Facility. The Minister may establish one or more Isolation Facilities in the Republic. Such facilities shall be constructed or modified to secure Isolated animals or persons and to prevent their Exposure to a Contagious Disease or Transmission of a Contagious Disease to any other animal or person. An Isolation Facility may be:
 - 11.1. Within the Belau National Hospital, by designating specific Isolation rooms or wings which are separated from the rest of the hospital facility and inaccessible to the public;
 - 11.2. On other designated public property;
 - 11.3. On private property with the consent of the owner; or
 - 11.4. On private property without the consent of the owner, only as a final resort and subject to just compensation.
12. Written Notification. Any person, or the owner of any animal, subject to an Isolation or Quarantine order pursuant to these regulations shall be provided a written notification. This written notification shall be provided within eight (8) hours of the Isolation or Quarantine order, and shall:
 - 12.1. Contain the name and date of birth of any Isolated or Quarantined person;

- 12.2. Specify whether the animal or person is to be Isolated or Quarantined;
 - 12.3. Specify the basis for considering the animal or person to be Infected or Exposed;
 - 12.4. Specify the location and specific, finite duration of the Isolation or Quarantine; and
 - 12.5. Advise of the right to request a hearing before the Supreme Court.
13. Minimum Standards in Isolation or Quarantine Facilities. Any person Isolated or Quarantined in an Isolation Facility or Quarantine Facility away from his or her own property shall be provided, free of charge and for the duration of the ordered Isolation or Quarantine:
 - 13.1. Adequate food and water;
 - 13.2. Shelter from the elements and reasonable temperature control;
 - 13.3. Privacy;
 - 13.4. Furniture on which to sit and recline;
 - 13.5. Access to the internet, if internet connection is technically available; and
 - 13.6. An ability to communicate with family, employers, courts, and legal representatives.
 14. Access to Essential Medicines and Medical Treatment. Any person Isolated or Quarantined in an Isolation Facility or Quarantine Facility shall be provided reasonable access to essential medicines and essential medical treatment. Reasonable fees may be charged for medicines and for medical treatment, provided that any such fees are consistent with the applicable Ministry of Health Sliding Fee Schedule, and that no person may be denied any essential medicine or essential medical treatment due to inability to pay.
 15. Trespass in Isolation or Quarantine Facilities. The Minister may restrict or prohibit access to Isolation or Quarantine Facilities by unauthorized persons. If access to an Isolation or Quarantine Facility, or to an area within an Isolation or Quarantine Facility, is restricted or prohibited, the Minister shall post notices which clearly describe the area to which access is restricted or prohibited. A person who enters any Isolation Facility, Quarantine Facility, or area within an Isolation or Quarantine Facility in violation of a posted notice shall be in violation of these regulations, and such conduct shall be subject to the penalties described in Section 16.
 16. International Entry. A person voluntarily entering the Republic while Isolation or Quarantine have been authorized pursuant to Section 6 of these regulations may be charged a reasonable fee to offset the cost of his or her own Isolation or Quarantine, provided that the person is advised of such fee before entry to the Republic. Approval to enter the Republic while Isolation or Quarantine have been authorized pursuant to Section 6 of these regulations may be conditioned upon the agreement to pay such fee.
 17. Enforcement. The Ministry of Justice shall enforce Isolation, Quarantine, or Quarantine in Place orders issued pursuant to these regulations. If any person subject to an Isolation, Quarantine, or Quarantine in Place order issued pursuant to these regulations is arrested for violating such order, the Ministry of Justice shall detain that person in an appropriate Isolation Facility or Quarantine Facility, or under appropriate Isolation or Quarantine conditions, as advised by the Minister. This section shall not be construed to require routine security services at Isolation or Quarantine Facilities to be performed by government employees.

18. Penalties. In accordance with 34 PNC § 104 a person who refuses, frustrates, violates, or interferes with any Isolation, Quarantine, or Quarantine in Place order issued pursuant to these regulations, and any person who trespasses in an Isolation or Quarantine Facility, shall be guilty of a Misdemeanor. Upon conviction, such person shall be fined not more than five hundred dollars (\$500), imprisoned for not more than one (1) year, or both.
19. Public Notice. When the Minister issues a directive under Section 3, notice shall be clearly posted at all ports of entry into the Republic, on the Website of the Ministry of Health, and in other public places as determined by the Minister. Posted notices shall include a copy of these regulations, the name of the identified Contagious Disease, a description of any authorized Isolation, Quarantine, or Quarantine in Place measure, and the names of any regions or communities of high incidence, if relevant. No posted notice shall include personally identifying information of any Exposed or Infected person.
20. Judicial Review. Any person subject to an Isolation, Quarantine, or Quarantine in Place order may request a hearing before the Trial Division of the Supreme Court of the Republic of Palau, and upon that request a hearing shall be held provided that:
- 19.1. A request for a hearing may not stay or enjoin any Isolation, Quarantine, or Quarantine in Place order;
 - 19.2. A hearing shall be held within 72 hours of the request, unless such deadline is waived or extended at the discretion of the Court or at the request of the Minister;
 - 19.3. At the discretion of the Court or at the request of the Minister, a hearing may be held telephonically, in writing, or by another method designed to reduce the risk of Transmission of a Contagious Disease;
 - 19.4. The Court may consolidate individual requests when the number of individuals involved or affected is so large as to render individual hearings impractical, or when there are questions of law or fact common to the individuals who have requested hearings;
 - 19.5. After holding a requested hearing, the Court shall terminate any challenged Isolation, Quarantine, or Quarantine in Place order unless it determines that the order is reasonable and necessary to prevent or reduce the Transmission of a Contagious Disease, and that the impact of the order on individual rights is proportionate to the public health risk posed by Contagious Disease in question.