

Stockbridge-Munsee Tribal Law

Chapter 26 A

Communicable Disease, Vaccination, and Quarantine Ordinance

Section 26 A.1 Council Findings and Authority

- A. The Tribal Council finds that there is a need to prepare for possible bioterrorism issues and other communicable disease issues.
- B. The Tribal Council finds that if this area is left unaddressed, the political integrity, economic security, and the general health and welfare is threatened.
- C. The ordinance is authorized under Article VII(f) of the Stockbridge-Munsee Constitution, and its inherent powers, as an exercise of its governmental powers to protect the political integrity, economy, and the general welfare of the Stockbridge-Munsee Community.

Section 26 A.2 Definitions

- A. Communicable Disease -any disease transmitted from one person or animal to another person or animal directly by contact with excreta or other discharges from the body; or indirectly via substances or inanimate objects: may be bacteria, fungi, parasites, or viruses.
- B. Public Health Emergency - the occurrence or imminent threat of an illness or health condition that meets all of the following criteria:
 - 1. Is believed to be caused by bioterrorism or a novel or previously controlled or eradicated biological agent.
 - 2. Poses a high probability of any of the following:
 - (a) A large number of deaths or serious or long-term disability among humans.
 - (b) A high probability of widespread exposure to a biological, chemical or radiological agent that creates a significant risk of substantial future harm to a large number of people.
- C. Communicable diseases on the attached “Non-Quarantinable Diseases” list are not covered by this Ordinance.

Section 26 A.3 Compulsory Vaccination during a State of Emergency

- A. The Stockbridge-Munsee Health and Wellness Director (“Director”) may do all of the following as necessary to address a public health emergency. The Director shall notify the Tribal President if any of the following are implicated.
 - 1. Order any individual to receive a vaccination unless the vaccination is reasonably likely to lead to serious harm to the individual or unless the individual for reasons of religion or conscience refuses to obtain the vaccination.

2. Isolate or quarantine any individual who is unable or unwilling for reasons of religion or conscience to receive the vaccination under paragraph 1.

Section 26 A.4 Isolation and Quarantine

- A. The Director may require isolation or quarantine of a patient or individual who is a carrier of a communicable disease, a patient or individual under Section 26A.3(A)(2), quarantine of contacts, concurrent and terminal disinfection, or modified forms of these procedures as may be necessary.
- B. If the Director reasonably suspects or is informed of the existence of any communicable disease, the Director shall at once investigate and make or cause such examinations to be made as are necessary. The diagnostic report of a physician, the notification or confirmatory report of a parent or caretaker of the patient, or a reasonable belief in the existence of a communicable disease shall require the Director immediately to quarantine, isolate, require restrictions or take other communicable disease control measures in a manner, upon the persons. The Director shall consult a physician as speedily as possible where there is reasonable doubt or disagreement in diagnosis and where advice is needed. The Director shall act as reasonably necessary to protect the public.
- C. If deemed necessary by the Director for a particular communicable disease, all persons except the Director, his or her representative, attending physicians and nurses, members of the clergy, the members of the immediate family and any other persons having a special written permit from the Director are forbidden to be in direct contact with the patient.
- D. In a state of emergency, no person, other than a person authorized by the Director or agent of the Director may enter an isolation or quarantine premises.
- E. The Director shall designate the Tribal Police or other appropriate personnel to execute his or her orders and properly guard any place if quarantine or other restrictions on communicable disease are violated or intent to violate is manifested. The Tribal Police or other appropriate personnel shall use all necessary means to enforce the quarantine for the prevention and control of communicable diseases, or the orders of the Director.
- F. When the Director deems it is necessary that a person be quarantined or otherwise restricted in a separate place, the Director or designee shall remove the person, if it can be done without danger to the person's health to such a designated place.
- G. Expenses for necessary medical care, food and other articles needed for the care of the infected person shall be charged against the person or whoever is liable for the person's support.
 1. The Stockbridge-Munsee Community is responsible for the following costs accruing under this section unless the costs are payable through 3rd party liability or through any benefit system:
 - (a) The expense of employing guards under (E).
 - (b) The expense of maintaining quarantine and enforcing isolation of the quarantined area.

- (c) The expense of conducting examinations and tests for disease carriers made under the direction of the Director.
 - (d) The expense of care for dependent persons.
- H. The Director shall notify the Tribal President if the Director implicates any of the options in Section 26 A.4(A-F).

Section 26 A.5 Enforcement

- A. A violation of Section 26 A.4(D) is subject to a fine not to exceed \$100 or imprisonment not to exceed 3 months.
- B. Any person, whether authorized under Sections 26 A.4(C) or (D) or not, who enters an isolation or quarantine premises may be subject to isolation or quarantine under this section.
- C. Tribal Police are authorized to issue citations.
- D. The Tribal Prosecutor has authority to prosecute citations in Tribal Court.
- E. The Tribal Court has exclusive jurisdiction to hear enforcement actions brought under this ordinance.

Section 26 A.6 Severability

In the event that any provision of this ordinance is ruled illegal by a court of competent jurisdiction, the remaining provisions of this ordinance shall remain unaffected.

Legislative History:

Adopted by Tribal Council on August 21, 2007, Resolution No. 059-07. BIA approved the ordinance, except for Section 26A.7, on April 16, 2012. Section 26A.7, regarding the need for BIA approval of future amendments, was deleted.

NON-QUARANTINABLE DISEASES

Acquired Immunodeficiency Syndrome (AIDS)
Immunodeficiency Virus (HIV) Infection
Amebiasis
Anthrax
Blastomycosis
Botulism
Botulism, Infant
Brucellosis
Campylobacteriosis
Chancroid
Chlamydia
Cholera
Cryptosporidiosis
Ehrlichiosis
Encephalitis, Arboviral
Encephalitis, Viral
Escherichia Coli 0157:H7
Foodborne Disease Outbreak
Genital Herpes
Giardiasis
Gonorrhea
Haemophilus Influenza
Hemolytic Uremic Syndrome (HUS) Hepatitis A
Hepatitis B
Hepatitis C/non-A, non-B
Hepatitis D (Delta)
Histoplasmosis
Kawasaki Syndrome
Legionellosis (Legionnaires Disease)
Leprosy (Hansen's Disease)
Leptospirosis 11
Listeriosis
Lyme Disease
Meningitis, Aseptic
Meningitis, Bacterial.
Meningococcal Disease
Nontuberculous Mycobacterial Disease
Pelvic Inflammatory Disease
Pertussis
Poliomyelitis
Psittacosis
Rabies (Animal)
Rabies (Human)
Reye Syndrome
Rheumatic Fever
Rocky Mountain Spotted Fever Rubella
Rubella, Congenital Syndrome
Salmonellosis
Syphilis
Tetanus
Toxic-Shock Syndrome Toxoplasmosis
Trichinosis
Trichomoniasis
Tularemia
Typhoid Fever
Typhus Fever, Flea-Borne Waterborne
Outbreak
Yellow Fever
Yersiniosis