

Ha SR

A BILL FOR AN ACT

To amend the Kosrae State Code by inserting new Sections 12.1701, 12.702, 12.1703, 12.1704, 12.1705, and 12.1706 under Chapter 17 of Part II of Title 12 of the Kosrae State Code.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE

1 Section 1. Purpose. The purpose of this Act is to assist in effective emergency
2 management by providing measures and restrictions relating to the quarantine operations
3 management for returning citizens and residents of the State of Kosrae during a State of
4 Emergency. The provisions enacted under Chapter 9 State of Emergency Act of Part I of
5 Title 13 of the Kosrae State Code will apply insofar as they are necessary to enable the
6 efficient carrying out of the measures, impositions of restrictions, and enforcement of
7 penalties provided by this Act or failing to comply with an emergency health order made
8 by the Governor.

9 Section 2. Amendment. Chapter 17, Title 12, Part II of the Kosrae State Code is
10 hereby amended to read follows:

11 “Section 12.1701. This Act shall be known as the Quarantine Operations
12 Management Act.

13 “Section 12.1702. Quarantine Operations Management.

14 (i). Health screening process is mandatory at the Kosrae International Airport for
15 each passenger and upon arrival each passenger will be promptly undergo
16 health screening process and be issued with a mask and gloves to wear and keep

1 wearing unless otherwise excused . Each passenger is to promptly comply with
2 any direction given by an emergency medical officer or emergency nursing
3 officer.

4 (ii). Upon arrival and after each passenger has completed the health screening
5 process , each passenger will then be given a direction by a an emergency medical
6 officer or an emergency nursing officer to undergo quarantine in a quarantine
7 facility for 14 days . Any passenger who refuses to comply with such a direction
8 will if necessary be arrested by an emergency authorized officer and if reasonably
9 necessary forcibly conveyed to a quarantine facility.

10 (iii). There shall be no person to person contact between any passenger with his
11 or her family members or friends upon arrival and any time thereafter until after
12 he or she is released from a quarantine facility. All luggage belonging to a
13 passenger remains with the passenger for the duration of his or her 14 day
14 quarantine detention period or extended quarantine period.

15 (iv). Any emergency officer is required to use protective masks and gloves during
16 any time he or she is in close proximity (being a distance of less than 6 feet) of
17 any passenger who has not yet undergone the health screening process and has
18 not been issued with a mask and gloves and are required to do hand-wash or
19 undergo necessary decontamination when his or her personal protective equipment
20 is removed.

1 (v.) Designated disposal bins for all personal protective equipment are at all times
2 to be provided at the Kosrae International Airport and at a quarantine facility and
3 must be double-bagged and regularly properly disposed of.

4 (vi) After all passengers have undergone the health screening process
5 pursuant to (i) hereof and are given a direction to undergo quarantine in a
6 quarantine facility for 14 days or as the case maybe arrested for disobeying such
7 direction all passengers will be conveyed by group transport to a quarantine
8 facility.

9 (vii). While in quarantine, any passenger who is detained in a quarantine facility
10 is required to promptly submit himself or herself to mandatory daily or regular
11 medical checks and monitoring at the direction of an emergency medical officer
12 or an emergency nursing officer . Any passenger who refuses a direction to
13 undergo a test to investigate whether she or she has contracted COVID 19 virus (or
14 any other virus or disease which has precipitated a Declaration of State of
15 Emergency) will have his or quarantine detention period extended for a period up
16 to 10 days and may be forced to undergo such a test.

17 (viii). Subject to (xii) hereof any person who is not a passenger, an emergency
18 medical officer or an emergency nursing officer is not permitted entry into a
19 quarantine facility or inside the perimeter area surrounding a quarantine facility at
20 any time.

1 (ix). Provision of food and supplies (including deliveries from family and friends
2 of a person detained) in a quarantine facility will only be brought into the facility
3 by an emergency nursing officer or an emergency infection prevention control
4 officer.

5 (x). Laundry machines are to be provided within each quarantine facility for the
6 use of an adult detained in a quarantine facility.

7 (xi). A single point of entry to a quarantine facility and a secure perimeter
8 surrounding a quarantine facility be regularly monitored by an emergency
9 authorized officer.

10 (xii). Only a person authorized by the Director of Kosrae State Government
11 Department of Health Services or is an emergency authorized officer are
12 permitted entry into a quarantine facility.

13 (xiii). Emergency medical officers, emergency nursing officers or an emergency
14 authorized officer will take all necessary and reasonable action to prevent any
15 person to person contact between a person detained in a quarantine facility and
16 any staff member of service providers authorized temporary entry into a
17 quarantine facility.

18 (xiv) While an adult is being detained in a quarantine facility he or she must
19 promptly comply with any reasonable direction given given by an emergency
20 medical officer or an emergency nursing officer. Whilst a minor is being detained

1 in a quarantine facility he or she must have any reasonable direction given to him
2 or her by an emergency medical officer or an emergency nursing officer explained
3 in terms he or she can readily understand.

4 (xv). A person who has been detained in a quarantine facility, will only be
5 permitted to leave, subject to his or her test for COVID 19 virus (or any other
6 virus or disease precipitating a State of Declaration of Emergency) returning a
7 negative result, the quarantine facility, after the period of 14 days has elapsed
8 since he or she has been detained in the facility and subject to his or her being
9 medically examined by an emergency medical officer and that he or she has been
10 given a medical clearance after such medical examination has been conducted.

11 (xvi). After a quarantine facility is no longer required either temporarily or
12 permanently to function as a quarantine facility, such facility is to immediately
13 undergo decontamination and will remain vacant until decontamination of the
14 facility is completed and assessed as being free of any infection or contamination
15 by an emergency infection prevention control officer in conjunction with an
16 emergency medical officer.

17 (xvii). After all passengers arriving at the Kosrae International Airport have
18 undergone health screening process pursuant to (i) hereof and are given a
19 direction to undergo quarantine for 14 days or as the case may be arrested for
20 disobeying such direction and then have been conveyed by group transport to

1 a quarantine facility, emergency health and safety officers will then promptly
2 undertake environmental health and safety cleaning of the Kosrae International
3 Airport arrival area and transport used to convey passengers to a quarantine
4 facility.

5 (xviii). Smoking and chewing of betel-nut or tobacco, ingesting or otherwise
6 taking any illegal drug or consumption of alcohol by any person in a quarantine
7 facility or within the perimeter area surrounding a quarantine facility is not
8 permitted at any time.

9 (xix). The Kosrae State Government is to provide for a passenger's food, toiletries,
10 and towels whilst the passenger is being detained in a quarantine facility.

11 (xx). An emergency authorized officer is required to immediately assist where
12 necessary an emergency medical or an emergency nursing officer in
13 endeavouring to ensure a direction given by such emergency officer to any
14 passenger or person detained in a quarantine detention facility is complied with.

15 In the event any direction permitted to be given in this Section is not complied
16 with and any action including by force is required to ensure that the direction is
17 carried out an emergency authorized person must where necessary immediately
18 assist such emergency medical officer or emergency nursing officer in conducting
19 such action.

1 Section 3. Amendment. A new section be inserted under Chapter 17 of Part II of
2 Title 12 of the Kosrae State Code is hereby amended to read as follows:

3 “Section 12.1703. Failure to comply with a direction or restriction.

4 (i) A passenger given a direction pursuant to Section (i), (ii), (vii) and (xiv) of
5 Section 12.1702 by an emergency medical officer or an emergency nursing
6 officer must comply with the direction. Failure to comply with any such
7 direction by a passenger who is an adult is a category one misdemeanor. A
8 passenger who is a minor who has failed to comply with any such direction
9 may be given a caution.

10 (ii) A person unless otherwise exempted must not engage in any conduct
11 proscribed by or prohibited by subsections (iii), (viii), (ix) and (xviii) of
12 Section 12.1702 Engagement by an adult in any such conduct is a category one
13 misdemeanor. A minor who has engaged in any such conduct may be given a
14 caution.

15 (iii) An emergency officer must perform the action required to be undertaken by
16 him or her as described in sub-sections (xiii) and (xx) of Section 12.1702.
17 Failure to perform any such action required is a category one misdemeanor.”

18 Section 4. Amendment. A new section 12.1704 be inserted under Chapter 17 of
19 Part II of Title 12 of the Kosrae State Code is hereby amended to read as follows:

1 “Section 12.1704. Amendment Definitions: For the purpose of Sections 12.1702 and
2 12.1703 of this Act the following definitions apply:

3 i) Passenger is an arriving passenger at Kosrae International Airport who is a
4 resident or citizen of Kosrae State who is arriving from a destination
5 outside the Federated States of Micronesia.

6 ii) Health screening process is a medical or health process which includes the
7 taking of a temperature check of a passenger, questioning of a passenger
8 about his or her medical condition and any other tests and examinations
9 necessary to be administered or to be conducted before a medical clearance
10 can be issued.

11 iii) Emergency officer includes medical, nursing, technical, infection
12 prevention control, health and safety officers involved in quarantine
13 operations management appointed by or authorized by the Kosrae State
14 Government Director of Health Services or is an authorized officer within
15 the meaning of Section 13.902 (iv).

16 iv) Quarantine facility is a facility nominated as such by the Kosrae State
17 Government Director of Health Services.

18 v) Perimeter area is the area immediately outside a quarantine facility
19 bounded by a perimeter.

- 1 vi) Perimeter is the boundary of a perimeter marked by a fence, or wire strands
2 or other structure that identifies or delineates the boundary of a perimeter.
- 3 vii) Service provider includes a minister of religion or a priest, food, non –
4 alcoholic beverages, clothing or stationery supplier, lawyer or accountant.
- 5 viii) Adult is a person over the age of 18 years.
- 6 ix) Minor is a person under the age of 18 years.

7 Section 5. Amendment. A new Section 12.1705 be inserted under Chapter 17 of
8 Part II of Title 12 of the Kosrae state code is hereby amended to read as follows:

9 “Section 12.1705. To avoid doubt.

10 For the purposes of Sections 12.1702, 12.1703, and 12.1704 the provisions
11 contained therein apply despite the provisions of any other written law and a
12 person including an emergency officer does not commit an offense by reason of
13 compliance with any of the provisions contained in Sections 12.1702 and
14 12.1703.”

15 Section 6. Amendment. A new Section 12.1706 be inserted under Chapter 17 of
16 Part II of Title 12 of the Kosrae State Code is hereby amended to read as follows:

17 “Section 12.1706. Power to make emergency health orders.

- 18 (i) This section applies if the Governor reasonably believes it is necessary to
19 make an emergency health order to assist in quarantine operations
20 management and which supports or is ancillary to any of the provisions

1 contained in section 12.1702 provided that any such emergency health
2 order so made does not conflict with or derogates from any such
3 provisions.

4 (ii) The Governor may, by notice published on the State Government's
5 website or in any other publication of the Kosrae State Government any
6 emergency health order made by him.

7 (iii) A person to whom an emergency health order applies must comply with
8 the order. Failure to comply by an adult with an emergency health order
9 is a category one misdemeanor. A minor who fails to comply with an
10 emergency health order may be given a caution."

11 Section 7. Effective Date. This act takes effect upon the approval of the Governor
12 or upon its becoming law without such approval.

13

14

15 Date: 7/29/20

Introduced by: 
Rinehart B. William