

**Yurok Tribal Code, Public Health**

**YUROK TRIBE PUBLIC HEALTH ORDINANCE**

*Pursuant to its authority under Article IV, Section 5 of the Yurok Constitution, as certified on November 24, 1993, the Yurok Tribal Council hereby enacts the following ordinance regulating public health:*

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**GENERAL PROVISIONS**

**SECTION 4001. Short Title**

This ordinance shall be referred to as the “Yurok Tribe Public Health Ordinance.”

**SECTION 4002. Legislative Findings**

The Yurok Tribal Council hereby finds and declares that:

- (a) Communicable diseases may threaten the Tribe, its members, and others within its jurisdiction from time to time;
- (b) The Yurok Tribe is in need of comprehensive regulations for the protection of public health and safety of the Yurok Tribal Community; and
- (c) The Yurok Constitution was adopted in order to preserve forever the survival of the Tribe, protect it from forces which may threaten its existence, provide for the health, education, economy, and social wellbeing of Yurok members and future members, and to insure peace, harmony, and protection of individual human rights among our members and others who may come within the jurisdiction of the tribal government.

**SECTION 4003. Purpose**

The purpose of the Yurok Tribe Public Health Ordinance is to:

- (d) Establish the position, appointment procedures, and authorities of the Yurok Public Health Officer;
- (e) Establish procedures and due process protections for public health orders such as voluntary and involuntary isolation and quarantine orders;
- (f) Establish enforcement mechanisms for public health orders; and
- (g) Protect the health, safety, welfare, and survival of the Yurok Tribe, its members, and others within the Tribe’s jurisdiction from health hazards.

**SECTION 4004. Ordinance Adopted by Emergency Legislative Act**

This Yurok Tribe Public Health Ordinance was adopted by emergency legislative act, pursuant to Section 5009 of the Yurok Public Hearing Ordinance on April 22, 2020. The Yurok Tribal Council found that there was an immediate and urgent threat to the welfare of Tribal members and the Tribe due to the COVID-19 pandemic and other future pandemics or health emergencies.

**SECTION 4005. Scope**

This Ordinance shall apply to all tribal members, wherever located; to all persons on the Yurok Reservation; and to all persons who enter into a business relationship with the Tribe or its members

through activities such as commercial dealings, contracts, leases, or other arrangements, subject to any limitations of federal law.

**SECTION 4006. Sovereign Immunity Preserved**

Except as judicial review is authorized in this ordinance, and in accordance with the Yurok Tribe's Supreme Ordinance, nothing in this ordinance shall be interpreted as a waiver of the Tribe's sovereign immunity from unconsented lawsuit, or as authorization for a claim for monetary damages against the Tribe.

**SECTION 4007. Severability**

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or application of its provisions to other persons or circumstances shall not be affected, and to this end, the provisions of this ordinance are severable.

**SECTION 4008. Effective Date**

This ordinance shall take effect immediately upon its adoption by Tribal Council.

**SECTION 4009. Repeal of Conflicting Ordinance Provisions**

All prior ordinance provisions previously enacted by the Tribal Council and inconsistent with the provisions of this ordinance are hereby repealed. If the provisions of this ordinance conflict with the provisions of any other previously enacted ordinance, the provisions of this ordinance shall control.

**SECTION 4010. Definitions**

- (a) "Administrator" means the individual who is the senior leader at a child day care facility, health care facility, correctional facility, tribal school, pharmacy, or shelter.
- (b) "Alternative Care Facilities" means a site where medical needs sheltering, urgent care services and select traditional inpatient services are not usually provided, but which are deliberately repurposed for provision of such services during select disasters. Alternative care facilities may include facilities, for the purpose of addressing, low level acute health care, isolation, quarantine, homelessness, etc.
- (c) "Case" means a person, alive or dead, having been diagnosed to have a particular disease or condition by a health care provider with a diagnosis based on clinical or laboratory criteria or both.
- (d) "Child day care facility" means an agency regularly providing care for a group of children for less than twenty-four hours a day and subject to tribal or federal regulation.
- (e) "Communicable disease" means an illness caused by an infectious agent which can be transmitted from one person, animal, or object to another person by direct or

indirect means including transmission via an intermediate host or vector, food, water, or air.

- (f) “Contact” means a person exposed to an infected person, animal, or contaminated environment in a manner that may lead to infection.
- (g) “Contaminated” or “contamination” means containing or having contact with infectious agents or chemical or radiological materials that pose an immediate threat to present or future public health.
- (h) “Contamination control measures” means the management of persons, animals, goods, and facilities that are contaminated, or suspected to be contaminated, in a manner to avoid human exposure to the contaminant, prevent the contaminant from spreading, and/or effect decontamination.
- (i) “Detention” or “detainment” means physical restriction of activities of an individual by confinement for the purpose of controlling or preventing a serious and imminent threat to public health and may include physical plant, facilities, equipment, and/or personnel to physically restrict activities of the individual to accomplish such purposes.
- (j) “Diagnosis” means an identification of a disease by an individual authorized by law to make the identification.
- (k) “Disaster Service Worker” means all persons employed by the Tribe or its businesses or entities and who are obligated to serve as Disaster Service Workers (DSWs). As DSWs, employees may be assigned to perform activities which promote the protection of public health and safety or the preservation of lives and property. DSWs provide services and aid during a declared emergency, disaster or catastrophic event. At any time during a tribally declared emergency, disaster, or catastrophic event, tribal employees may be required to report to work and to be assigned to disaster service work. A DSW may be assigned to locations and duties outside of their normal job responsibilities. All employees assigned to work as DSWs shall be paid at an hourly rate, including overtime.
- (l) “Disease” means a condition or disorder that causes the human body to deviate from its normal or healthy state.
- (m) “Disease of suspected bioterrorism origin” means a disease caused by viruses, bacteria, fungi, or toxins from living organisms that are used by man to intentionally produce death or disease in humans, animals, or plants. Many of these diseases may have nonspecific presenting symptoms.
- (n) “Disease control measures” means the management of persons, animals, goods, businesses, facilities, or any area that poses a threat or potential threat, that are infected with, suspected to be infected with, exposed to, or suspected to be exposed

to an infectious agent in a manner to prevent transmission of the infectious agent to humans.

- (o) “Disinfection” means killing or inactivating communicable-disease-causing agents on inanimate objects by directly applied chemical or physical means.
- (p) “Epidemiologic investigation” means the application of scientific methods to ascertain a diagnosis; identify risk factors for a disease; determine the potential for spreading a disease; institute disease control measures; and complete forms and reports such as communicable disease, case investigation, and outbreak reports.
- (q) “Health care provider” means any person having direct or supervisory responsibility for the delivery of health care who is licensed or certified to give health care, or otherwise temporarily authorized to give health care.
- (r) “Health care facility” means any building that is used, operated, or designed to provide health services, alternative care, medical treatment, behavioral health services, dental services, nursing, rehabilitative, or preventive care to any individual.
- (s) “Imminent Hazard” means a situation that is likely to cause an immediate threat to human life, an immediate threat of serious physical injury, an immediate threat of serious adverse health effects, or a serious risk of irreparable damage to the environment if no immediate action is taken.
- (t) “Infected” or “infection” means when an individual has an agent for a disease in a part of the individual’s body where the agent may cause disease.
- (u) “Infectious agent” means an organism such as a virus, rickettsia, bacteria, fungus, protozoan, or helminth that is capable of producing infection or infectious disease.
- (v) “Isolation” means the separation, for the period of communicability or contamination, of infected persons or animals from others in such places and under such conditions as to prevent or limit the direct or indirect transmission of the infectious agent or contaminant from those infected or contaminated to those who are susceptible or who may spread the agent or contaminant to others.
- (w) “Local health department” means a city, town, county, or regional agency in California providing public health services to persons within their area.
- (x) “Outbreak” means the occurrence of cases of a disease or condition in any area over a given period of time in excess of the expected number of cases.
- (y) “Person” means any individual, trust, firm, association, partnership, Indian tribe, tribally chartered corporation or business, political subdivision, government agency, municipality, industry, public or private corporation, any legal entity or private enterprise, and includes members of the Yurok Tribe, all other non-member Indians, and all non-Indians.

- (z) “Public health emergency” means an occurrence or imminent threat of an illness or health condition that:
- (1) is believed to be caused by any of the following:
    - (A) bioterrorism;
    - (B) the appearance of a novel or previously controlled or eradicated infectious agent or biological toxin; or
    - (C) natural disaster, chemical attack or accidental release, or nuclear attack or accident; and
  - (2) poses a high probability of any of the following harms:
    - (A) a large number of deaths in the affected population;
    - (B) a large number of serious or long-term disabilities in the affected population;
    - (C) widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the affected population; or
    - (D) otherwise exceeding the capability or capacity of the public health and/or healthcare systems.
- (aa) “Quarantine” means the restriction of activities of persons or domestic animals as have been exposed to, or are suspected to have been exposed to, an infectious agent, for a period of time not longer than the longest usual incubation period of the infectious agent, in such manner as to prevent effective contact with those not so exposed. If the incubation period is unknown, the Yurok Public Health Officer must use their best professional judgment in setting a period of time for quarantine.
- (bb) “Reservation” or “Yurok Reservation” means all lands, air space, and waters within the outer boundaries of the Yurok Reservation.
- (cc) “School” means a facility or residence where programs of education from preschool, kindergarten, after school programs though grade twelve is operated.
- (dd) “State public health officer” means the person designated by the California to serve as statewide health officer, or, in the absence of such designation, the person having primary responsibility for public health matters within the State of California.
- (ee) “Suspected case” or “suspected to be infected” means an individual the Yurok Public Health Officer, in their professional judgment, reasonably believes that infection with a particular infectious agent is likely based on signs and symptoms, laboratory evidence, or contact with an infected individual, animal, or contaminated environment.

- (ff) “Yurok Public Health Officer” means the individual having been appointed under this ordinance as the public health officer for the Yurok Tribe.
- (gg) “Test” means an analysis performed on blood or other body fluid or other generally accepted means to evaluate for the presence or absence of a disease.
- (hh) “Tribal School” means a facility for programs of education preschool and kindergarten through grade twelve operated by the Yurok Tribe.

## **CHAPTER 1. TRIBAL PUBLIC HEALTH OFFICER**

### **SECTION 4101. Appointment of the Yurok Public Health Officer**

- (a) The Yurok Public Health Officer shall be appointed and removed by the Chairperson with the advice and consent of Yurok Tribal Council. In a case of imminent hazard, the Chairperson may appoint a Yurok Public Health Officer acting on his or her own. Appointments may be on a temporary or permanent basis.
- (b) The Yurok Public Health Officer may be a Tribal employee, but may also be an official or professional not currently employed by the Tribe.
- (c) The Chairperson may appoint a local county public health officer (or their equivalent) to serve as the Yurok Public Health Officer.

### **SECTION 4102. Authority and Duties of the Yurok Public Health Officer**

The Yurok Public Health Officer is authorized to:

- (a) Receive reports of any events that may indicate the existence of a case or outbreak of a communicable disease;
- (b) Use the powers and procedures set forth in this ordinance to prevent and prepare for the spread of disease or other public health threats and protect the health and safety of the Yurok Tribal members, employees, and the general public;
- (c) When necessary, conduct and/or delegate and direct investigations and institute disease control and contamination control measures consistent with professional standards;
- (d) Coordinate and Collaborate with local county, state, or federal public health officers;
- (e) In coordination with the Chairman, invoke the powers of the Yurok Tribal Police Department, and all other officers and employees within the jurisdiction of the

Yurok Tribe to enforce immediately orders given to effectuate the purposes of the ordinance;

- (f) With Tribal Council approval, draft and implement rules and regulations necessary to effectuate the provisions of this ordinance; and
- (g) With Tribal Council approval, seek agreements as necessary with local governments, federal authorities, tribal organization, private entities, state agencies, or institutions of higher education to coordinate or provide public health activities provided in this ordinance.

The duties of the Yurok Public Health Officer include to:

- (a) Review and determine appropriate action for each reported or suspected case of a notifiable condition, any disease or condition considered a threat to public health, and each reported outbreak or suspected outbreak of disease;
- (b) Request assistance from tribal, local, state, and federal agencies in carrying out investigations when necessary;
- (c) Assess and strengthen the tribal capacity to prevent, prepare for, and respond to a health emergency, including assessing tribal, state, and federal emergency supplies and equipment inventories, emergency stockpiles, existing or potential emergency response facilities and personnel and/or health care workers;
- (d) Conduct investigations and institute control measures;
- (e) Inform members of the community and tribal employees when a public health emergency has been declared or terminated, how to protect themselves during a state of public health emergency, and what actions are being taken to control the emergency;
- (f) Maintain confidentiality patient information as directed by Section 4402; and
- (g) Report to Tribal Council as requested, or when appropriate, to provide updates.

### **SECTION 4103. Reporting Requirements**

- (a) The Yurok Public Health Officer shall assist the agency/person with completing and submitting the required report within the timeline established herein. The following persons shall, either personally or through a representative, report all cases or suspect cases of a communicable disease to the Yurok Public Health Officer within 24 hours



after a case or suspect case is diagnosed, treated, or detected, or an occurrence is detected:

- (1) Health Care Providers operating on the Yurok Reservation;
  - (2) The Administrator of a tribal school, a child day care facility, or a shelter operating on the Yurok Reservation;
  - (3) The Administrator of a clinical laboratory that obtains test results detecting, or receives a specimen for detection, of an infectious agent or toxin; and
  - (4) Yurok Tribal Police and other law enforcement agencies operating on the Yurok Reservation.
- (b) Required reports shall contain the following information:
- (1) The name, address, telephone number, and if available email address of
    - (A) The individual making the report; and
    - (B) The health care provider, health care facility, or correctional facility;
  - (2) Name of the case/suspect case;
  - (3) Residential and mailing addresses;
  - (4) County of residence;
  - (5) If the individual is living on the Reservation;
  - (6) Telephone number;
  - (7) Date of birth;
  - (8) Gender;
  - (9) Race and ethnicity;
  - (10) If known, whether the individual is pregnant;
  - (11) If known, whether the individual is alive or dead;

- (12) If known, the individual's occupation;
  - (13) If the individual is attending or working in a school or child day care facility or working in a health care facility or food establishment, the name and address of the school, facility, or establishment; and
  - (14) For a case or suspect case who is a child requiring parental consent for treatment, the name, residential address, telephone number, and if available, email address of the child's parent or guardian if known.
- (c) Required reports shall contain the following information about the disease:
- (1) The name of the disease;
  - (2) The date of onset of symptoms;
  - (3) The date of diagnosis;
  - (4) The date of specimen collection;
  - (5) Each type of specimen collected;
  - (6) Each type of laboratory test completed;
  - (7) The date of the result of each laboratory test; and
  - (8) A description of the laboratory test results, including quantitative values, if available.

## **CHAPTER 2. COMMUNICABLE DISEASE CONTROL MEASURES**

### **SECTION 4201. Declaration of Public Health Emergencies**

The Yurok Tribal Council may declare a tribal public health emergency. Prior to such declaration, the Yurok Tribal Council may consult with tribal, federal, state, and local public health agencies and any other public health or other experts as needed. If an imminent hazard exists and the Yurok Tribal Council is not available to act, the Yurok Public Health Officer may declare a public health emergency for a period of up to 48 hours to allow the Yurok Tribal Council time to respond.

- (a) Emergency Powers. During a public health emergency, the Tribal Council may:
- (1) Suspend the provisions of any tribal policies, procedures, and laws prescribing procedures for conducting tribal business, or the orders, rules and regulations of any tribal agency, where strict compliance with the same

would prevent, hinder, or delay necessary action (including emergency purchases) to respond to the public health emergency by the Yurok Public Health Officer, or increase the health threat to the population;

- (2) Utilize all available resources of the tribal government and its political subdivisions, as reasonably necessary to prepare for and respond to the public health emergency;
  - (3) Transfer the direction, personnel, or functions of tribal departments and agencies to perform or facilitate response and recovery programs regarding the public health emergency;
  - (4) Provide aid to and seek aid from federal, state, local government partners, non-profit organizations, charitable foundations, or private individuals; and
  - (5) Seek aid from the federal government in accordance with federal programs or requirements.
- (b) Emergency Measures Concerning Facilities and Materials. During a public health emergency, the Yurok Tribal Council is authorized to:
- (1) Close, direct, and compel the evacuation of, or decontaminate or cause to be decontaminated any facility, or space of which it has reasonable cause to believe that it may endanger the public's health.
  - (2) Procure, by condemnation or otherwise construct, lease, transport, store, maintain, renovate, or distribute materials and facilities as may be reasonable and necessary to respond to the public health emergency, with the right to take immediate possession thereof. Such materials and facilities include communication devices, equipment, carriers, contract services, real estate, fuels, food, water, cleaning, hygiene and sheltering supplies, clothing, and other necessary items to respond to the public health emergency.
  - (3) Require a health care facility to plan for and provide services or the use of its facility if such services or use are reasonable and necessary to respond to the public health emergency as a condition of the ability to continue operating as a health care facility.
  - (4) Decontaminate or cause to be decontaminated, or destroy, any material of which it has reasonable cause to believe that it may endanger the public's health.
  - (5) Inspect, control, restrict, repurpose, and regulate by rationing and using quotas, prohibitions on shipments, allocation, or other means, the use, sale, dispensing, distribution, or transportation of food, fuel, clothing and other

commodities, as may be reasonable and necessary to respond to the public health emergency.

- (c) Control of Roads, Public Areas, and Persons on the Reservation. During a public health emergency, the Yurok Tribal Council is authorized to:
- (1) Prescribe routes, modes of transportation, and destinations in connection with evacuation of individuals or the provision of emergency services.
  - (2) Control or limit ingress and egress to and from any stricken or threatened public area, the movement of individuals within the area, and the occupancy of premises therein, if such action is reasonable and necessary to respond to the public health emergency.
  - (3) Exclude any person from the Yurok Reservation who has, or has been exposed to, a communicable disease as defined under this Ordinance.
- (d) Safe Disposal of Infectious Waste or Contaminated Material. During a public health emergency, the Yurok Tribal Council is authorized to:
- (1) Adopt and enforce measures to provide for the safe disposal of infectious waste or contaminated material as may be reasonable and necessary to respond to the public health emergency. Such measures may include the collection, storage, handling, destruction, treatment, transportation, and disposal of infectious waste or contaminated material.
  - (2) Require any business or facility authorized to collect, store, handle, destroy, treat, transport, and dispose of infectious waste or contaminated material under the laws of this Tribe, and any landfill business or other such property, to accept infectious waste or contaminated material, or provide services or the use of the business, facility, or property if such action is reasonable and necessary to respond to the public health emergency as a condition of licensure, authorization, or the ability to continue doing business in the Tribe as such a business or facility. The use of the business, facility, or property may include transferring the management and supervision of such business, facility, or property to the Tribe for a limited or unlimited period of time.
  - (3) Procure, by condemnation or otherwise, any business or facility authorized to collect, store, handle, destroy, treat, transport, and dispose of infectious waste or contaminated material under the laws of this Tribe and any landfill business or other such property as may be reasonable and necessary to respond to the public health emergency, with the right to take immediate possession thereof.

- (4) Require all bags, boxes, or other containers for infectious waste or contaminated material to be clearly identified as containing infectious waste or contaminated material, and if known, the type of infectious waste or contaminated material (consistent with tribal laws).
- (e) Control of Health Care Supplies.
- (1) Procurement. During a public health emergency, the Tribe may purchase, repurpose, accept donations, and distribute anti-toxins, serums, vaccines, immunizing agents, antibiotics, antidotes, and other pharmaceutical agents, medical supplies, or personal protective equipment (PPE) and supplies to prepare for or control a public health emergency.
  - (2) Rationing. Where a public health emergency results in a shortage or threatened shortage of any product under subsection (a), whether or not such product has been purchased by the Tribe, the Tribe may control, restrict, and regulate by rationing and using quotas, prohibitions on shipments, allocation, or other means, the use, sale, dispensing, distribution, or transportation of the relevant product. In making rationing or other supply and distribution decisions, the Tribe may give preference to health care providers, disaster service workers, essential workers, elders, other vulnerable populations, and the household members of these persons.
  - (3) Distribution. During a public health emergency, the Tribe may store or distribute any anti-toxins, serums, vaccines, immunizing agents, antibiotics, antidotes, and other medications or pharmaceutical agents, personal protective equipment, or medical supplies located within the Tribe as may be reasonable and necessary to respond to the public health emergency, with the right to take immediate possession thereof.
- (f) Civil Proceedings. To the extent practicable consistent with the protection of public health, prior to the destruction of any property under this ordinance, the Tribe shall institute appropriate civil proceedings concerning the property to be destroyed in accordance with the existing laws and rules of the Yurok Tribal Court or any such rules that may be developed by the Yurok Tribal Court for use during a public health emergency. Any property acquired by the Tribe through such proceedings shall, after entry of the decree, be disposed of by destruction as the Yurok Tribal Court may direct.

**SECTION 4202. Disease Control Measures**

- (a) The Yurok Public Health Officer shall take the following control measures:
- (1) Review each report filed under Chapter 1 for completeness and accuracy;

- (2) Confirm each diagnosis;
  - (3) Conduct epidemiologic and other investigations required herein;
  - (4) Facilitate notification of known contacts;
  - (5) Conduct surveillance, including contact tracing and proper notifications;
  - (6) Determine trends;
  - (7) Implement control measures, quarantines, isolations, as authorized herein;
  - (8) Disseminate surveillance information to health care officials and providers;
  - (9) Provide health education to a disease case or contact to reduce the risk of transmission of the respective disease;
  - (10) Collaborate and share information with tribal, local, state, and federal public health officers and officials;
  - (11) Participate in public information dissemination, public broadcasts, and news events; and
  - (12) Report to Tribal Council.
- (b) Control measure orders by the Yurok Public Health Officer must contain the following information:
- (1) The specific control measure being ordered and the requirements being imposed, including if applicable, requirements for isolation, quarantine, contract tracing, physical examinations and medical testing;
  - (2) The identity of the individual or group of individuals to whom the control measure applies;
  - (3) The premises or place to which the control measure applies, or to which individuals and/or animals are to be quarantined or isolated;
  - (4) The date and time at which the control measure requirements begin;

- (5) The justification for the control measure, including, if known, the disease for which the individuals and/or animals are believed to be cases, suspect cases, or contacts, and
- (6) A statement that the control measure requirements shall be in place for no more than thirty (30) calendar days unless extended by the Yurok Tribal Court.

**SECTION 4203. Conditions and Principles for Isolation or Quarantine**

The Yurok Public Health Officer shall adhere to the following conditions and principles when isolating or quarantining a person or group of persons under this ordinance:

- (a) Isolation or quarantine must be by the least restrictive means necessary to prevent the spread of a communicable or possibly communicable disease to others and may include, but are not limited to, confinement to private homes or other public or private premises and the use of electronic tracking devices and/or techniques;
- (b) Isolated individuals must be confined separately from quarantined individuals;
- (c) The health status of isolated or quarantined individuals must be monitored regularly, to determine if they require continued isolation or quarantine;
- (d) If a quarantined individual subsequently becomes infected or is reasonably believed to have become infected with a communicable or possibly communicable disease that the Tribal Public Health Officer believes poses a significant threat to the health and safety of other quarantined individuals, the individual should be subject to isolation;
- (e) Isolated or quarantined individuals must be released as soon as practicable when the Yurok Public Health Officer determines that they have been successfully decontaminated or that they pose no substantial risk of transmitting a communicable or possibly communicable disease that would constitute a serious or imminent threat to the health and safety of others;
- (f) The Yurok Public Health Officer should seek to facilitate fulfillment of the needs of a person isolated or quarantined to the greatest extent possible, including, but not limited to, providing adequate food, water, heat, clothing, shelter, means of communication with those in isolation or quarantine and outside these settings, medication, and competent medical care;
- (g) The Yurok Public Health Officer should seek to ensure that premises used for isolation or quarantine are maintained in a safe and hygienic manner, to minimize the likelihood of further transmission of infection or other harm to persons isolated and quarantined;

- (h) To the extent possible, and in a manner that does not pose a health risk to others, cultural and religious beliefs should be considered in addressing the needs of individuals, and establishing and maintaining isolation or quarantine premises;
- (i) Isolation or quarantine shall not abridge the right of any person to rely exclusively on spiritual means alone through prayer to treat a communicable or possibly communicable disease in accordance with religious tenets and practices, nor shall anything in this ordinance be deemed to prohibit a person so relying who is infected with a contagious or communicable disease from being isolated or quarantined in a private place of their own choice, provided, it is approved by the Yurok Public Health Officer, and all laws, rules and regulations governing control, sanitation, isolation and quarantine are complied with. At their sole discretion, the Yurok Public Health Officer may isolate infected individuals declining treatment for the duration of their communicable infection, if necessary to protect the health and safety of the individual person or others.

**SECTION 4204. Isolation and Quarantine**

- (a) During a public health emergency, the Yurok Public Health Officer may isolate or quarantine an individual or group of individuals. The Yurok Public Health Officer may also establish and maintain places of isolation and quarantine, including alternative care facilities, set rules, and make orders subject to Section 4203. The Yurok Public Health Officer may authorize health care providers, law enforcement, or emergency medical services personnel, or other access to individuals in isolation or quarantine as necessary to conduct their duties or meet the needs of isolated or quarantined individuals. No person, other than a person so authorized, shall enter isolation or quarantine premises. Any person entering an isolation or quarantine premises with or without authorization may also be isolated or quarantined.
- (b) When quarantine, isolation, or other control measures limit the freedom of movement of a person or limits access to a person whose freedom of movement is limited, the period of limited freedom of movement shall not exceed thirty (30) calendar days. If the Yurok Public Health Officer determines that quarantine, isolation, or other control measures need to continue for more than thirty (30) calendar days, he or she shall file a petition in the Yurok Tribal Court seeking a court order that authorizes the continuation of quarantine, isolation, or other control measures for the individual or group of individuals for a period of time not to exceed an additional thirty (30) days, though the Yurok Public Health Officer can move to continue the order for successive periods not to exceed thirty (30) days each.

**SECTION 4205. Procedural Requirements**

- (a) Voluntary Isolation or Quarantine should always be used as a first option UNLESS the Yurok Public Health Officer has determined in their professional judgment that:



- (1) Seeking voluntary compliance would create a risk of serious harm;
  - (2) There is reason to believe that the person or group of persons is, or is suspected to be, infected with, exposed to, or contaminated with a communicable disease or chemical, biological, or radiological agent that could spread to or contaminate others if remedial action is not taken; and
  - (3) There is reason to believe that the person or group of persons would pose a serious and imminent risk to the health and safety of others if not detained for purposes of isolation or quarantine (for example if the person or group is not heeding voluntary isolation or quarantine orders).
- (b) The Yurok Public Health Officer when conducting voluntary isolation or quarantine will make reasonable efforts to comply with Section 4203, Conditions and Principles of Isolation or Quarantine.
  - (c) The Yurok Public Health Officer shall provide copies of the written Involuntary isolation or quarantine order to the person or group of persons detained or, if the order applies to a group and it is impractical to provide individual copies, post copies in a conspicuous place on the premises where isolation or quarantine has been imposed.
  - (d) Along with the written order, and by the same means of distribution, the Yurok Public Health Officer shall provide the person or group of persons detained with the following written notice of the right to petition the Yurok Tribal Court for release from isolation or quarantine in accordance with the Yurok Tribe Public Health Code Section 4206 and contact information of the Yurok Tribal Court.

**SECTION 4206. Judicial Release From or Modification of Isolation or Quarantine**

Any person or group of persons isolated or quarantined pursuant to this Chapter may seek release from or modification of isolation or quarantine orders from the Yurok Tribal Court.

- (a) Any person or group of persons detained by order of a Yurok Public Health Officer pursuant to Section 4204, Isolation or Quarantine, may apply to the Yurok Tribal Court for an order to show cause for why the individual or group should not be released.
  - (1) The Yurok Tribal Court shall rule on the application to show cause within forty-eight hours of its filing.
  - (2) If the Yurok Tribal Court grants the application, the Yurok Tribal Court shall schedule a hearing on the order to show cause as soon as practicable.

- (3) The issuance of an order to show cause shall not stay or enjoin an isolation or quarantine order.
- (b) An individual or group isolated or quarantined may request a hearing in the Tribal Court for modification of isolation or quarantine orders regarding conditions of isolation or quarantine required by Section 4203, Conditions and Principles for Isolation and Quarantine.
    - (1) A request for a hearing shall not stay or enjoin an isolation or quarantine order.
    - (2) Upon receipt of a request for modification the Yurok Tribal Court shall fix a date for hearing on the matters alleged as soon as practicable.
    - (3) Otherwise, upon receipt of a request under this section, the Yurok Tribal Court shall fix a date for hearing on the matters alleged within five days from receipt of the request.
  - (c) In any proceedings brought for under this section, in extraordinary circumstances and for good cause shown, the Yurok Public Health Officer or their designee may move the Yurok Tribal Court to extend the time for a hearing, which extension the Yurok Tribal Court in its discretion may grant giving due regard to the rights of the affected individuals, the protection of the public's health, the severity of the emergency, and the availability of necessary witnesses and evidence.
  - (d) Any hearings under this section involving a petitioner or petitioners who are judged to be contagious for a communicable disease will be conducted in a manner that utilizes appropriate infection control precautions and minimizes the risk of disease transmission.

### **CHAPTER 3. ENFORCEMENT**

#### **SECTION 4301. Non-Liability**

The Tribe, Tribal Council, Tribal Officers, employees, representatives, contractors, or agents thereof, who are performing their duties by implementing or enforcing this ordinance are immune from suit for monetary damages in any court of law for their action or inaction related to such implementation or enforcement, and they do not waive any of their sovereign rights or immunities, executive privileges or rights to privacy or confidentiality.

#### **SECTION 4302. Violation of Orders of the Yurok Public Health Officer**

Violations of the orders of the Yurok Public Health Officer lawfully issued under this ordinance shall be misdemeanors punishable by up to one year's imprisonment, and/or by a civil fine of not

more than \$5,000. Nothing herein limits of the application of any other civil remedies available at law, including exclusion from the Reservation, or the prosecution of additional civil offenses such as reckless endangerment, mistreatment, or nuisance.

### **SECTION 4303. Arrest to Enforce Control Measures**

- (a) A law enforcement officer may detain an individual arrested for violation of an order limiting freedom of movement or access issued pursuant to this ordinance in the area designated by the Director pursuant to such order. The person may be detained in such area until the initial appearance before the Yurok Tribal Court pursuant to Yurok law.
- (b) If a judge of the Yurok Tribal Court conducting an initial appearance finds by clear and convincing evidence that a person arrested for violation of an order limiting freedom of movement or access issued pursuant to this ordinance poses a threat to the health and safety of others, the judge shall deny pretrial release and shall order the person to be confined in an area or facility designated by the Yurok Public Health Officer pursuant to their isolation and quarantine authority. Such pretrial confinement shall terminate when a judge determines that the confined person does not pose a threat to the health and safety of others. These determinations shall be made only by the Yurok Public Health Officer has made recommendations to the court.

## **CHAPTER 4. INFORMATION SHARING**

### **SECTION 4401. Reporting by the Yurok Public Health Officer**

- (a) The Yurok Public Health Officer is authorized to report to a local health department, State Department of Public Health, and/or the Indian Health Service any information concerning a reportable disease or condition, an unusual cluster, or a suspicious event that they reasonably believe has the potential to be caused by or an indicator or bioterrorism. These may include the following:
  - (1) A single diagnosed or strongly suspected case of disease caused by an uncommon agent or a potential agent of bioterrorism occurring in a patient with no known risk factors;
  - (2) A cluster of patients presenting with a similar syndrome that includes unusual disease characteristics or unusually high morbidity or mortality without obvious etiology; or
  - (3) Unexplained increase in a common syndrome above seasonally expected levels.
- (b) Sharing of information on reportable conditions, unusual clusters, or suspicious events with state and local public health authorities shall be restricted to the information necessary for the treatment, control, investigation, and prevention of a public health emergency.

### **SECTION 4402. Confidentiality**

- (a) All records and specimens containing or accompanied by patient identifying information are confidential.
- (b) This information shall not be released by the Yurok Public Health Officer except under the following circumstances:
  - (1) Release is made of all or part of the medical record with the written consent of the person or persons identified or their guardian;
  - (2) Release is made to health care personnel providing medical care to the patient;
  - (3) Release is necessary to protect the public health;
  - (4) Release is made pursuant to subpoena or court order. Upon request of the person identified in the record, the record shall be reviewed in camera. In the hearing, the judge may, during the taking of testimony concerning such information, exclude from the courtroom all persons except the officers of the court, the parties, and those engaged in the trial of the case;
  - (5) Release is made to a court or a law enforcement official for the purpose of enforcing communicable disease laws. A law enforcement official who receives the information shall not disclose it further, except:
    - (i) When necessary to enforce communicable disease laws, or
    - (ii) When a health care provider or facility seeks the assistance of the law enforcement official in preventing or controlling the spread of the disease or condition and expressly authorizes disclosure as necessary for that purpose;
  - (6) Release is made to another tribal, federal, state, or local public health agency for the purpose of preventing or controlling the spread of communicable diseases.

C\*E\*R\*T\*I\*F\*I\*C\*A\*T\*I\*O\*N

THE FOREGOING EMERGENCY ORDINANCE, ENTITLED THE YUOK TRIBE PUBLIC HEALTH ORDINANCE, WAS PASSED AT A REGULARLY SCHEDULED MEETING OF THE YUOK TRIBAL COUNCIL ON APRIL 22, 2020, AT WHICH QUORUM WAS PRESENT, AND THIS ORDINANCE WAS ADOPTED BY A VOTE OF 7 FOR, 0 OPPOSED AND 0 ABSTENTIONS IN ACCORDANCE WITH ARTICLE IV, SECTION 5(j) OF THE CONSTITUTION OF THE YUOK TRIBE.

**DATED THIS 22nd DAY OF APRIL, 2020**



Joseph L. James, Chairperson

Yurok Tribal Council

**ATTEST:**



Sherri K. Provolt, Secretary

Yurok Tribal Council