

**HEALTH AND SAFETY CODE**

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COMMUNICABLE DISEASE PREVENTION

**ARTICLE 5. COMMUNICABLE DISEASE PREVENTION**

[NOTE: Except as otherwise noted, the provisions of Article 5 of the Health and Safety Code were enacted on March 10, 1984 by Ordinance No. 84-2.]

**CHAPTER 1. GENERAL PROVISIONS**

**Section 5-101. Definitions.**

(1) "Contagious or communicable disease" means any disease capable of being transmitted from one person to another except those which may from time-to-time be listed by the Department as exceptions from the requirements of this Article.

(2) "Department" means the Department of Health and Social Services of the Colorado River Indian Tribes.

**CHAPTER 2. RECORD OF COMMUNICABLE DISEASES**

**Section 5-201. Report of Communicable Diseases.**

Any person who learns of the existence of a contagious or communicable disease shall immediately make a written report of the particulars to the Department. The report shall include names and, addresses, if known, of persons afflicted with the disease. If the person reporting is an attending physician he shall report on the condition of the person afflicted and the status of the disease at intervals requested by the Department.

**Section 5-202. Information Required from Afflicted Persons; Required Examination.**

(A) Any person afflicted with a contagious or communicable disease shall give the Department any and all pertinent information regarding said disease, including the name and address of any person from whom the disease may have been contracted and to whom the disease may have been transmitted.

(B) Any person afflicted with a contagious or communicable disease shall from time-to-time, at the request of the Department, submit to examination to determine the condition of the disease.

**Section 5-203. Immunity of Informants.**

Any person providing information pursuant to this Chapter shall be immune from any civil or criminal liability by reason of such action unless such person acted with malice and without probable cause.

**Section 5-204. Department's Duty to Investigate and Adopt Control Measures.**

Upon being informed of the possible existence of any contagious or communicable disease, the Department shall immediately make an investigation. If such disease does exist, the Department shall adopt reasonable measures to prevent spread of the disease.

## HEALTH & SAFETY

### CHAPTER 3. CONTROL MEASURES

#### **Section 5-301. Dissemination of Information; Voluntary Treatment.**

The Department shall cooperate with other health care providers or agencies in disseminating information regarding contagious or communicable diseases and shall whenever possible make reasonable efforts to encourage any person afflicted with a contagious or communicable disease to voluntarily accept treatment for such disease prior to initiation of any other action under this Chapter.

#### **Section 5-302. Quarantine.**

(A) Whenever in the judgment of the Department it is necessary for the protection or preservation of the public health, the Department may quarantine, isolate, inspect and disinfect persons, animals, houses or other property.

(B) When quarantine or isolation is established, the Department shall have the authority to issue orders respecting such quarantine or isolation and all persons shall obey said orders.

(C) A person subject to quarantine or isolation, residing or present in a quarantined building, house, structure, or other shelter, shall not go beyond the lot upon which the building, house, structure, or other shelter is situated, nor put himself in immediate communication with any person not subject to quarantine, other than the physician, health officer or persons authorized by the Department.

#### **Section 5-303. Destruction of Infected Property.**

The Department may destroy bedding, carpets, household goods, furnishings, materials, clothing, animals or other property, when ordinary means of disinfection are considered unsafe, and when the property is, in the judgment of the Department, an imminent menace to the public health.

#### **Section 5-304. Initiation of Legal Proceedings.**

The Department may request initiation of legal proceedings for violation of the provisions of Section 3-401 of this Article. Legal proceedings shall be initiated by the Tribal Prosecutor upon the request of the Department.

### CHAPTER 4. UNLAWFUL ACTS; PENALTIES; INAPPLICABILITY OF PRIVILEGES

#### **Section 5-401. Unlawful Acts.**

It is unlawful for any person to:

- (1) refuse to give any information or make any report required by Chapter 2 of this Article.
- (2) refuse to submit to any examination required by Chapter 2 of this Article.
- (3) refuse to comply with any proper control measure established by the Department under Chapter 3 of

this Article.

(4) violate or refuse to comply with any order of the Department issued pursuant to Chapter 3 of this Article.

(5) knowingly expose any person to, or infect any person with, any contagious or communicable disease.

**Section 5-402. Penalties.**

(A) Every person violating the provisions of Section 3-401 is guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than six (6) months, or both.

(B) Every person violating the provisions of Section 3-401 shall forfeit to the Colorado River Indian Tribes a sum of not more than Five Hundred Dollars (\$500.00) for each offense.

**Section 5-403. Suspended Penalties.**

Any person fined, sentenced or assessed a civil penalty pursuant to Section 3-401 (2), (3) or (5) shall be entitled to have such fine, sentence or civil penalty suspended if proper medical treatment is voluntarily undertaken and thereafter successfully completed as evidenced by certification from a licensed physician.

**Section 5-404. Inapplicability of Certain Privileges.**

In any proceeding initiated for violation of any provision of this Article, or in any habeas corpus or other proceeding in which the legality of a quarantine or isolation is questioned, any physician, health officer, spouse, or other person shall be competent and may be required to testify against any person against whom such proceeding was initiated, and any privileges provided by statute or common law are not applicable to or available in any such proceeding.

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