

**HUALAPAI TRIBAL COUNCIL
RESOLUTION NO. 44-2021
OF THE GOVERNING BODY OF THE
HUALAPAI TRIBE OF THE HUALAPAI RESERVATION**

Communicable Disease Prevention Ordinance

WHEREAS, the Hualapai Indian Tribe is a federally recognized Indian Tribe located on the Hualapai Indian Reservation in northwestern Arizona with authority vested in the Hualapai Tribal Council by the Constitution approved March 31, 1991; and

WHEREAS, the Hualapai Tribal Council authorizes the Hualapai Health Board to develop a Hualapai Tribe Communicable Disease Ordinance (HTCDO).

WHEREAS, the Hualapai Tribe Communicable Disease Ordinance provides the processes and actions for the Hualapai Tribe to exercise its sovereign authority to prevent and control communicable diseases without unwanted encroachment of state and local authorities on tribal land; and

WHEREAS, the Hualapai Tribe will support and provide guidance and implementation of the HTCDO; and

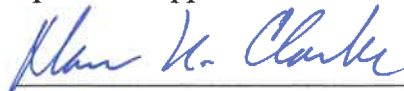
WHEREAS, the Hualapai Tribe, the Hualapai Department of Health-Education and Wellness, Hualapai Health Board, Hualapai Nation Police Department, IT, Community Health Representatives, and EMS will work together as a team to plan, and coordinate with Indian Health Service to implement the HTCDO.

NOW, THEREFORE BE IT RESOLVED that the Hualapai Tribal Council supports and authorizes the Department of Health-Education and Wellness, the Health Board, the Hualapai Nation Police Department, IT, CHR's, and EMS, and authorizes the lead Department as identified by the Hualapai Tribal Council to serve in this effort.

BE IT FURTHER RESOLVED, that the Hualapai Tribal Council established Hualapai Tribal Ordinance No. 101-2021.

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

I, the undersigned as Chairman of the Hualapai Tribal Council hereby certify that the Hualapai Tribal Council of the Hualapai Tribe is composed of nine (9) members of whom (6) constituting a quorum were present at a Special Council meeting thereof held on this 01st day of July, 2021; and that the foregoing resolution was duly adopted by the affirmative vote of (5) in favor, (1) opposed, (2) excused, (1) vacant, pursuant to the authority of Article V, Section (a) of the Constitution of the Hualapai Tribe approved March 13, 1991.



Damon R. Clarke, Chairman
Hualapai Tribal Council

ATTEST:



Shanna Salazar, Administrative Assistant
Hualapai Tribal Council

GENERAL PROVISIONS OF COMMUNICABLE DISEASES

Section 5-101. Definitions.

- (1) "Contagious or communicable disease" means an illness caused by an infectious agent which can be transmitted for 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.
- (2) "Department" means the Department of Health Education & Wellness of the Hualapai Tribe.
- (3) Refer to Arizona Administrative Code, Reportable Communicable Diseases to the Local Health Department. (A.A.C. R9-6-202)
- (4) "Public Health Emergency" means an occurrence or imminent threat of an illness or health condition that:
 - a. Is believed to be caused by any of the following:
 - i. Bioterrorism;
 - ii. The appearance of a novel or previously controlled or eradicated infectious agent or biological toxin; or
 - iii. Natural disaster, chemical attack or accidental release, or nuclear attack or accident; and
 - b. Poses a high probability of any of the following harms:
 - i. A large number of deaths in the affected population;
 - ii. A large number of serious or long-term disabilities in the affected population;
 - iii. 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
 - iv. Otherwise exceeding the capability or capacity of the public health and/or healthcare systems.
- (5) "Public Health Authority" means the individual having been appointed under this Ordinance for the Hualapai Tribe.

RECORD OF COMMUNICABLE DISEASES

Section 5-200. Declaration of Public Health Emergency.

A Public Health Emergency shall be declared by the Tribal Council upon the occurrence of a public health emergency. Prior to such a declaration, the Tribal Council may consult with tribal, federal, state and local public health agencies and any additional public health or other experts as needed.

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 Indian Health Service Public Health Nurse. 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 the condition of the person afflicted and the status of the disease directly to the Indian Health Service Public Health Nurse.

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

(A) Any person afflicted with a contagious or communicable disease shall give the Indian Health Service Public Health Nurse any and all pertinent information regarding said diseases, 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 Indian Health Service Public Health Nurse, 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. Public Health Authority's Duty to Investigate and Adopt Control Measures.

Upon being informed of the possible existence of any contagious or communicable disease, the Indian Health Service Public Health Nurse shall immediately make an investigation and notify the Tribal Council and the Health Department Director. If such disease does exist, the Tribal Council shall adopt reasonable measures to prevent spread of the disease, and appoint a Public Health Authority.

CONTROL MEASURES

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

The Public Health Authority 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. Conditions and Principles for Voluntary and Involuntary Isolation or Quarantine

Voluntary Isolation or Quarantine

- 1) Voluntary Isolation or Quarantine should always be used as a first option UNLESS the Public Health Authority has determined in their professional judgment that:
 - a) Seeking voluntary compliance would create a risk of serious harm;
 - b) 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
 - c) 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.
- 2) The Public Health Authority when conducting voluntary isolation or quarantine will make reasonable efforts to comply with Section 5-302, Conditions and Principles of Involuntary or Voluntary Isolation or Quarantine.

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

- 1) 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;
- 2) Isolated individuals must be confined separately from quarantined individuals;
- 3) The health status of isolated or quarantined individuals must be monitored regularly, to determine if they require continued isolation or quarantine;
- 4) If a quarantined individual subsequently becomes infected or is reasonably believed to have become infected with a communicable or possibly communicable disease that the Public Health Authority believes poses a significant threat to the health and safety of other quarantined individuals, they must promptly be placed in isolation;
- 5) Isolated or quarantined individuals must be released as soon as practicable when the Public Health Authority 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;
- 6) The needs of a person isolated or quarantined must be addressed to the greatest extent possible in a systematic and competent fashion, including, but not limited to, providing adequate food, clothing, shelter, means of communication with those

in isolation or quarantine and outside these settings, medication, and competent medical care;

- 7) Premises used for isolation or quarantine must be maintained in a safe and hygienic manner, to minimize the likelihood of further transmission of infection or other harm to persons isolated and quarantined;
- 8) To the extent possible, cultural and religious beliefs should be considered in addressing the needs of individuals, and establishing and maintaining isolation or quarantine premises;
- 9) 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 Chapter 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 Public Health Authority, and all laws, rules and regulations governing control, sanitation, isolation and quarantine are complied with. At their sole discretion, the Public Health Authority may isolate infected individuals declining treatment for the duration of their communicable infection, if necessary to protect the health and safety of the individual or others.

Involuntary Isolation or Quarantine

1) Involuntary Detention without a Tribal Court Order.

- a) At their sole discretion, a Public Health Authority may issue an emergency detention order causing a person or group of persons to be immediately detained for purposes of isolation or quarantine if they:
 - i) Have first made reasonable efforts, which shall be documented, to obtain voluntary compliance with requests for medical examination, testing, treatment, counseling, vaccination, decontamination of persons or animals, isolation, quarantine, and inspection and closure of facilities, or has determined in their professional judgment that seeking voluntary compliance would create a risk of serious harm; and
 - ii) Have 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
 - iii) Have 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.
- b) If a Public Health Authority orders the immediate involuntary detention of a person or group of persons for purposes of isolation or quarantine:

- i) The emergency detention order shall be for a period not to exceed fourteen days.
- ii) The Public Health Authority shall issue a written emergency detention order as soon as reasonably possible and in all cases within twelve hours of detention that shall specify the following:
 - (1) The identity of all persons or groups subject to isolation or quarantine;
 - (2) The premises subject to isolation or quarantine;
 - (3) The date and time at which isolation or quarantine commences;
 - (4) The suspected communicable disease or infectious agent if known;
 - (5) The measures taken by the Public Health Authority to seek voluntary compliance or the basis on which the Public Health Authority determined that seeking voluntary compliance would create a risk of serious harm; and
 - (6) The medical basis on which isolation or quarantine is justified.
- c) The Public Health Authority shall provide copies of the written emergency detention 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 in the premises where isolation or quarantine has been imposed.

2) Isolation and Quarantine with a Tribal Court Order.

The Public Health Authority makes referral through the Prosecutors Office to petition the Tribal Court ex parte (party not there) for an order authorizing involuntary detention of a person or group of persons for purposes of isolation or quarantine pursuant to this section

- a) The petition shall specify:
 - i) The identity of all persons or groups to be subject to isolation or quarantine;
 - ii) The premises where isolation or quarantine will take place;
 - iii) The date and time at which isolation or quarantine will commence;
 - iv) The suspected communicable disease or infectious agent if known;
 - v) The anticipated duration of isolation or quarantine based on the suspected communicable disease or infectious agent if known;
 - vi) The measures taken by the Public Health Authority to seek voluntary compliance or the basis on which the Public Health Authority determined that seeking voluntary compliance would create a risk of serious harm; and
 - vii) The medical basis on which isolation or quarantine is justified.
- b) The petition shall be accompanied by the declaration of the Public Health Authority attesting to the facts asserted in the petition, together with any further information that may be relevant and material to the Tribal Court's consideration.
- c) Notice to the persons or groups identified in the petition shall be accomplished in accordance with the rules of the Hualapai Tribal Court. The Tribal Court shall hold a

hearing on a petition filed pursuant to this section within seventy-two hours of filing, exclusive of Saturdays, Sundays, and holidays.

- d) The Tribal Court shall issue the order if there is a reasonable basis to find that isolation or quarantine is necessary to prevent a serious and imminent risk to the health and safety of others.
- e) A Tribal Court order authorizing isolation or quarantine as a result of an ex parte hearing shall:
 - i) Specify a maximum duration for isolation or quarantine not to exceed fourteen days;
 - ii) Identify the isolated or quarantined persons or groups by name or shared or similar characteristics or circumstances;
 - iii) Specify factual findings warranting isolation or quarantine pursuant to this section;
 - iv) Include any conditions necessary to ensure that isolation or quarantine is carried out within the stated purposes and restrictions of this section;
 - v) Specify the premises where isolation or quarantine will take place; and
 - vi) Be served on all affected persons or groups in accordance with the rules of the Hualapai Tribal Court.

3) Continued Involuntary Isolation and Quarantine Timeline. The Public Health Authority can request a referral through the Prosecutors Office authorizing the continued isolation or quarantine of a person or group detained under a Public Health Authority emergency detention order under Section 5-302(1) of this Ordinance or under a Tribal Court order under Section 5-302(2) for a period up to thirty days. A Public Health Authority who issued an Emergency Detention Order under Section 5-302(1) may not seek a continuation without a Tribal Court Order pursuant to this subsection.

- a) The petition shall specify:
 - i) The identity of all persons or groups subject to isolation or quarantine;
 - ii) The premises where isolation or quarantine is taking place;
 - iii) The communicable disease or infectious agent if known;
 - iv) The anticipated duration of isolation or quarantine based on the suspected communicable disease or infectious agent if known; and
 - v) The medical basis on which continued isolation or quarantine is justified.
- b) The petition shall be accompanied by the declaration of the Public Health Authority attesting to the facts asserted in the petition, together with any further information that may be relevant and material to the Tribal Court's consideration.
- c) The petition shall be accompanied by a statement of compliance with the conditions and principles for isolation and quarantine contained in Section 5-302, Conditions and Principles for Voluntary and Involuntary Isolation and Quarantine.
- d) Notice to the persons or groups identified in the petition shall be accomplished in accordance with the rules of the Hualapai Tribal Court.

- e) The Hualapai Tribal Court shall hold a hearing on a petition filed pursuant to this subsection within seventy-two hours of filing, exclusive of Saturdays, Sundays, and holidays. In extraordinary circumstances and for good cause shown, the Public Health Authority may apply to continue the hearing date for up to ten days, which continuance the Hualapai Tribal Court may grant at its discretion giving due regard to the rights of the affected individuals, the protection of the public's health, the severity of the public health threat, and the availability of necessary witnesses and evidence.
- f) The Hualapai Tribal Court shall grant the petition if it finds that there is clear, cogent, and convincing evidence that isolation or quarantine is necessary to prevent a serious and imminent risk to the health and safety of others.
- g) A Tribal Court order authorizing continued isolation or quarantine as a result of a hearing shall:
 - i) Specify a maximum duration for isolation or quarantine not to exceed thirty days;
 - ii) Identify the isolated or quarantined persons or groups by name or shared or similar characteristics or circumstances;
 - iii) Specify factual findings warranting isolation or quarantine pursuant to this section;
 - iv) Include any conditions necessary to ensure that isolation or quarantine is carried out within the stated purposes and restrictions of this section;
 - v) Specify the premises where isolation or quarantine will take place; and
 - vi) Be served on all affected persons or groups in accordance with the rules of the Tribal Court.

Isolation or Quarantine Premises

Entry into isolation or quarantine premises shall be restricted to the Public Health Authority and their designees

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.

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.
- (2) Refuse to submit to any examination required.
- (3) Refuse to comply with any proper control measure established by the Department.

(4) Violate or refuse to comply with any order of the Department.

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

Section 5-402. Penalties.

(A) Any person violating the provisions of Section 5-401 is guilty of a criminal offense shall be punished by a fine of not more than two-thousand dollars (\$2,000.00), or by imprisonment for not more than six (6) months, or both.

(B) Any non-native in violation of this section is subjected to mandatory exclusion from the reservation.