

11.15.005 Definitions

“Authorized medical officer” as used in this chapter shall mean a person designated by the Tulalip Board of Directors, with public health and/or medical expertise, to advise and carry out the legal mandates of this chapter and directives related to medical and public health issues.

“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.

“Detention” as used in this chapter shall mean the physical restriction of activities of an individual by confinement for the purpose of controlling or preventing a serious and imminent threat to public health.

“Isolation” means the separation, for the period of communicability or contamination, of infected or contaminated persons or animals from such places and under such conditions as to prevent or limit the direct or indirect transmission of an infectious agent or contaminant from those infected or contaminated to those who are susceptible or who may spread the agent or contaminant to others.

“Quarantine” means the limitation of freedom of movement of such 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 and in such manner as to prevent transmission of disease to those not yet exposed.

“Stay at home” as that term is used in this chapter shall mean either a Board of Directors issued directive or proclamation or a court order requiring individuals to stay in their homes except for permitted essential activities.

11.15.010 Examination or treatment – Court order.

Upon application by any authorized medical officer of the Tulalip Tribes or United States, the Tulalip Tribal Court may issue an order requiring any person subject to the jurisdiction of said Court, who is believed by said medical officer to be suffering from a communicable disease, to undergo such examination or treatment as is necessary to protect the community from contagion.

11.15.020 Examination or treatment – Type.

The examination or treatment shall be the type which is acceptable to the United States Public Health Service, the authorized medical officer, or the Washington State Department of Health.

11.15.030 Quarantine and stay at home

The Board of Directors has authority to implement measures to decrease the spread of communicable diseases within the Tulalip Reservation. These measures include but are not limited to quarantine, social isolation and/or 'stay at home' mandates for the Reservation or for a person or groups of persons when quarantine, social isolation and/or 'stay at home' mandates are necessary to prevent a serious risk to the health and safety of the Tulalip community. The authorized medical officer shall have authority to obtain orders for compliance of communicable disease containment measures in accordance with section 11.15.040.

11.15.040 Quarantine and stay at home Procedures

1. The medical officer may, at his or sole discretion, either issue an emergency detention order causing a person or group of persons to be immediately detained for purposes of detention, isolation, or quarantine or may petition the Tulalip Tribal Court for an ex parte emergency 'stay at home,' detention, isolation, or quarantine order provided that (s)he:

- (a) Has made a reasonable effort to gain voluntary compliance with a 'stay at home' directive, or an isolation or quarantine request; or has determined that seeking voluntary compliance would create a risk of serious harm to any person; and
- (b) Has 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 contaminate others if remedial action is not taken; and
- (c) Has reason to believe that the person or group of persons would pose a serious and immediate risk to the health and safety of others if not detained for purposes of isolation, quarantine, or complying with a 'stay at home' mandate.

2. If the medical officer orders the immediate involuntary detention of a person or person for purposes of isolation, quarantine or compliance with a 'stay at home' proclamation, the emergency detention order shall be for a period not to exceed fourteen (14) days and shall specify the following:

- (a) The identity of all persons or groups subject to isolation or quarantine; and
- (b) The premises subject to isolation or quarantine; and
- (c) The date and time at which isolation or quarantine begins; and
- (d) The suspected communicable disease or infections agent if known; and
- (e) The measures taken by the medical officer to seek voluntary compliance or the basis on which the local health officer determined that seeking voluntary compliance would create a risk of serious harm; and
- (f) The medical basis on which isolation or quarantine is justified; and
- (g) Notice to the person or group of persons that they have the right to petition the Tulalip Tribal Court for release from isolation or quarantine.

3. If the medical officer petitions the Tulalip Tribal Court ex parte for an order authorizing detention of a person or group of persons for purposes of isolation, quarantine or compliance with a 'stay at home' proclamation, the petition shall be accompanied by the declaration of the medical officer attesting to the facts included in the petition together with any further information that may be relevant and material to the Court's consideration. The information included in the petition shall be substantially similar to what is required in the medical officer's orders and include anticipated duration of isolation or quarantine based on the suspected communicable disease or infectious agent, if known. The Court shall issue the emergency 'stay at home' or quarantine detention order for purposes of isolation, quarantine or compliance with order if there is a reasonable basis to find that an emergency quarantine, detention, isolation, or a "stay at home" order is necessary to prevent a serious and imminent risk to the health and safety of others. This order may be authorized for up to fourteen (14) days or longer, if there is a justifiable medical basis to extend the timeframe.

4. The Court shall hold a hearing within 14 days, or a date set based on a medical justification, to determine whether the emergency order should be vacated, modified, or maintained. The restrained party or parties may be represented by an attorney at their expense, or may appear telephonically.

5. The medical officer may petition the Tulalip Tribal Court for one or more extensions of an emergency order authorizing the continued detention, isolation, quarantine or 'stay at home' order for a person or groups of people for up to thirty (30) days each. The Court shall grant the petition if it finds that there is clear and convincing evidence that a quarantine or 'stay at home' order is necessary to prevent a serious and imminent risk to the health and safety of others. The restrained party or parties may be represented by an attorney at their expense, or may appear telephonically.

6. Service of orders under this chapter shall be done by mail to the last known address or affixing the order to the person's residence. The Court may also order service by any other reasonable method the Court deems effective so long as it does not involve direct contact with the person.

7. Orders issued pursuant to this chapter shall have the same enforceability as other orders of the Tulalip Tribal Court. Violation of such an order shall be a civil infraction with a fine of up to \$1,000, or up to \$500 per day in the case of a continuing infraction. This fine shall be assessed under the processes outlined under Tulalip Tribal Code 3.70 with the exception that any monetary penalty assessed to the violator may be automatically garnished from their per capita payment.

11.15.050 Tribal Court Operations

(1) To minimize the negative health impacts of a communicable disease or infectious agent to the community, the Tulalip Tribal Court's operations, an essential service to our community, may be substantially curtailed to help keep the public and our employees safe. The Tulalip Tribal Court is hereby authorized to implement any reasonable measures necessary to modify Title 2 and Title 4 procedural and timeline rules to continue to operate the court when a quarantine, isolation or 'stay at home' mandate is in effect, consistent with the Indian Civil Rights Act 25 U.S.C. 1302.

(2) Title 2.25.070(2)(f) may be suspended when a quarantine, isolation or 'stay at home' mandate is in effect, with the exception that any defendant in custody is exempt from this provision.