

**HANNAHVILLE INDIAN COMMUNITY
TITLE IX, CHAPTER 1 - PUBLIC HEALTH CODE**

9.1.101 Title

This act shall be known and may be cited as the "Public Health Code"

9.1.102 Purpose

The purpose of this code is to protect and promote the public health of the Hannahville Indian Community; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, and maintenance of personal, environmental, and other health services and activities; to prescribe the powers and duties of governmental entities, officials, and agencies affecting the public health.

9.1.103 Definitions.

(1) As used in this part:

(a) "Carrier" means an individual who serves as a potential source of infection and who harbors or who a health official reasonably believes to harbor a specific infectious agent or a serious communicable disease or infection, whether or not there is present discernible disease.

(b) "Epidemic" means the occurrence of more cases of a disease than expected in a given area or among a specific group of people over a particular period of time.

(c) "Health official" means a nurse, doctor, Physician's Assistant, Health Director, or Public Health Director who works at (or on behalf of) the Hannahville Health Center.

(c) "Health threat to others" means that an individual who is a carrier has demonstrated an inability or unwillingness to conduct himself or herself in such a manner as to not place others at risk of exposure to a serious communicable disease or infection. Health threat to others includes, but is not limited to, 1 or more of the following:

(i) Behavior by the carrier that has been demonstrated epidemiologically to transmit, or that evidences a careless disregard for transmission of, a serious communicable disease or infection to others.

(ii) A substantial likelihood that the carrier will transmit a serious communicable disease or infection to others, as evidenced by the carrier's past behavior or statements made by the carrier that are credible indicators of the carrier's intention to do so.

(iii) Affirmative misrepresentation by the carrier of his or her status as a carrier before engaging in behavior that has been demonstrated epidemiologically to transmit the serious communicable disease or infection.

9.1.104 Epidemic; emergency mandate and procedures; involuntary detention and treatment.

(1) If the Tribal Chairperson, upon the recommendation of the Hannahville Health Director or Hannahville Public Health Director, determines that control of an epidemic is necessary to protect the public health, the Tribal Chairperson may issue an emergency mandate to prohibit the gathering

of people for any purpose and may establish procedures to be followed by persons, during the epidemic to insure continuation of essential services and enforcement of health laws. Emergency procedures shall not be limited to this code.

(2) A health official may provide for the involuntary detention and treatment of individuals with hazardous communicable disease in the manner prescribed in this Code.

(3) Except for matters relating to 9.1.104(2), the Tribal Council retains oversight of all public health issues of the Island Resort and Casino. The Hannahville Health Director shall provide recommendations to the Tribal Council for this purpose.

9.1.105 Mandates, Generally

(1) Upon a determination by a health official that an individual is a carrier and is a health threat to others, the health official shall issue a mandate to the individual requiring the individual to cooperate with the Hannahville Health Department in efforts to prevent or control transmission of serious communicable diseases or infections.

(2) A mandate shall be in writing, except that in urgent circumstances, the mandate may be an oral statement, followed by a written statement within 3 days. A mandate shall be individual and specific and shall not be issued to a class of persons.

(3) A mandate shall include a statement that unless the individual takes the action requested in the mandate, the health official shall seek to enforce the mandate in Tribal Court.

9.1.106 Failure or refusal to comply with mandate.

(1) If a health official knows or has reasonable grounds to believe that an individual has failed or refused to comply with a mandate issued, the health official may file a petition with the Tribal Court to enforce the mandate.

(2) A petition filed under subsection (1) shall state all of the following:

(a) The grounds and underlying facts that demonstrate that the individual is a health threat to others and has failed or refused to comply with the mandate issued.

(b) The petitioner's effort to alleviate the health threat to others before the issuance of the mandate.

(c) The type of relief sought.

(3) The cost of implementing an order issued under subsection (1) shall be borne by the individual who is the subject of the mandate.

9.1.107 Disobedience to mandate or lawful order of court, penalties and fines.

Any person who shall willfully disobeys any mandate, order, subpoena, warrant or command duly issued under this Title by a health official or officer of the Tribal Court shall be deemed guilty of an offense and, upon conviction thereof, shall be sentenced to imprisonment for a period not to exceed 90 days or to a fine not to exceed \$500.00, or to both such imprisonment and fine, with costs.