

CHAPTER 15**COMMUNICABLE DISEASES PREVENTION AND CONTROL****ARRANGEMENT OF SECTIONS****Section**

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An Act to provide for the reporting, identification, prevention and control of communicable diseases.

Commencement:	24 October 1988
Source:	P.L. 1988-28 P.L. 1994-112

§1501. Short title.

This Chapter may be cited as the “Communicable Diseases Prevention and Control Act 1988”. [P.L. 1988-28, §1.]

§1502. Interpretation.

In this Chapter the words

- (a) “AIDS” (Acquired Immune Deficiency Syndrome) means an acquired illness of the immune system which reduces the body’s ability to fight special types of infections and cancers;
 - (b) “communicable diseases” includes those enumerated by the World Health Organization, the Center for Disease Control, and the Health Services of the South Pacific Commission in their epidemiological reporting system, and any other diseases declared to be communicable diseases by the Secretary of Health Services;
 - (c) “food handler” means a person who produces, prepares, packages or dispenses food or drink for public consumption;
 - (d) “HIV” means specific AIDS retrovirus which has been identified as destroying the body’s immune system, making it susceptible to life-threatening, opportunistic infections or rare cancers;
 - (e) “Public Health” means the public health department of the Ministry of Health Services;
- and
- (f) “STD” means sexually transmitted diseases, including AIDS, HIV, syphilis, gonorrhea, chancroid, and herpes genitalis. [P.L. 1988-28, §2.]

§1503. Reporting.

(1) Every health care provider, including every physician, dentist, nurse, health aide, health assistant, hospital administrator, and laboratory director, and every school principal, day care center director, ship's master, and prison director who knows or believes, or has reason to know or believe, that a person under his care or supervision has a communicable disease, shall report such case to Public Health.

(2) Any such person who fails to report such a case to Public Health, shall be subject to a civil fine of not more than \$50 for each offense. [P.L. 1988-28, §3.]

§1504. Regulations.

Public Health shall promulgate regulations regarding the form, period and content of the required reports. [P.L. 1988-28, §4.]

§1505. Immunity.

Any person, including but not limited to those listed in Section 1503(1) of this Chapter, who in good faith reports a person whom he suspects has a communicable disease, or whom he suspects has had contact with a person who has a communicable disease, shall be immune from civil and criminal penalties. [P.L. 1988-28, §5.]

§1506. Confidentiality.

(1) Information, public or privately held, that identifies persons which have been infected with an STD, may have been infected with an STD, or have been tested for an STD, shall be kept confidential and not released or made public except as provided for in this Chapter.

(2) Information described in Subsection (1) of this Section, can be released:

(a) with the consent of the identified person;

(b) to a physician retained by the identified person;

(c) to enforce the provision of the rules and regulations of Public Health relating to the prevention, control and treatment of STD;

(d) to medical personnel in a medical emergency to the extent necessary to protect the health or life of the named party;

(e) to blood banks, school, preschools and day care centers, and prisons;

(f) to a parent or guardian of a minor under the age of fourteen (14) or an incompetent; and

(g) to the spouse of a person who has AIDS or HIV.

Information so released shall be transmitted and held in a confidential manner, subject to rules and regulations promulgated by Public Health.

(3) Nothing herein shall prohibit the release of information regarding STDs for statistical purposes or as needed to protect the health of the general public; provided, however, the information is released in such a way that no person can be identified.

(4) Medical and emergency personnel who may have been exposed to communicable disease shall be notified by Public Health and offered testing, treatment and counseling; provided, however, the name of the source will not be revealed.

(5) Anyone who knowingly or through gross negligence releases confidential information in violation of this Section shall be subject to a civil fine of One Thousand Dollars (\$1,000) for each

offense, in addition to any rights and remedies the named person may have at law or equity. [P.L. 1988-28, §6, Subsection (5) amended by P.L. 1995-131, §2.]

§1507. Testing, treatment, counseling, control.

(1) The Director of Public Health shall investigate, or cause to be investigated, all reported cases of communicable diseases to determine the cause and the persons who may have been infected. Persons who have been infected with a communicable disease or who are suspected of being infected, shall be offered treatment and counseling and requested to identify any possible contacts. Persons who are named as contacts shall be informed by Public Health that they may have been exposed to a communicable disease and offered testing, treatment and counseling. The name of the informant will not be revealed.

(2) Public Health shall, to the extent of its financial resources, provide to the public testing, treatment and counseling for communicable diseases at no or low cost

(3) Minor children over the age of fourteen (14) who may have come into contact with an STD may consent to testing, treatment or counseling. Such consent cannot be later dis-affirmed because of minority. The provider of such testing, treatment and counseling is authorized, but not required, to inform the parents or guardians of such minors.

(4) Mandatory testing for communicable disease shall only be conducted pursuant to rules and regulations promulgated by Public Health and shall not be required except with respect to:

- (a) the donation of blood or body part;
- (b) food handlers;
- (c) aliens;
- (d) high school students;
- (e) prisoners;
- (f) citizens who have been out of the country for five years or more;
- (g) pregnant women; and
- (h) persons the Director of Public Health reasonably believes has a communicable disease.

Those who are tested shall be promptly notified of the results. Persons who are found to be infected shall be offered appropriate treatment and counseling.

(5) In the event that a person refuses to take a test required under Subsection (4) of this Section, or refuses to accept treatment and/or counseling, Public Health may petition the High Court to impose on that person, or related property, health care measures to prevent the spread of or exposure to diseases that are a threat to the public. Such measures may include testing, treatment, isolation and quarantine, provided, however, that isolation or quarantine must be based upon a showing of clear and convincing evidence of the serious and present health threat to others. The measures taken shall be the least restrictive to protect the public health and shall maintain confidentiality to the extent possible. [P.L. 1988-28, §7.]

§1508. Discrimination.

(1) No one shall be refused housing solely because he has a communicable disease, nor shall he be denied employment, admission to a school, or access to any other services or facilities available to the public unless Public Health finds that his disease or conduct is such that his employment at a particular job, his attendance at school, or his access to such other services or

facilities presents a substantial danger to public health.

(2) Notwithstanding Subsection (1) of this Section, no one who has an STD shall be permitted to engage in an occupation which would regularly bring him into contact with the bodily fluids of a living person. Anyone who is found in violation of this provision shall be subject to a civil fine of not more than \$1,000 in addition to any rights and remedies the afflicted person may have at law or equity. [P.L. 1988-28, §8.]

§1509. Limit on Liability.

Strict liability or liability of any kind without negligence is not applicable to health care providers or blood banks in the screening, processing, transfusion or use of blood and blood components, human organs or tissues which result in the transmission of viral disease or any infectious agent undetectable by appropriate medical and scientific lab tests available to the Marshall Islands. [P.L. 1988-28, §9.]

§1510. Education.

(1) The Ministry of Education, in consultation with the Ministry of Health Services, public and private schools, and parents of school age children, shall develop health education curriculum for primary and secondary schools in the Marshall Islands. Such curriculum shall include education about the transmission and prevention of communicable diseases; knowledge and prevention of prevalent noncommunicable disease; the use and abuse of tobacco, alcohol and other drugs; preparation for adult life; knowledge about basic bodily functions; nutrition; preparation for raising families; sanitation; and health occupations. In the development of the health education curriculum, the Ministry of Education shall give due consideration to community values and the age of the students.

(2) For purposes of this Section, health is defined as a complete state of well-being: physical, social, spiritual, emotional and mental well-being, not merely the absence of disease.

(3) Any school which fails to implement the health education curriculum shall be subject to the withdrawal of funding from the national government and the loss of the school's charter.

(4) The Ministry of Education shall promulgate rules and regulations for the implementation and enforcement of the provisions of this Section. [P.L. 1988-28, §10.]

§1511. Offense for Transmission of AIDS or HIV.

Any person knowingly infected with AIDS or HIV, who purposefully or through gross negligence transmits such disease to another person, shall be guilty of a criminal offense, and shall upon conviction be liable to a fine not exceeding \$100,000 or to a life of isolated confinement under the care of the Ministry of Health Services, or both. In addition, any such offender shall be liable to civil damages and any other rights and remedies which a victim may have at law or equity. [added by P.L. 1994-112, §2.]