

TRANSLATION

State Ordinance on the isolation of persons infected and suspected to be infected with the Coronavirus SARS-CoV-2 and their members of household and contact persons of 14 May 2021

Based on § 32 sentence 1 in conjunction with § 28 para. 1 sentence 1 and 2 and §§ 29 and 30 para. 1 sentence 2 of the Infection Prevention and Control Act of 20 July 2000 (Federal Law Gazette Part I page 1045), as amended by Article 6 of the Act, dated 7 May 2021 (Federal Law Gazette Part I page 850) in conjunction with § 1 No. 1 of the State Ordinance on the Implementation of the Infection Prevention and Control Act of 10 March 2010 (Law and Ordinance Gazette page 55), as amended by § 7 of the Act, dated 15 October 2012 (Law and Ordinance Gazette page 341), BS 2126-0, the following is decreed:

§ 1 Definitions

For the purposes of this Ordinance,

1. “Isolation” within the meaning of § 30 of the Infection Prevention and Control Act [IfSG=Infektionsschutzgesetz] is to separate oneself from other persons for the protection of the general public or individual people from contagious diseases and includes the quarantine as well as the isolation of persons.
2. “Suspected Covid 19 infected person” is any person who displays typical symptoms of an infection with the coronavirus SARS-CoV-2, in particular cough, fever, cold, disorder of the sense of taste and smell, and was either ordered a molecular biological test using polymerase chain reaction technology (PCR test) for coronavirus SARS-CoV-2 by the competent public health authority or took a PCR test due to experiencing typical symptoms of an infection with the coronavirus SARS-CoV-2.
3. “Positively tested person” is any person who has received notification of a positive test result carried out on them on the basis of a PCR test or a PoC antigen test carried out by trained personnel for the immediate pathogen detection of the coronavirus SARS-CoV-2 (PoC antigen test carried out by trained personnel) from the competent public health authority or the testing or evaluating body.
4. “Member of the household” is any person factually sharing a home with the positively tested person.
5. “Close contact person” is any person classified as such by the competent public health authority in accordance with the relevant criteria issued by the Robert-Koch-Institute. For persons who have not yet received such classification or have not yet received a notification of classification but have otherwise become aware that they meet the criteria of the Robert-Koch-

Institute for classification as close contact person, the rules for close contact persons apply accordingly.

6. "Self-test" means a PoC antigen test for direct pathogen detection of the coronavirus SARS-CoV-2, which is not performed by trained personnel on itself.

7. "Test facility" means any facility that is used as a service provider pursuant to § 6 of the Coronavirus Test Ordinance of 8 March 2021 (BAnz. AT 09.03.2021 V1) as amended or as a different test center or other test site for PoC Antigen tests, whereby the person to be tested may not choose a facility in which he or she is active.

(2) Federal Ordinances pursuant to § 28c sentence 1 IfSG precede the provisions of this Ordinance.

§2

Isolation of suspected Covid 19 infected persons and positively tested persons

(1) Suspected Covid 19 infected persons must isolate immediately.

(2) Positively tested persons who are not already isolating pursuant to para. 1 must immediately quarantine upon gaining knowledge of the positive test result.

(3) The isolation ends for

1. suspected Covid 19 infected persons with a negative PCR test, unless they are contact persons or members of the household;

2. positively tested persons with typical symptoms who were tested by means of a PCR test, the earliest after the 14th day after the PCR test with which the pathogen was initially detected, but not before the end of an uninterrupted period of 48 hours during which the positively tested person is asymptomatic, with the period of the absence of symptoms immediately preceding the termination of the isolation; in case of a severe course of the disease, requiring the administration of additional oxygen or which the public health authority classifies as a severe course of the disease for other reasons, or in the case of persons with an indication for a presence of a virus variant of the coronavirus SARSCoV-2 with worrying properties defined by the Robert Koch Institute and not yet widespread in Germany, the termination of isolation additionally requires a PCR test with a negative result, which may be taken on the first day of the absence of typical symptoms, but at the earliest on the eleventh day of isolation; in the event of a severe course of disease, a PoC antigen test carried out by trained personnel in a test facility, which may be taken on the first symptom-free day, but at the earliest on the fourteenth day of isolation, is also sufficient; in case of a positive PCR or PoC antigen test result carried out by trained personnel in a test facility, the required isolation period is extended by seven additional days, starting with the day after the test has been carried out, but at the earliest on the fifteenth day of isolation; the seven-day extension pursuant to half-sentence 4 shall also apply where there is neither a PCR test nor a PoC antigen test carried out by trained personnel in a test facility; in the cases of half-

sentences 4 and 5, the isolation ends at the end of these seven days without the need for further testing;

3. positively tested persons without typical symptoms who were tested by means of a PCR test, at the earliest 14 days after the PCR test with which the pathogen was initially detected; for persons with an indication for a presence of a virus variant of the coronavirus SARSCoV-2 with worrying properties defined by the Robert Koch Institute and not yet widespread in Germany the termination of isolation additionally requires a PCR test with a negative result, which may be taken no earlier than on the eleventh day of isolation; in case of a positive PCR test or PoC antigen test result, the required isolation period is extended by seven additional days, starting with the day after the test has been carried out, but at the earliest on the fifteenth day of isolation; the seven-day extension pursuant to half-sentence 3 also applies if there is no PCR test; in the cases of half-sentences 3 and 4, the isolation ends at the end of these seven days without the need for further testing;

4. positively tested persons for whom the test result is based on a PoC antigen test carried out by trained personnel if the first PCR test taken after this test was negative, with the presence of this negative test result. If no PCR test is taken No. 2 and 3 apply accordingly. For the calculation of the isolation period the date of the test is not counted.

§ 3

Isolation of household members and close contact persons

(1) Members of the household must isolate immediately after gaining knowledge of the positive test result of the person living in the household, who tested positive, and take a PCR test. Sentence 1 does not apply for members of the household, who are asymptomatic persons who have not had contact with the positively tested person since the time of testing and in the ten days prior to that date.

(2) Close contact persons must isolate immediately after receiving notification of the classification in accordance with § 1 No. 5 from the competent public health authority or upon gaining knowledge of this by other means and take a PCR test

(3) The isolation ends for

1. members of the household whose PCR test pursuant to para.. 1 sentence 1 has a negative result and who have not developed typical symptoms of an infection with the coronavirus SARS-CoV-2 during the period of isolation, after the fourteenth day following the day the PCR test has been performed on the positively tested person;

2. close contact persons whose result of the PCR test pursuant to para.. 2 sentence 1 is negative and who have not developed typical symptoms of coronavirus SARS-CoV-2 during the period of isolation, after the fourteenth day following the day of last contact with the positively tested person, according to the notification from the competent public health authority.

In the event of typical symptoms of infection with the coronavirus SARS-CoV-2, persons addressed in sentence 1 are obliged to a re-test by means of a PCR test or a PoC antigen test carried out by trained personnel in a test facility. If the result of the test pursuant to sentence 2 is negative, the termination of the isolation is determined by sentence 1. If the result of the test pursuant to sentence 2 is positive, § 2 para. 3 sentence 1 No. 2 applies. In case of an indication for the presence of a virus variant of the coronavirus SARSCoV-2 with worrying properties defined by the Robert Koch Institute and not yet widespread in Germany detected in the primary case, the termination of the isolation for members of the household and close contact persons additionally requires a PCR test with negative result, which may be taken on the eleventh day of isolation at the earliest. For the calculation of the isolation period in the case of sentence 1 No. 1, the date of the test is not counted and in the case of sentence 1 No. 2, the date of the last contact with the positively tested person is not counted.

(4) For members of the household and close contact persons whose result of the PCR test pursuant to para. 1 sentence 1 or para. 2 sentence 1 is positive, § 2 para. 3 sentence 1 No. 2 or No. 3 applies.

(5) If the obligation to isolate does not apply in accordance with § 2 para. 3 sentence 1 No. 4 half-sentence 1, the members of the household and close contact persons are also not obliged to isolate. The tested person must immediately inform the competent public health authority of the negative test result pursuant to § 2 para. 3 sentence 1 No. 4 half-sentence 1. The competent public health authority must immediately notify close contact persons as defined by sentence 1 of the inapplicable obligation to isolate.

§ 4

Place of isolation, decision in individual cases

(1) The place of isolation should generally be the home or any other appropriate location as defined in § 30 para. 1 sentence 2 of the Infection Prevention and Control Act [IfSG – Infektionsschutzgesetz] (place of isolation). During the period of isolation, the isolating person is not permitted to receive visitors who do not belong to the own household or leave the place of isolation without the explicit consent of the competent public health authority. If a balcony, terrace or garden is connected to the home, the isolating person may also stay in this area if exclusively the isolating person uses it or the isolating person uses it only with members of their household (permitted outdoor area).

(2) Para. 1 does not apply if leaving or entering the place of isolation is imperative for the protection of life and health, in particular in case of medical emergencies or urgent visits to the doctor, or for other substantial reasons.

(3) Furthermore, reference is made to the rules of conduct information flyer published by the Robert-Koch-Institute “Self-isolation at home with confirmed COVID-19” (*English version*: https://www.rki.de/DE/Content/InfAZ/N/Neuartiges_Coronavirus/Quarantaene/Isolierung_Flyer_EN.pdf?__blob=publicationFile) in the current version, which shall also be observed for isolation in accordance with the provisions of this ordinance.

(4) The right of the competent health authority to adopt different or more extensive measures remains unaffected. During the period of isolation the isolating persons are subject to observation by the competent public health authority in accordance with § 29 of the Infection Prevention and Control Act.

§ 5

Notification of contact persons

(1) Positively tested persons should immediately notify all persons with whom they have been in close personal contact during the last two days prior to or since the date of the test or since the onset of typical symptoms prior to the test. These are persons with whom there has been contact for a period of more than 10 minutes and with a distance of less than 1.5 meters, while neither party wore a mouth-nose cover, or persons with whom a poorly ventilated or non-ventilated room was shared over a longer period.

(2) The competent public health authority decides on the further procedure. With their investigation, the public health authority is not bound to the time limits set out under para. 1 sentence 1.

§ 6

Self-Test

Persons whose self-test has a positive result are obliged to have a PoC antigen test immediately carried out by trained personnel in a test facility or a PCR test. If the result of the test carried out pursuant to sentence 1 is positive, the tested person shall immediately go into isolation pursuant to § 2 para. 2.

§ 7

Certificate

The competent public health authority must issue a certificate to persons who have been obliged to isolate under the provisions of this Ordinance indicating the obligation to isolate and the actual period of isolation.

§ 8

Administrative Offenses

An administrative offence within the meaning of § 73 para. 1 (a) No. 24 of the Infection Prevention and Control Act is committed by anyone who intentionally or negligently fails to comply with the obligation to isolate or test in accordance with § 2, § 3 or § 6 or fails to comply

in the prescribed manner or in due time, or neglects the immediate notification in accordance with § 3 para. 5 sentence 2.

§ 9
Entry into force, expiration

(1) This Ordinance shall enter into force on 15 May 2021 and shall expire at the end of 12 June 2021.

(2) The State Ordinance on the isolation of persons infected and suspected to be infected with the Coronavirus SARS-CoV-2 and their members of household and contact persons of 30 April 2021 (State Law Gazette page 270, BS 2126-17) shall expire at the end of 14 May 2021.

Done in Mainz on 14 May 2021

Sabine Bätzing-Lichtenthäler

The Minister
for Social Affairs, Labor, Health and Demography