

State Ordinance
Pertaining to the isolation of
persons suspected of having the Coronavirus SARS-CoV-2 infection and
their household members and contact persons
(Absonderungsverordnung - AbsonderungsVO)
dated September 17, 2021

In accordance with § 32 Sentence 1 in conjunction with § 28 Para. 1 Sentences 1 and 2 and §§ 29 and 30 Paragraph 1 Sentence 2 of the Infection Protection Act of July 20, 2000 (Fed. Gazette I p. 1045), last amended by Article 12 of the Act of September 10, 2021 (Fed. Gazette. I p. 4147), in conjunction with § 1 No. 1 of the State Ordinance on the Implementation of the Infection Protection Act of March 10, 2010 (Law and Ordinance Gazette p. 55), last amended by § 7 of the Act of October 15, 2012 (Law and Ordinance Gazette. p. 341), BS 2126-10, it is decreed as follows:

§ 1
Terms and definitions

- (1) For the purposes of this Ordinance, the following terms and definitions shall be applicable:
1. „Isolation" as defined in § 30 of the Infection Protection Act (IfSG) means staying apart from others to protect the community or individuals from contagious diseases and includes both quarantine and isolation of individuals,
 2. A “suspected Covid-19 disease case” means any person showing typical symptoms of SARS-CoV-2 coronavirus infection, in particular cough, fever, sniffles, loss of smell or taste, and who has either been ordered to be tested via molecular biological polymerase chain reaction for SARS-CoV-2 coronavirus (PCR test) by the competent public health authority or who has undergone PCR testing on the basis of the typical symptoms of SARS-CoV-2 coronavirus infection,
 3. The term "positively tested person " means a person who has received notification of a positive test result as a result of their PCR or PoC antigen test carried out by trained personnel to detect the SARS-CoV-2 coronavirus directly, from the responsible public health department or from the agency conducting or evaluating the test,
 4. "Household member" means a person living in a de facto shared household with an individual who has tested positive,
 5. "Close contact person" means a person who is classified as such by the responsible health authority in accordance with the applicable criteria of the Robert Koch Institute;

the provisions for close contact persons shall apply *mutatis mutandis* to anyone who has not yet been classified as such or who has not yet received notification of such classification but who has otherwise become aware that he or she meets the criteria of the Robert Koch Institute for classification as a close contact person,

6. "Self-test" means a PoC antigen test for direct pathogen detection of the SARS-CoV-2 coronavirus that is not done by trained personnel,
 7. "Testing facility" means a facility that conducts PoC antigen tests as a service provider as per § 6 of the Coronavirus Testing Ordinance of June 24, 2021 (BAnz. AT June 25, 2021 V 1), as amended, or as any other testing center or testing site, whereby the person to be tested may not choose the facility in which they work.
- (2) Federal regulations pursuant to § 28 c sentence 1 of the German Infection Prevention Act (IfSG) shall take precedence over the provisions of this Ordinance.

§ 2

Isolation of suspected Covid 19 disease cases and positively tested individuals.

- (1) A persons who is a suspected Covid-19 disease case shall isolate themselves immediately.
- (2) A positively tested person who is not in isolation yet as per para. 1 shall isolate themselves immediately after becoming aware of the positive test result.
- (3) The isolation is terminated for the following:
 1. A person suspected to have a Covid-19 disease infection upon a negative PCR test result, unless they are close contacts or household members;
 2. A person tested positive using a PCR test and showing typical symptoms, not before the end of a 14-day period from the date of the PCR test that first detected the pathogen, and not prior to a continuous period of 48 hours during which the positively tested individual is free of symptoms with the symptom-free period immediately preceding the termination of isolation; terminating of isolation is subject to a PCR test in the case of severe disease progression; in all other cases, a PoC antigen test carried out by trained personnel at a testing facility showing a negative result is also sufficient; the PCR test can be carried out on the first symptom-free day, but not sooner than on the eleventh day of isolation; the PoC antigen test can be carried out not sooner than on the fourteenth day of isolation; if the PCR test or the PoC antigen test carried out by trained personnel in a testing facility shows a positive result, the period of the isolation obligation extends by another seven days, starting on the day after the test was carried out,

and not sooner than on the fifteenth day of isolation; the seven day extension pursuant to half-sentence 5 also applies if neither a PCR test nor a PoC antigen test carried out by trained personnel in a testing facility is provided; in the cases of half-sentence 5 and 6, the isolation is terminated after said seven days period without additional testing being required;

3. A symptom-free person who has been tested positive using a PCR test, not sooner than 14 days after the PCR test that first detected the pathogen was carried out; terminating isolation is subject to a PCR test or a PoC antigen test carried out by trained personnel at a testing facility showing a negative result; the PCR test can be done on the eleventh day of isolation at the earliest; the PoC antigen test can be done on the fourteenth day of isolation at the earliest; If a PCR or PoC antigen test carried out by trained personnel in a testing facility shows a positive result, the isolation obligation period is extended by another seven days, starting from the day after the test was carried out, and on the 15th day of isolation at the earliest; the seven-day extension period pursuant to half-sentence 5 also applies if neither a PCR test nor a PoC antigen test carried out by trained personnel in a testing facility is provided; in the cases of half-sentence 5 and 6, the isolation ends after the period of said seven days without the need for further testing;
4. A person tested positive via a PoC antigen test carried out by trained personnel, if the following first PCR test shows a negative result, on presentation of this negative test result; if no PCR test is carried out, Nos. 2 and 3 apply *mutatis mutandis*.

The day on which the test was taken is not counted when calculating the isolation period.

§ 3

Isolation of household members and close contacts, regulations for school students and children in day care facilities

- (1) Household members are required to isolate immediately after becoming aware that a person living in the same household has tested positive for the first time and are to take a PCR test. Sentence 1 does not apply to household members who are free from symptoms and who have had no contact with the person who tested positive both since the date they were tested and in the past ten days prior to that date. Close contacts are required to isolate themselves and be tested using a PCR test immediately after being notified by the competent health authority of their classification pursuant to § 1 Para. 1 No. 5 or as soon as they become aware of such classification by other means.
- (2) If a SARS-CoV-2 infection is detected at a school, the students in the class, study or tutor group where the said case occurred, as well as their teachers and other teaching staff, are not required to isolate themselves, notwithstanding paragraph 2, but are required to test every day for five consecutive school days using a self-test and to wear a medical face mask (surgical mask) or a mask of the KN95/N95 or FFP2 standard or any comparable standard. The requirement for daily testing does not apply to vaccinated persons as per § 2 No. 2 of the COVID-19- Protective Measures Exemption Ordinance (SchAusnahmV) of May 8, 2021 (Federal Gazette AT May 08, 2021 V1) as amended (a vaccinated person) and recovered persons as per § 2 No. 4 SchAusnahmV (a recovered person). The mandatory everyday testing applies on the first school day following the date of the test showing a positive result. The mask requirement sets in immediately and applies for the period of the mandatory everyday testing, even if the testing requirement applies later than the mask requirement. The testing and mask requirement do not apply anymore, if a PoC antigen test carried out by trained personnel or a PCR test revoke the positive result of the initial self-test.
- (3) In case of an infection with the coronavirus SARS-CoV-2 in a day care facility, the children in care as well as the children of the group or facility, in which the infection has occurred, as well as their teachers or other caregivers, shall be isolated immediately; the isolation can be terminated immediately by showing a negative PCR test. The testing requirement does not apply to vaccinated and recovered individuals.
- (4) Paragraphs 4 and 5 do not apply if the person tested positive is infected with a virus variant of the SARS-CoV-2 coronavirus that is not yet widespread in the Federal Republic of Germany and has been classified as having characteristics of concern defined by the Robert Koch Institute, or if the competent health authority has identified a particularly significant outbreak in an individual case. Notwithstanding the provision in § 4 para. 4, the following shall apply in these cases:
 1. Any person who has remained within a radius of 1.5 meters from the person tested positive for a considerable period of time shall immediately isolate themselves; the isolation can be terminated on the fifth day of the isolation period by a PCR test with a negative result carried out on this day at the earliest; at the request of the competent health authority, the person tested

positive shall submit their negative PCR test result by the end of the tenth day after the PCR test was taken;

2. All other persons shall isolate themselves immediately; the isolation can be terminated immediately by a PCR test with a negative result; at the request of the competent health authority, the negative PCR test result is to be submitted by the end of the tenth day after the last contact with the person tested positive; if the isolation obligation does not apply, the testing and mask requirement pursuant to paragraph 3, sentence 1 applies accordingly in schools, with the proviso that the testing requirement applies for four consecutive school days and that the first rapid test is to be carried out on returning to the facility.

(5) The isolation is terminated for the following:

1. Household members who are tested negative by a PCR test as per paragraph 1, sentence 1, and who develop no typical symptoms of infection with the SARS-CoV-2 coronavirus during the isolation period, notwithstanding the provision set out in sentence 2, after a period of ten days following the PCR test carried out by the person who tested positive,
2. Close contacts who test negative by a PCR test as per para. 2 and who develop no typical symptoms of infection with the SARS-CoV-2 coronavirus during the isolation period, notwithstanding the provision set out in sentence 2, after a period of ten days following the last contact with the person who tested positive, as notified by the competent public health authority.

The isolation pursuant to sentence 1 nos. 1 and 2 can also be terminated by submitting a PCR test or a PoC antigen test carried out by trained personnel at a testing facility and showing a negative result. The PCR test shall be carried out on the fifth day of isolation at the earliest. The POC antigen test shall be carried out on the seventh day of the isolation at the earliest.

In case of a positive PCR or PoC antigen test carried out by trained personnel in a testing facility, § 2 par. 2 and 3 shall apply. If typical symptoms of infection with the SARS-CoV-2 coronavirus are present, the persons referred to in sentence 1 are required to repeat a PCR test or a PoC antigen test carried out by trained personnel in a testing facility. If the test pursuant to sentence 6 is negative, the termination of isolation shall be determined in accordance with sentences 1 to 4. If the test pursuant to sentence 6 is positive, § 2 (2) and (4) shall apply.

For the purposes of calculating the period of isolation, in the case of sentence 1 no. 1, the day on which the test was carried out and, in the case of sentence 1 no. 2, the day of the last contact with the person tested positive shall not be counted.

- (6) Household members and close contacts who qualify as a vaccinated person or as a recovered person upon commencement of their isolation shall terminate their isolation immediately unless a case of § 10 para. 2 of the Protection Measures Exemption Ordinance (SchAusnahmV) applies.
- (7) Article 2 (2) and (3) shall apply to household members and close contacts who test positive by a PCR test as per paragraph 1, sentence 1 or paragraph 2, sentence 1.

- (8) If the isolation obligation doesn't apply to a person as defined in § 2 (3) sent. 1 no. 4 half-sent. 1, the obligation to isolate also doesn't apply to their household members and close contacts. The person tested is to inform the competent public health authority of the negative result without delay as stipulated in § 2 (3) no. 4 half-sent. 1. The competent public authority is to inform the close contacts within the meaning of sent. 1 immediately about the isolation obligation being lifted.

§ 4

Place of isolation, decisions in individual cases

- (1) As a rule, it is required to isolate in an apartment or in another suitable manner as defined in § 30 Para. 1 Sentence 2 of the German Infection Protection Act (IfSG) (place of isolation). The person isolated shall not be permitted to have visitors who do not belong to his or her household or to leave the place of isolation during the period of his or her isolation without the express consent of the competent health authority. If the apartment has a balcony, terrace or garden adjacent to it, the isolated person is permitted to stay in this part of the apartment also, if it is used exclusively by the isolated person or by other members of his or her household (permitted outdoor area).
- (2) Paragraph 1 does not apply if leaving or entering the place of isolation is absolutely necessary to protect life and health, such as in particular in the case of medical emergencies or urgent medical appointments, or for other compelling reasons.
- (3) In all other respects, reference is made to the rules of conduct in the information sheet of the Robert Koch Institute "Domestic Isolation in Case of Confirmed Covid 19 Infection" (https://www.rki.de/DE/Content/InfAZ/N/Neuartiges_Coronavirus/Quarantaene/haeusIsolierung.html) as amended at the time, which should also be adhered to in the case of isolation under the provisions of this regulation.
- (4) The competent health authority's right to adopt measures that deviate from or are more extensive than the measures contained in this Ordinance shall remain unaffected. For the time of isolation, the isolated persons are subject to monitoring by the responsible public health authority in accordance with § 29 IfSG.

§ 5

Information of contact persons

- (1) Persons tested positive shall immediately notify anyone who they have had close personal contact to in the two days prior to or upon testing, or in the two days prior to or upon the onset of typical symptoms preceding testing. Such persons are defined as those who have maintained contact for over ten minutes and at a distance of less than 1.5 meters both without wearing mouth/nose coverings, or those who have shared a poorly ventilated or unventilated room for an extended period of time.
- (2) The competent public health authority shall decide on the further course of action. It shall not be bound by the time limits specified in the first sentence of paragraph 1 in its investigations.
- (3) The management of the institutions named in § 3 Para. 3 and 4 are obliged to inform the legal guardians

of the school students or children of the class, study or tutored group anonymously of the infection case that was detected there.

§ 6

Self-test

Persons tested positive via a self-test are obligated to carry out a POC antigen test by trained personnel in a testing facility or a POC test. If the test pursuant to sent. 1 is positive, the person tested is to isolate themselves immediately IAW § 2 (2).

§ 7

Certificate

Persons subject to isolation according to the provisions of this Ordinance are to be issued a certificate stating the obligation to isolate and the isolation period by the competent public health authority upon request.

§ 8

Administrative offences

[...] not translated

§ 9

Entering into Force, Expiration

(1) This Ordinance shall enter into force o September 18, 2021 shall expire at the end of October 10, 2021.

(2) [...]

Mainz, September 17, 2021

A handwritten signature in black ink, consisting of a large, stylized 'M' followed by a smaller, more fluid signature.

The Minister of Science and Health