

State Ordinance
pertaining to the isolation of persons with confirmed or suspected corona virus SARS-CoV-2 disease and their household members and contact persons
dated December 8, 2020

Based on § 32 Sentence 1 in conjunction with § 28 (1) Sentences 1 and 2 and §§ 29 and 30 (1) Sentence 2 of the Infection Protection Act (IfSG) of July 20, 2000 (Federal Law Gazette (BGBl.) I p. 1045), last amended by Articles 1 and 2 of the Act dated November 18, 2020 (Federal Law Gazette (BGBl.) I p. 2397), 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 (GVBl.) p. 55), last amended by § 7 of the Act dated October 15, 2012 (Law and Ordinance Gazette (GVBl.) p. 341), BS 2126-10 it is decreed:

§ 1

Definition of Terms

For the purposes of this Ordinance:

1. "Isolation" within the meaning of § 30 of the German Protection against Infection Act (IfSG) denotes separating from other people for the protection of the public health or of individuals from contagious diseases and includes both quarantine and isolation of persons,
2. A "person suspected of being infected with the coronavirus SARS-CoV-2" is defined as any person showing typical symptoms of an infection with the coronavirus SARS-CoV-2, in particular fever, dry cough, impaired sense of taste or smell and who has been either subjected to molecular biological testing by polymerase chain reaction for coronavirus SARS-CoV-2 (PCR test) by the competent public health authority or who has undergone PCR testing for coronavirus SARS-CoV-2 infection due to the typical symptoms of infection with coronavirus SARS-CoV-2,
3. a "person who has tested positive" includes any person who has received notification of their positive test result based on a PCR test or a PoC antigen test for the direct detection of the coronavirus SARS-CoV-2 pathogen (PoC antigen test) from the competent public health authority or from the body conducting or evaluating the test,
4. "Household member" is any person who shares a factual household with the person who tested positive,

5. "Category I contact person" refers to any person who is recognized as such by the responsible public health department according to the applicable criteria of the Robert Koch Institute; the regulations for Category I contact persons apply accordingly to persons not yet recognized as such or not yet having received notification of their status but who have otherwise become aware that they meet the criteria of the Robert Koch Institute as a Category I contact person,
6. A person of the category "School or Day Care Cluster" is defined as a student, a teacher, or a child attending a day care center as well as their teacher, recognized as such by the competent health department, given that this person doesn't fall under the category I or category II contact person according to the respective criteria of the Robert Koch Institute.

§ 2

Isolation requirement for persons with suspected Covid 19 disease and those who
have tested positive for Covid 19 disease

- (1) Persons with suspected Covid 19 disease are to isolate themselves immediately.
- (2) Persons who have tested positive but have not yet isolated themselves in accordance with paragraph 1 are to isolate themselves immediately after gaining knowledge of the positive test result.
- (3) The isolation can be discontinued for
 1. persons with suspected Covid 19 disease showing a negative PCR test result, provided that they are not Category I contacts,
 2. persons who have tested positive using a PCR test and who have shown typical symptoms, no earlier than 10 days after the onset of symptoms, and after a continuous symptom free period of 48 hours, provided that the symptom free period directly precedes the end of the isolation period,
 3. persons who have tested positive by means of a PCR test, without showing typical symptoms, no earlier than ten days after the PCR test detecting the pathogen for the first time was carried out,
 4. persons who have tested positive via a PoC antigen test, if the first PCR test carried out after the positive PoC antigen test shows a negative result, upon presenting the said negative test result.

The responsible public health department can also permit exemptions from sentence 1 in individual cases for important reasons.

§ 3

Isolation of household members and Category I contacts, as well as of persons under the School or Daycare Cluster category.

(1) Members of the same household are to isolate themselves immediately after becoming aware of a member of the same household having tested positive. Sentence 1 does not apply to household members who have already tested positive, do not show any symptoms and have completed their own self-isolation period, as well as for household members who haven't been in contact with persons testing positive and do not show typical symptoms since undergoing the test as well as within 10 days prior to the test.

(2) Category I contact persons are to isolate themselves immediately upon receiving notification on being recognized as such IAW § 1 No. 5 by the competent public health authority or after becoming aware of this information in any other manner. Sentence 1 does not apply to Category I contacts who have already tested positive, do not show any symptoms and have completed their self-isolation period.

(3) Persons under the category "School or Daycare Cluster" are to isolate themselves immediately after being notified by the responsible health department about being recognized as such IAW § 1 No. 6. Sentence 1 does not apply to persons under the category "School or Daycare Cluster" who have already tested positive, do not show any symptoms and have completed their self-isolation period.

(4) The isolation can be discontinued for

1. Household members of a person who tested positive - fourteen days after the test has been carried out (primary case); the isolation can be discontinued after a ten days period by showing a negative test result via a PCR test or PoC antigen test carried out no earlier than on the tenth day of the isolation period. The negative PCR test result or the certificate of a negative PoC antigen test result is to be submitted by the end of the tenth day after the last contact with a person, who tested positive, upon request of the responsible health department,

2. Category I contact persons - ten days after the last contact with the person who has tested positive upon notification by the competent public health department.

3. Persons of the "School and Daycare Cluster" category – ten days after the last contact with a person, who has tested positive. The isolation can be discontinued on the fifth day by showing a negative PCR or POC antigen test; the negative PCR test result or the certificate of the negative PoC antigen test are to be submitted by the end of the tenth day after the last contact with the person, who tested positive, upon request

of the competent health department.

If the isolation requirement pursuant to § 2 (3) Sentence 1 No. 4 does not apply to a person, it also does not apply to their household members, Category I contact persons and persons under the category "School and Daycare Cluster". The person, who tested negative, is to submit their test result to the competent public health authority immediately IAW § 2 (3) Sent. 1 No. 4. The competent health authority is to immediately notify Category I contact persons and persons under the category "School and Daycare Cluster" as stipulated by sent. 2 that the isolation requirement no longer applies.

§ 4

Isolation Location, Decision in Individual Cases

(1) As a rule, isolation must take place in an apartment or in some other suitable manner within the meaning of § 30, para. 1, sentence 2, IfSG (isolation location). The isolated person is not to receive visits from persons who do not belong to their own household or to leave the isolation location without the express consent of the responsible health department during the period of their isolation. If the apartment has a balcony, terrace or garden, the isolated person may also stay in this area if the area is only used by them or by members of their household (permitted outdoor area).

(2) Paragraph 1 does not apply if leaving or entering the isolation site is absolutely necessary for the protection of life and health, in particular in the event of medical emergencies or urgent doctor visits, or for other urgent reasons.

(3) In addition, reference is made to the rules of conduct in the information sheet of the Robert Koch Institute "Domestic isolation with confirmed Covid 19 infection" (https://www.rki.de/DE/Content/InfAZ/N/Neuartiges_Coronavirus/Quarantaene/haeusl-isolation.html) in the current version, which is also to be adhered to during isolation under the provisions of this ordinance.

(4) The right of the responsible health authority to adopt measures that deviate from or go beyond this ordinance remains unaffected. For the period of isolation, the isolated persons are subject to observation by the responsible health department as stipulated in the § 29 IfSG

§ 5

Notifying of Contact Persons

(1) Persons, who have tested positive, are to immediately inform anyone they have had close personal contact with in the last four days prior to or after the test was carried out. This applies to contacts exposed for over 15 minutes and at a distance of less than 1.5 meters without either side wearing a mouth-nose covering, or persons who have shared a poorly or non-ventilated room over an extended period of time.

(2) The responsible health department will decide on the way ahead.

§ 6

Certificate

The competent health department is to issue a certificate to persons subject to the isolation requirement IAW the provisions of this ordinance, stating the obligation to isolate as well as the time spent in isolation.

§ 7

Administrative Offenses

A person who intentionally or negligently fails to comply with the isolation requirement as stipulated in §§ 2 or 3, fails to comply with it in the manner or time stipulated, or refrains from immediate notification as per § 3, Para. 4, sentence 3 is committing an administrative offense within the meaning of § 73, Para. 1 a, No. 24, IfSG.

§ 8

Coming into Effect, Expiration

This ordinance comes into effect on December 9, 2020 and expires on January 15, 2021.

A handwritten signature in black ink, appearing to be 'Sabine J. D.', written in a cursive style.

The Minister
for Social Affairs, Labor, Health and Demography