

**TITLE 8 – REGULATORY CODE
PART V- PUBLIC HEALTH
CHAPTER 5-3- PUBLIC HEALTH CODE**

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SUBCHAPTER A GENERAL PROVISIONS

Section 10 Purpose (8 PYTC § 5-3-10)

- (A) Protect the health and safety of Tribal members and all other persons within the exterior boundaries of the Reservation from public health hazards.
- (B) This Ordinance shall be broadly construed to effectuate its purpose, and to provide the greatest protection possible to the health and safety of people and resources within the jurisdiction of the Tribe from the threat of public health hazards.
- (C) Notwithstanding the specific provisions herein, it remains the goal of the Tribe to work cooperatively, to the greatest extent practicable, with all Tribal members and other persons within the exterior boundaries of the Reservation to prevent and remediate public health hazards.

Section 20 Short Title; Codification (8 PYTC § 5-3-20)

This Ordinance shall be known as the Pascua Yaqui Tribe Public Health Ordinance.

Section 30 Applicability (8 PYTC § 5-3-30)

- (A) The provisions of this Ordinance shall apply to:
 - (1) All persons on the Reservation, without exception, including members of the Pascua Yaqui Tribe, all non-member Indians, all non-Indians, and any other person as defined herein, including businesses and enterprises; and
 - (2) All persons who enter into a business relationship with the Tribe or its members through activities such as commercial dealings, contracts, leases, and other arrangements.
- (B) Any person who is on the Reservation, whether on trust or non-trust lands, is subject to, and must comply with this Ordinance and any rules and regulations promulgated hereunder. All such persons shall be deemed to have consented to the civil jurisdiction of the Tribe, and shall be subject to civil prosecution, civil penalties, civil damages, or any other civil remedies imposed for any violations of this Ordinance. All such persons shall also be subject to the criminal jurisdiction of the Tribe to the fullest extent permitted by law.

Section 40 Sovereign Immunity Unaffected (8 PYTC § 5-3-40)

- (A) Nothing in this Ordinance shall be construed as or is intended to be a waiver or modification of the Tribe's sovereign immunity or consent by the Tribe to jurisdiction or suit against it.
- (B) The Tribe, the Tribal Council and its members; and all other Tribal officers, employees, representatives, or agents thereof, who are performing their duties by implementing or enforcing

this Ordinance are immune from the suit for monetary damages in any court of law for their actions or inaction related to such implementation or enforcement, and they do not waive any of their sovereign rights or immunities, executive privileges or rights to privacy or confidentiality.

SUBCHAPTER B DEFINITIONS

Section 50 Definitions (8 PYTC § 5-3-50)

Unless otherwise provided, the definitions set forth in this Section shall apply to this Ordinance. In the event of a conflict with any other definition in the Tribal Code, the definitions herein shall govern the construction of this Ordinance only.

- (A) “Active tuberculosis” means a disease that is caused by mycobacterium tuberculosis or other members of the mycobacterium tuberculosis complex family in any part of the body and that is in an active state as determined by either:
- (1) A smear or culture that is taken from any source in the afflicted person’s body and that tests positive for tuberculosis and the afflicted person has not completed a medically successful complete course of antituberculosis treatment; or
 - (2) Radiographic, current clinical or laboratory bacteriological evidence that is sufficient to support a medical diagnosis of tuberculosis for which medical treatment is indicated and the person has not completed a medically successful complete course of antituberculosis treatment.
- (B) “Administrator” means the individual who is the senior leader at a childcare establishment, health care institution, correctional facility, school, pharmacy, or shelter.
- (C) “Agent” means an organism that may cause a disease, either directly or indirectly.
- (D) “Case” means an individual:
- (1) With a communicable disease whose condition is documented:
 - (a) By laboratory results that support the presence of the agent that causes the disease.
 - (b) By a health care provider’s diagnosis based on clinical observation; or
 - (c) By epidemiologic associations with the communicable disease, the agent that causes the disease, or toxic products of the agent;
 - (2) Who has experienced diarrhea, nausea, or vomiting as part of an outbreak;
 - (3) Who has died without apparent cause within 48 hours after experiencing a fever; or
 - (4) Who has experienced a vaccinia-related adverse event.
- (E) “Chancroid” means a bacterial infection, caused by the bacterium *Haemophilus ducreyi*, which causes open sores on or around the genitals of men and women.
- (F) “Communicable condition” means the state of being infected with a communicable agent but without symptoms.

- (G) “Communicable Disease” means an illness caused by an agent or its toxic products that is transmitted directly or indirectly to a person from an infected person or animal through the agency of an intermediate animal, host, or vector, or through the inanimate environment.
- (H) “Communicable period” means the time during which an agent may be transmitted directly or indirectly.
- (I) “Confidential Information” means any information about an identifiable person or establishment when the person or establishment providing the data or described in it has not given consent to make that information public and was assured of confidentiality when the information was provided.
- (J) “Contact” means an individual who has been exposed to an infectious agent in a manner that may have allowed transmission of the infectious agent to the individual during the communicable period.
- (K) “Contaminated” means to have come in contact with a disease-causing agent or toxin.
- (L) “Diagnosis” means an identification of a disease by an individual authorized by law to make the identification.
- (M) “Director” means the Executive Director of the Pascua Yaqui Tribe Health Services Division.
- (N) “Disease” means a condition or disorder that causes the human body to deviate from its normal or healthy state.
- (O) “Disinfection” means killing or inactivating communicable-disease-causing agents on inanimate objects by directly applied chemical or physical means.
- (P) “Epidemiologic investigation” means the application of scientific methods to ascertain a diagnosis; identify risk factor for a disease; determine the potential for spreading a disease; institute control measures; and complete forms and reports such as communicable disease, case investigation, and outbreak reports.
- (Q) “Fever” means a temperature of 100.4° F or higher.
- (R) “Food establishment” means an operation that store, prepares, packages, serves, vends, or otherwise provides food for human consumption.
- (S) “Food handler” means:
- (1) A paid or volunteer full-time or part-time worker who prepares or serves food or who otherwise touches food in a food establishment; or
 - (2) An individual who prepares food for or serves food to a group of two or more individuals in a setting other than a food establishment.
- (T) “Health” means a dynamic state of complete physical, mental, spiritual, and social well-being and not merely the absence of disease or infirmity.
- (U) “Health Care Provider” means a person or organization that is licensed to give health care. Doctors, nurses, and hospitals are examples of health care providers.
- (V) “HIV” means Human Immunodeficiency Virus.

- (W) “Imminent hazard” means a situation that is likely to cause an immediate threat to human life, an immediate threat of serious physical injury, an immediate threat of serious adverse health effects, or a serious risk of irreparable damage to the environment if no immediate action is taken.
- (X) “Immunization” means the process of inoculation with a specific antigen to promote antibody formation in the body.
- (Y) “Infected” or “infection” means when an individual has an agent for a disease in a part of the individual’s body where the agent may cause a disease.
- (Z) “Infectious agent” means an agent that can be transmitted to an individual.
- (AA) “Infectious Disease” means a disease caused by the entrance into the body of organisms (such as bacteria, protozoans, fungi, or viruses) that grow and multiply there, often used synonymously with communicable disease.
- (BB) “Isolation” means separation, during the communicable period, of an infected individual or animal from others limit the transmission of the infectious agent.
- (CC) “Isolation authority” means the authority to issue an order to limit the freedom of movement or action of a person or animal with a communicable disease or communicable condition for the period of communicability to prevent the direct or indirect conveyance of the infectious agent from the person or animal to other persons or animals who are susceptible or who may spread the agent to others.
- (DD) “Laboratory evidence of immunity” means written evidence of serologic confirmation of the presence of specific antibodies against an immunization-preventable disease which is signed by a physician or an authorized representative of a health agency.
- (EE) “Outbreak” means an occurrence of a case or cases of a disease in a locale in excess of the usual number of cases of the disease.
- (FF) "Person" means any individual, trust, firm, association, partnership, Indian Tribe, tribally chartered corporation or business, political subdivision, government agency, municipality, industry, public or private corporation, any legal entity or private enterprise, and includes members of the Tribe, all other non-member Indians, and all non-Indians.
- (GG) “Prevention” means primary prevention that consists of strategies that seek to prevent the occurrence of disease or injury, generally through reducing exposure or risk factor levels. These strategies can reduce or eliminate causative risk factors (risk reduction). Secondary prevention consists of strategies that seek to identify and control disease processes in their early stages before signs and symptoms develop (screening and treatment). Tertiary prevention consists of strategies that prevent disability by restoring individuals to their optimal level of functioning after a disease or injury is established.
- (HH) “Public Health” means to fulfill society’s desire to create conditions so that people can be healthy. Public health includes the activities that society undertakes to assure the conditions in which people can be healthy. These include organized community efforts to prevent, identify, and counter threats to the health of the public.
- (II) “Public pool” means a swimming pool, admission to which may be gained by the general public with or without payment of a fee.

- (JJ) “Quarantine” means the restriction of activities of an individual or animal that has been exposed to a case or carrier of a communicable disease during the communicable period, to prevent transmission of the disease if infection occurs.
- (KK) “Quarantine authority” means the authority to issue an order to limit the freedom of movement or action of persons or animals which have been exposed to or are reasonably suspected of having been exposed to a communicable disease or communicable condition for a period of time as may be necessary to prevent the spread of that disease. Quarantine authority also means the authority to issue an order to limit access by any person or animal to an area or facility that may be contaminated with an infectious agent. The term also means the authority to issue an order to limit the freedom of movement or action of persons who have not received immunizations against a communicable disease when the Director determines that the immunizations are required to control an outbreak of that disease.
- (LL) "Reservation" means the Pascua Yaqui Tribe Reservation established pursuant to the Act of September 18, 1978 (Public Law 95-375; 92 Stat. 712), and includes all lands of any kind within the exterior boundaries of the Reservation, all lands outside such boundaries held in trust for the Tribe or any of its members by the United States.
- (MM) “Risk factor” means an activity or circumstance that increases the chances that an individual will become infected with or develop a communicable disease.
- (NN) “Secchi disk” (pool related) means an opaque disk, typically white, used to gauge the transparency of water by measuring the depth (*Secchi depth*) at which the disk ceases to be visible from the surface.
- (OO) “Semipublic pool” means a swimming pool on the premises of, or part of, but not limited to, a hotel, motel, mobile home park, apartment house, country club, camp, health club, condominium, homeowner’s association, or similar establishment where the primary business of the establishment is not the operation of the swimming facilities and where admission to the use of the pool is included in the fee, or consideration paid or given for the primary use of the premises.
- (PP) “Sexual contact” means vaginal intercourse, anal intercourse, fellatio, or cunnilingus.
- (QQ) “Significant exposure” means contact of a person’s ruptured or broken skin or mucous membranes with another person’s blood or bodily fluid, other than tears, saliva, or perspiration, of a magnitude that the Centers for Disease Control have epidemiologically demonstrated can result in a transmission of blood borne or bodily fluid carried diseases.
- (RR) "State" means the State of Arizona.
- (SS) “Subject” means an individual whose blood or other bodily fluid has been tested or is to be tested.
- (TT) “Suspect case” means an individual whose medical history, signs, or symptoms indicate that the individual:
- (1) May have or is developing a communicable disease;
 - (2) May have experienced diarrhea, nausea, or vomiting as part of an outbreak;
 - (3) May have dies without apparent cause within 48 hours after experiencing a fever; or
 - (4) May have experienced a vaccinia-related adverse event.

- (UU) "Syndrome" means a pattern of signs and symptoms characteristic of a disease.
- (VV) "Test" means an analysis performed on blood or other body fluid to evaluate for the presence or absence of a disease.
- (WW) "Treatment" means a procedure or method to cure, improve, or palliate an illness or a disease.
- (XX) "Tribal Council" means the Pascua Yaqui Tribal Council.
- (YY) "Tribe" means the Pascua Yaqui Tribe.
- (ZZ) "Tribe's Employees" means:
 - (1) All employees of the Pascua Yaqui Tribe of Arizona;
 - (2) All employees of the "Gaming Enterprise Division" ("GED"), established by 2 PYTC § 3-1;
 - (3) All employees of the "Tribal Enterprise Division" ("TED"), established by 2 PYTC § 3-2;
- (AAA) "Vaccine" means any virus, therapeutic serum, toxin, anti-toxin, or analogous product applicable to the prevention, treatment or cure of diseases or injuries of man and includes any booster therefore.
- (BBB) "Vector Control" means any method to limit or eradicate the mammals, birds, insects, or other arthropods (collectively referred to as vectors) which transmit disease pathogens.

SUBCHAPTER C PUBLIC NUISANCES DANGEROUS TO THE PUBLIC HEALTH

Section 60 Public Nuisances Dangerous to the Public Health (8 PYTC § 5-3-60)

- (A) The following conditions are specifically declared public nuisances dangerous to the public health:
 - (1) Any condition or place that constitutes a breeding place for flies, rodents, mosquitos, and other insects that are capable of carrying and transmitting disease-causing organisms to any person or persons or any condition or place that constitutes a feral colony of honeybees that is not currently maintained by a beekeeper and that poses a health or safety hazard to the public.
 - (2) Any spoiled or contaminated food or drink intended for human consumption.
 - (3) Any restaurant, food market, bakery, or other place of business or any vehicle where food is prepared, packed, processed, stored, transported, sold or served to the public that is not constantly maintained in a sanitary condition, this includes private homes and private and community kitchens.
 - (4) Any place, condition or building that is controlled or operated by any governmental agency and that is not maintained in a sanitary condition.
 - (5) All sewage, human excreta, wastewater, garbage or other organic wastes deposited, stored, discharged or exposed so as to be a potential instrument or medium in the transmission of disease to or between any person or persons.

- (6) Any vehicle or container that is used in the transportation of garbage, human excreta or other organic material and that is defective and allows leakage or spillage of contents.
 - (7) The presence of ectoparasites such as bedbugs, lice, mites and others in any place.
 - (8) The maintenance of any overflowing septic tank or cesspool, the contents of which may be accessible to flies.
 - (9) The pollution or contamination of any domestic waters.
 - (10) The presence of common towels for use of the public in any public or semipublic place unless properly washed and sanitized following each use.
 - (11) Buildings or any parts of buildings that are in a filthy condition and that may endanger the health of person living in the vicinity.
 - (12) Water, other than that used by irrigation, industrial or similar systems for nonpotable purposes, that is sold to the public, distributed to the public or used in production, processing, storing, handling, serving or transportation of food and drink that is unwholesome, poisonous or contains deleterious foreign substances or filth or disease causing substances or organisms.
- (B) If the Director has reasonable cause to believe from information furnished to the Director or from investigation made by the Director, or their designee, that any person is maintaining a nuisance or engaging in any practice contrary to the health laws of the Tribe, the Director shall promptly serve on that person by certified mail a cease and desist order requiring the person, on receipt of the order, promptly to cease and desist from that act.
- (C) If a person fails or refuses to comply with the order of the Director, the Director may file an action in the Pascua Yaqui Tribal Court restraining and enjoining the person from engaging in further acts.

SUBCHAPTER D COMMUNICABLE DISEASE

Section 70 Reporting Requirements (8 PYTC § 5-3-70)

- (A) All health care providers shall, either personally or through a representative, report all cases or suspect cases of a communicable disease to the Director.
- (B) The administrator of a school, child care establishment, or shelter shall, either personally or through a representative, report all cases or suspect cases of a communicable disease to the Director.
- (C) The administrator of a clinical laboratory that obtains test results detecting or receives a specimen for detection of an infectious agent or toxin, shall, either personally or through a representative, report all cases or suspect cases of a communicable disease to the Director.
- (D) All law enforcement shall, either personally or through a representative, report all cases or suspect cases of a communicable disease to the Director.
- (E) Required reports shall be made within 24 hours after a case or suspect case is diagnosed, treated, or detected or an occurrence is detected.

- (F) Required reports shall contain the following information about the case or suspect case:
- (1) The name, address, telephone number, and if available email address of:
 - (a) The individual making the report; and
 - (b) The health care provider, health care institution, or correctional facility;
 - (2) Name of the case/suspect case;
 - (3) Residential and mailing addresses;
 - (4) County of residence;
 - (5) If the individual is living on the reservation;
 - (6) Telephone number;
 - (7) Date of birth;
 - (8) Gender;
 - (9) Race and ethnicity;
 - (10) If known, whether the individual is pregnant;
 - (11) If known, whether the individual is alive or dead;
 - (12) If known, the individual's occupation;
 - (14) If the individual is attending or working in a school or child care establishment or working in a health care institution or food establishment, the name and address of the school, child care establishment, health care institution, or food establishment; and
 - (15) For a case or suspect case who is a child requiring parental consent for treatment, the name, residential address, telephone number, and if available, email address of the child's parent or guardian if known.
- (G) Required reports shall contain the following information about the disease:
- (1) The name of the disease;
 - (2) The date of onset of symptoms;
 - (3) The date of diagnosis;
 - (4) The date of specimen collection;
 - (5) Each type of specimen collected;
 - (6) Each type of laboratory test completed;
 - (7) The date of the result of each laboratory test; and

- (8) A description of the laboratory test results, including quantitative values if available.
- (H) For each outbreak for which a report is required, the report shall contain the following information:
 - (1) A description of the signs and symptoms;
 - (2) If possible, a diagnosis and identification of suspected sources;
 - (3) The number of known cases and suspect cases;
 - (4) A description of the location and setting of the outbreak; and
 - (5) The name, address, and telephone number of the individual making the report.
- (I) The Director, or their designee, shall supply the appropriate reporting form to those agencies and individuals required to report under this Subchapter, and shall assist the agency/individual with completing and submitting the required form within the timeframe established herein.

Section 80 Control Measures (8 PYTC § 5-3-80)

The Director, or their designee, shall:

- (A) Review each report received under Subchapter E for completeness and accuracy;
- (B) Confirm each diagnosis;
- (C) Conduct epidemiologic and other investigations required herein;
- (D) Facilitate notification of known contacts;
- (E) Conduct surveillance;
- (F) Determine trends;
- (G) Implement control measures, quarantines, isolations, and exclusions as authorized herein;
- (H) Disseminate surveillance information to health care providers;
- (I) Provide health education to a disease case or contact to reduce the risk of transmission of the respective disease; and
- (J) Report to Tribal Council.

Section 90 Isolation and Quarantine (8 PYTC § 5-3-90)

- (A) The Director is authorized to investigate, or invite appropriate Federal and State officials in to investigate, communicable diseases and communicable conditions reported to him/her, and to exercise quarantine and isolation authority. Quarantine and isolation authority shall be exercised only when and so long as the public health is endangered, all other reasonable means for correcting the problem have been exhausted, and no less restrictive alternative exists.
- (B) No person other than a person authorized by the Director shall enter quarantine or isolation premises. Nothing in this section shall be construed to restrict the access of authorized health care,

law enforcement, or emergency medical services personnel to quarantine or isolation premises as necessary in conducting their duties.

- (C) Before applying quarantine or isolation authority to livestock or poultry for the purpose of preventing the direct or indirect conveyance of an infectious agent to persons, the Director shall consult with any tribal officials in whom general agricultural responsibilities are vested.
- (D) When quarantine, isolation, or other control measures limits the freedom of movement of a person or animal or of access to a person or animal whose freedom of movement is limited, the period of limited freedom of movement or access shall not exceed ten (10) calendar days. If the Director determines that quarantine, isolation, or other control measures need to continue for more than ten (10) calendar days, the Director shall file a petition in the Pascua Yaqui Tribal Court seeking a court order that authorizes the continuation of quarantine, isolation, or other control measures for an individual or group of individuals for a period of time not to exceed thirty (30) days, though the Director can move to continue the order for additional periods not to exceed thirty (30) days each.
- (E) Violations of the orders of the Director lawfully issued under this Subchapter shall be misdemeanors punishable by up to one year's imprisonment, and/or by a civil fine of not more than \$2,000.00. Nothing herein limits the application of any other civil remedies available at law, including exclusion.

Section 100 Arrest to Enforce Control Measures Limiting Freedom of Movement or Access (8 PYTC § 5-3-100)

- (A) A law enforcement officer may detain an individual arrested for violation of an order limiting freedom of movement or access issued pursuant to this Subchapter in the area designated by the Director pursuant to such order. The person may be detained in such area until the initial appearance before the Pascua Yaqui Tribal Court pursuant to the Tribe's Code.
- (B) If a judicial officer conducting an initial appearance finds by clear and convincing evidence that a person arrested for violation of an order limiting freedom of movement or access issued pursuant to this Subchapter poses a threat to the health and safety of others, the judicial official shall deny pretrial release and shall order the person to be confined in an area or facility designated by the Director pursuant to his/her Isolation and Quarantine authority. Such pretrial confinement shall terminate when a judicial officer determines that the confined person does not pose a threat to the health and safety of others. These determinations shall be made only after the Director has made recommendations to the court.

Section 110 Control Measure Order Requirements (8 PYTC § 5-3-110)

- (A) Control measure orders must contain the following:
 - (1) The specific control measure being ordered and the requirements being imposed, including, if applicable, requirements for physical examinations and medical testing;
 - (2) The identity of the individual or group of individuals to whom the control measure applies;
 - (3) The premises to which the control measure applies, or to which individuals and/or animals are to be quarantined or isolated;
 - (4) The date and time at which the control measure requirements begin;

- (5) The justification for the control measure, including, if known, the disease for which the individuals and/or animals are believed to be cases, suspect cases, or contacts; and
 - (6) A statement that the control measure requirements shall be in place for no more than ten (10) calendar days unless extended by Pascua Yaqui Tribal Court order.
- (B) Control measure orders shall be in writing and shall be served on the individual or group of individuals to whom such order applies, or the owner of the animal or animals to whom such order applies.
- (C) Notwithstanding the provisions in subsection B above, the control measure order may be posted in a conspicuous place at the premises at which a group of individuals is to be isolated or quarantined if:
- (1) The written order applies to the group of individuals; and
 - (2) It would be impracticable to provide a copy of the control measure order to each individual in the group.

Section 120 HIV-Related Notification (8 PYTC § 5-3-120)

- (A) The Director, or his/her designee, shall confidentially notify an individual reported to be at risk for HIV infection if all the following conditions are met:
- (1) The Department receives the report of risk in a document that includes the following:
 - (a) The name and address of the individual reported to be at risk or enough other identifying information about the individual to enable the individual to be recognized and located;
 - (b) The name and address of the infected individual placing the individual named under subsection (A)(1)(a) at risk;
 - (c) The name and address of the individual making the report; and
 - (d) The type of exposure placing the individual named in subsection (A)(1)(a) at risk;
 - (2) The individual making the report is in possession of confidential HIV-related information; and
 - (3) The Director determines that the information provided in the report is accurate and contains sufficient detail to:
 - (a) Indicate that the exposure described as required in subsection (A)(1)(d) constitutes a significant exposure for the individual reported to be at risk; and
 - (b) Enable the individual reported to be at risk to be recognized and located;
- (B) The Director shall notify the superintendent of a school district in a confidential document that a pupil of a school district tested positive for HIV if the Department determines that:
- (1) The pupil places others in the school setting at risk for HIV infection; and

- (2) The school district has an HIV policy that includes the following provisions:
 - (a) That a school shall not exclude a pupil who tested positive for HIV from attending school or school functions or from participating in school activities solely due to HIV infection;
 - (b) That school district personnel who are informed that a pupil tested positive for HIV shall keep the information confidential; and
 - (c) That the school district shall provide HIV-education programs to pupils, parents or guardians of pupils, and school district personnel through age-appropriate curricula, workshops, or in-service training sessions.

Section 130 STD-Related Notification and Treatment (8 PYTC § 5-3-130)

(A) When a laboratory report for a test ordered by a health care provider for a subject indicates that the subject is infected with an STD, the ordering health care provider, or his/her designee, shall:

- (1) Describe the results to the subject;
- (2) Provide or arrange for the subject to receive the following information about the STD for which the subject was tested:
 - (a) A description of the disease or syndrome caused by the STD, including its symptoms;
 - (b) Treatment options for the STD and where treatment may be obtained;
 - (c) A description of how the STD is transmitted to others;
 - (d) A description of measures to reduce the likelihood of transmitting the STD to others and that it is necessary to continue the measures until the infection is eliminated; and
 - (e) That it is necessary for the subject to notify individuals who may have been infected by the subject that the individuals need to be tested for the STD.

(B) For each STD case, the Director, or his/her designee, shall:

- (1) Inform the subject that each individual with whom the subject has had sexual contact needs to be tested for the STD as follows:
 - (a) Chlamydia or gonorrhea: contacts within sixty (60) days preceding the onset of symptoms up to the date the subject began treatment;
 - (b) Chancroid: contacts within ten (10) days preceding the onset of chancroid symptoms up to the date the subject began treatment;
 - (c) Syphilis:
 - (i) Contacts within ninety (90) days preceding the onset of symptoms of primary syphilis up to the date the subject began treatment;

- (ii) Contacts within six (6) months preceding the onset of symptoms of secondary syphilis up to the date the subject began treatment; and
 - (iii) Contacts within 12 months preceding the date the subject was diagnosed with syphilis if the subject cannot identify when symptoms of primary or secondary syphilis began;
- (2) Inform the subject that the Director, or his/her designee, will notify each contact named in subsection (B)(1);
- (3) Notify each contact named in subsection (B)(1) of the contact's exposure to an STD and the need for the contact to be tested;
- (5) Offer or arrange for each contact named in subsection (B)(1) to receive testing and, if appropriate, treatment; and
- (6) Provide information to each contact named in subsection (B)(1) about:
 - (a) The characteristics of the applicable STD;
 - (b) The syndrome caused by the applicable STD; and
 - (c) Measure to reduce the likelihood of transmitting the applicable STD.

SUBCHAPTER E VECTOR CONTROL

Section 140 Vector Prevention (8 PYTC § 5-3-140)

- (A) All buildings, places and premises shall immediately and continuously be kept in a clean and sanitary condition, and free from rodents by the owner and/or the occupant thereof.
- (B) All building and basement walls of all storerooms, warehouses, residences or other buildings; and all food products or other products, good, wares and merchandise liable to attract or to become infested with rat or rodents shall be so protected by the owner or occupant as to prevent rodents from gaining access thereto or coming into contact therewith.
- (C) Garbage and other waste shall be contained in a sanitary manner.
- (D) Accumulated materials shall be stored in a manner that facilitates monitoring for pest activity and prevents harborage of noxious insects, rodents, and wildlife.
- (E) To prevent the breeding of mosquitos that can carry and transmit disease, and to prevent rodents and other unwanted pests, property owners and occupants are required to eliminate standing water sources.

SUBCHAPTER F IMMUNIZATIONS

Section 150 Required Immunizations for Child Care or School Entry (8 PYTC § 5-3-150)

- (A) Before being admitted to any child care facility or school, children shall be immunized for each of the following diseases according to the most recent schedule published by the Arizona Department of Health Services:

- (1) Diphtheria;
 - (2) Tetanus;
 - (3) Hepatitis A;
 - (4) Hepatitis B;
 - (5) Pertussis;
 - (6) Poliomyelitis;
 - (7) Measles (rubeola);
 - (8) Mumps;
 - (9) Rubella (German Measles);
 - (10) *Haemophilus Influenzae* type b;
 - (11) Varicella; and
 - (12) Meningococcal.
- (B) Before being admitted to any childcare facility or school, children shall be immunized for any other disease as mandated by Tribal Council, including but not limited to:
- (1) SARS-CoV-2 (COVID-19).
- (C) If a child does not have proof of immunization, the child shall be excluded from child care or school entry, unless the child is immunized against the diseases listed in subsection (A) within fifteen (15) days following entry. Failure to immunize within the fifteen (15) day period shall result in removal from the child care or school facility until proof of immunization can be shown. It is the responsibility of the school or child care facility administrator to enforce this subsection (B).
- (D) A child care or school administrator shall not allow a child who lacks proof of immunity against a disease listed in subsection (A) to attend the school or child care during an outbreak of the disease for which the child lacks proof of immunity. The Director shall determine the start and termination of an outbreak.

Section 160 Required Immunizations and Testing for Food Handlers (8 PYTC § 5-3-160)

- (A) With reasonable cause, which shall be made known to the individual, the Director is authorized to require any and all food handlers to be immunized for Hepatitis A.
- (B) With reasonable cause, which shall be made known to the individual, the Director is authorized to require any and all food handlers to be tested for tuberculosis.

Section 170 Tribal Employee Required Immunizations and Testing and Infection Control Requirements (8 PYTC § 5-3-170)

- (A) Authority for Infection Control Requirements:
- (1) Upon information furnished to Tribal Council from the Director, Tribal Council may issue a directive mandating reasonable and specific actions to protect the health safety and welfare of all of the Tribe's Employees, the employees of the Pascua Yaqui Development Corporation and any of its subsidiaries, and the employees of any other tribal enterprise and any of its subsidiaries, if the Tribal Council has cause to believe such action is necessary.
 - (2) Upon directive from Tribal Council, the Director and the Director of Human Resources shall promptly implement a policy to carry-out Tribal Council's directive. The policy shall be made effective immediately. Notification of the directive and policy shall be done by letter, electronic communication and/or any other tribal communication.
 - (3) Infection Control Requirements specifically includes, but is not limited to , Federal Drug Administration and/or Center for Disease Control vaccinations, vaccine boosters, and/or other public health and safety mitigation recommendations.
- (B) As a condition of employment or contract with the Pascua Yaqui Tribe, the Tribe's Employees, the employees of the Pascua Yaqui Development Corporation and any of its subsidiaries, and the employees of any other tribal enterprise and any of its subsidiaries may be required to demonstrate proof of immunization and testing in order to protect the safety of both the Pascua Yaqui community and all employees. Such immunization and/or testing requirements will be made known through the following means:
- (1) Job Description and/or Employee Handbook
 - (2) Contract Provision
 - (3) Approved Department Policy
 - (4) Tribal Council Resolution, Ordinance, and/or Executive Order
- (C) Exemptions from Infection Control Requirements: Consistent with Tribal Council's directive pursuant to this Section, any policy issued by the Director and the Tribe's Director Human Resources, shall specify any exemptions not inconsistent with Pascua Yaqui law.
- (D) Nothing in this Chapter prevents the Tribal Council from exercising its Constitutional authority to take additional and specific actions Tribal Council deems necessary to protect the health safety and welfare of all individuals within the jurisdiction of the Tribe, including but not limited to , mandating disease testing, vaccinations, proof of vaccinations, and other public health and safety mitigation measures for the Tribe's members, the Tribe's employees, and individuals who voluntarily enter onto the Tribe's lands.

Section 180 Exemptions from Immunizations (8 PYTC § 5-3-180)

- (A) A child who submits laboratory evidence of immunity to a disease to a school or child care is not required to be immunized against that disease as a condition for school or child care entry.
- (B) A child shall be exempt from immunization for a disease listed in Section 160(A) upon written certification by the child's primary care physician that the child suffers from a medical condition

rendering the required immunization detrimental to the child's health, and that indicates the specific nature and probable duration of the medical condition or circumstance that precludes immunization.

- (C) A child who has reached his fifth (5th) birthday is exempt from the Hib immunization requirement.

SUBCHAPTER G MEDICAL WASTE MANAGEMENT

Section 190 Medical Waste (8 PYTC § 5-3-190)

The Department shall adopt rules to define biohazardous medical waste and to regulate biohazardous medical waste and medical sharps to include all of the following:

- (A) A definition for biohazardous medical wastes that contain material that is likely to transmit etiologic agents that have been shown to cause or contribute to increased human morbidity or mortality of epidemiologic significance.
- (B) Reasonably necessary rules regarding the storage, collection, transportation, treatment, and disposal of biohazardous medical waste and medical sharps.
- (C) Reasonably necessary rules regarding the tracking of biohazardous medical waste and medical sharps.

SUBCHAPTER H SWIMMING POOLS AND SPAS

Section 200 Water Quality Standards (8 PYTC § 5-3-200)

- (A) Generally. Swimming pool and spa water shall be treated and maintained so that, whenever the swimming pool is open for use, the bacterial, chemical, and physical qualities of the water will meet the standards set forth in this Subchapter.
- (B) Bacterial Standards. Not more than fifteen percent of the water samples collected for a pool shall:
 - (1) Contain more than two hundred bacteria per milliliter, as determined by the standard Agar Plate Count; or
 - (2) Show a confirmed positive test for coliform organisms in any of 5-10 milliliter portions of a sample, or more than one coliform organism per fifty milliliters when the membrane filter test is used. All samples shall be collected dechlorinated, or similarly neutralized when another disinfectant is used, and examined in accordance with the procedures outlined in the latest edition of Standard Method for the Examination of Water and Wastewater (APHA). The Director, of his/her designee, may collect, or require the pool/spa owner to collect and submit, water samples for bacteriological examination on a routine basis while the pool/spa is in active use.
- (C) Chemical Standards. All pools and spas shall be continuously disinfected by an approved means which will maintain an adequate, readily measureable residual or disinfectant in the water. Whenever chlorine, or chlorine compound, is employed for disinfection, the amount of free chlorine residual in the water shall not be less than 2.0 P.P.M. or more than 5.0 P.P.M. at a pH of 7.0 to 8.0. Whenever chlorinated isocyanurate or isocyanuric acid are applied to the water for stabilization, the free chlorine residual shall not be less than 2.0 P.P.M. or more than 5.0 P.P.M. with an isocyanurate level of not more than 100 P.P.M. The total alkalinity must be between 60

and 180 P.P.M. The procedure for determination of free chlorine residual shall be by the DPD method or any of the other procedures outlined in the latest edition of Standard Methods for Examination of Water or Wastewater (APHA).

- (D) Physical Standards. The surface of the pool and spa water shall be kept free of scum and floating debris. The bottom and sides shall be maintained free of sediment, dirt, slime and algae. Water shall be maintained free of turbidity and shall be sufficiently clear so that the main drain outlet is clearly visible from the side of the pool/spa, or that a Secchi disk 200 mm. in diameter when placed at the bottom of the pool at the deepest point is clearly visible from all sides of the pool.
- (E) Tests. All pools/spas shall be equipped with approved test equipment to determine pH and disinfectant residual. The pool/spa operator shall perform the tests and record the results in the daily operating records. Such records shall be made available to the Director, or his/her designee, upon request. Public pools and spas shall be tested every hour. Semi-public pools and spas shall be tested twice a day.

SUBCHAPTER I INSPECTIONS AND ABATEMENT

Section 210 Inspections (8 PYTC § 5-3-210)

- (A) The Director, or his/her designee, is authorized to conduct inspections in the following circumstances:
 - (1) When a suspected public health threat has been reported;
 - (2) As a matter of routine, of buildings and premises used in the production, processing, storing, handling, serving or transportation of food and drink for the public;
 - (3) As a matter of routine, of swimming pools and spas open to the public.
- (B) When a suspected public health threat has been reported, the Director, or his/her designee, is authorized to enter into and upon private premises in order to conduct inspections.

Section 220 Abatement of an Imminent Hazard (8 PYTC § 5-3-220)

- (A) If the Director determines that an imminent hazard exists, the Director, or his/her designee, may order the owner, lessee, operator, or other person in control of the property to abate the imminent hazard or may, after notice to or reasonable attempt to notify the owner, lessee, operator, or other person in control of the property, enter upon any property, or cause entry upon any property, to take any action necessary to abate the imminent hazard. If the Director abates the imminent hazard, the Tribe shall have a lien on the property of the owner, lessee, operator, or other person in control of the property where the imminent hazard existed for the cost of the abatement of the imminent hazard. The lien may be defeated by a showing that the imminent hazard did not exist at the time the Director, or his/her designee, took the action. The owner, lessee, operator, or other person against whose property the lien has been filed may defeat the lien by showing that the person was not culpable in the creation of the imminent hazard.
- (B) All Pascua Yaqui Departments and Programs are authorized to enter upon any empty, abandoned, or otherwise unoccupied property for the purpose of routine grounds clean-up and debris removal; and shall perform the necessary services to abate an imminent hazard, as determined to exist by the Director, for such empty, abandoned, or otherwise unoccupied property.

Section 230 Abatement of Public Health Threat (8 PYTC § 5-3-230)

- (A) If it is determined by the Director that a public health threat may exist because of the contamination of property caused by a terrorist incident using nuclear, biological, or chemical agents, the Director may initiate his/her own order to abate the public health threat. To the extent that the owner, lessee, operator, or other person in control of the property is innocent of culpability in the creation of the public health threat, that person shall not be responsible for the costs of abating the public health threat.
- (B) The Director, or his/her designee, is authorized to order the closure of any building or premises which, after investigation, the Director determines to be a public health threat, including but not limited to, public pools and spas; and buildings and premises used in the production, processing, storing, handling, serving or transportation of food and drink for the public. Such closure shall be performed in accordance with the Department's approved Standards and Procedures, and shall continue until the public health threat is corrected.

Section 240 Liens (8 PYTC § 5-3-240)

Liens instituted pursuant to Section 330 shall be filed by posting notice of the lien on a public notice board in the Tribe's Administration building, by posting a notice of the lien on a public notice board in the Tribe's Health building, and by mailing a notice of lien to the individual against whose property the lien has been filed. Such notice shall be sent by certified mail return receipt to the individual's last known address.

SUBCHAPTER J RULES AND REGULATIONS

Section 250 Authority (8 PYTC § 5-3-250)

The Pascua Yaqui Health Services Division, through its duly appointed Director, is authorized and directed to draft and implement the rules and regulations necessary to effectuate the provisions of this Ordinance; provided that such rules and regulations are subject to review by the Pascua Yaqui Tribal Council upon request.

DISPOSITION TABLE

Former Section	New Section
Sec. 8.1	Section 10
Sec. 8.2	Section 20
Sec. 8.4	Section 30
NEW	Section 40
NEW	Section 50
NEW	Section 60
NEW	Section 70
NEW	Section 80
NEW	Section 90
NEW	Section 100
NEW	Section 110
NEW	Section 120
NEW	Section 130
NEW	Section 140
NEW	Section 150
NEW	Section 160
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NEW	Section 200
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NEW	Section 220
NEW	Section 230
NEW	Section 240
NEW	Section 250