



Office of the Secretary

DEPARTMENT OF HEALTH AND SOCIAL AFFAIRS
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PUBLIC NOTICE

This is to inform the general public that the FSM Department of Health and Social Affairs (FSM DHSA), hereby propose to promulgate a Regulation to Implement Public Law 22-134 (the Healthy Border Protection Act).

The purpose of the Regulation is to (1) protect public health, safety and welfare of the nation from the adverse effects of COVID-19, (2) provide orderly, uniform, unified and rational regulations for the early identification and sustainable management of COVID-19 cases should there be local transmission, and (3) provide implementing regulation of the FSM Healthy Border Protection Act of 2022 in accordance with the FSM COVID-19 guidelines and standard operating procedures.

At this juncture of the COVID-19 Pandemic, the risk of introducing COVID-19 cases into the FSM should no longer be the basis to keep FSM's borders closed. The current science and knowledge of COVID-19 and the predominant Omicron variant, availability of vaccines and therapeutics, capacity and capability for testing and treatment, and through additional COVID-19 prevention, protection and management measures and tools which includes test-to-treat centers, restriction of movement, social distancing, personal hygiene and hand washing, wearing mask, etc., should now serve as the basis of FSM's readiness to reopen our borders on August 1, 2022. At that time, we must return to our normal lives. Our economy must be rejuvenated, our business sector must thrive and our external dealing with our important partners must resume. Public Law 22-134 and this proposed Regulation are intended to help return FSM to normalcy.

This proposed Regulation is open for public review and comment beginning on the date of posting and ending on the 30th day of posting. An electronic copy of the proposed regulation can be obtained from the FSM DHSA website at <https://hsa.gov.fm>. A hard copy may also be obtained from the FSM DHSA in Palikir. Any person interested in reviewing and commenting on the proposed Regulation may do so in written submission to:

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All written comments or submissions must be submitted to FSM DHSA within the thirty (30) days after posting of this notice. Written comments and submission must be submitted to FSM DHSA during working hours 8:00 am to 5:00 pm, Monday to Friday.

PERMANENT REGULATION IMPLEMENTING PUBLIC LAW NO. 22-134

HEALTHY BORDER PROTECTION ACT

This Regulation is issued by the Department of Health to implement the Healthy Border Protection Act pursuant to Public Law No. 22-134.

Extra copies of the proposed regulation can be obtained from the Department of Health & Social Affairs. Any person interested in commenting may do so by written submission to:

FSM Department of Health & Social Affairs
Palikir, Pohnpei
Federated States of Micronesia

I. Authority.

(a) Section 305 of Title 50 of the FSM Code (Annotated) as amended by Public Law No. 22-135 empowers the Secretary of Health & Social Affairs to issue regulation regarding COVID-19 vaccination and booster requirements at all ports of entry, including but not limited to:

(1) (a) Type of COVID-19 vaccine and booster shots acceptable for entry into the FSM; and

(2) (b) Waiting period requirements after receiving the COVID-19 novel coronavirus (SARS-CoV-2) vaccine and booster shots to be considered fully vaccinated prior to entry.

(b) Section 307 of Title 50 of the FSM Code (Annotated) as amended by Public Law No. 22-135 in reference to Title 41 of the FSM Code empowers the Secretary of Health & Social Affairs to establish COVID-19 Health Clearance Declaration requirements and assessment factors by regulation.

(c) Sections 307 and 308 of Title 50 of the FSM Code (Annotated) as amended by Public Law No. 22-135 in reference to Title 41 of the FSM Code empowers the Secretary to issue regulation to implement this Act.

(d) Section 311 of Title 50 of the FSM Code (Annotated) as amended by Public Law No. 22-135 requires that the Secretary of Health and Secretary of Justice shall enact regulations to implement this Act within 30 calendar days of this Act becoming law.

II. Reasons for the Regulation

(a) The reasons for the proposed regulation are the following:

- (1) To protect public health, safety and welfare of the nation from the adverse effects of COVID-19];
- (2) To provide orderly, uniform, unified and rational regulations for the early identification and sustainable management of COVID-19 cases should there be local transmission]; and,
- (3) To provide implementing regulation of the FSM Healthy Border Protection Act in accordance with the FSM COVID-19 guidelines and Standard Operating Procedures (SOPs).

III. Definitions. Except where otherwise expressly stated or required by the context of a provision of this Regulation or by law, the following terms shall have their corresponding meanings:

- (1) “Act” means the Healthy Border Protection Act enacted by the 22nd FSM Congress through Public Law No. 22-134.
- (2) “Congress” means the Congress of the Federated States of Micronesia.
- (3) “COVID-19” means the novel coronavirus that appeared in 2019 and which has been the subject of emergency declaration issued by the President of the Federated States of Micronesia, which declaration was repeatedly extended and modified by the FSM Congress.
- (4) “COVID-19 test” refers to any of the acceptable COVID-19 test prior to entry into the FSM.
- (5) “COVID-19 vaccine” means any of the COVID-19 vaccines accepted by the FSM Government under this regulation, including boosters.
- (6) “Directors” means the FSM State Directors of Health.

- (7) “President” means the President of the Federated States of Micronesia.
- (8) “Secretary” means the Secretary of the FSM Department of Health & Social Affairs.
- (9) “Vaccine” or “vaccination” refers to the vaccine for the COVID-19 authorized or permitted or authorized by the Secretary of Health and Social Affairs.
- (10) “Fully vaccinated” refers to 14 days after completing your COVID-19 primary vaccination series.
- (11) “Boosted” refers to additional dose or doses of a vaccine given after the primary series.
- (12) “International Travel” refers to travel into or outside of FSM by aircraft (commercial, private, charter, military, and others crafts) and by sea vessel (passenger and cruise ships, cargo and fishing vessels, military, yachts, and other sea vessels)
- (13) “Interstate Travel” refers to travel between the FSM States

IV. International Travel.

- (a) At this juncture of the Pandemic, the risk of introducing COVID-19 cases into the FSM should no longer be (is no longer) the basis to keep FSM’s borders closed. The current science and knowledge of COVID-19 and the predominant Omicron variant, availability of vaccines and therapeutics, capacity and capability for testing and treatment, and through additional COVID-19 prevention, protection and management measures, e.g., test-to-treat centers, home quarantine, self-isolation, restriction of movement, social distancing, hand washing, masking, etc.,

should be the basis of FSM's readiness to reopen its borders on August 1, 2022.

- (b) For the purpose of this regulation, international travel includes travel by aircraft which includes commercial, private, charter, military, and others, and by sea vessel which includes passenger and cruise ships, cargo and fishing vessels, yachts, military, and others.

V. Pre-Travel Requirements.

(a) Vaccination

- (1) Any person entering the Federated States of Micronesia is required to be fully vaccinated and boosted (if eligible) with a COVID-19 vaccine approved by or granted emergency use authorization (EUA) by the U.S. Food and Drug Administration (US FDA) or the World Health Organization (WHO), prior to entry in the FSM.
- (2) The following are accepted COVID-19 vaccines:
1. Comirnaty – BioNTech Manufacturing GmbH
 2. Vaxzevria – AstraZeneca AB/SK Bioscience Co. Ltd
 3. Covishield – Serum Institute of India Pvt. Ltd
 4. COVID-19 Vaccine – Janssen-Cilag International NV
 5. SpikeVax – Moderna Biotect/TX, Inc
 6. Vero Cell – Beijing Institute of Biological Products Co., Ltd. (BIBP)
 7. CoronaVac – Sinovac Life Sciences
 8. Covaxin – Bharat Biotech International Ltd
 9. Conovax – Serum Institute of India Pvt. Ltd
 10. Nuvaxovid – Novavax CZ a.s.
 11. Convidecia – CanSino Biologics Inc
- (3) In order to be considered fully vaccinated, the following waiting periods must be observed:
- A. To be considered “fully vaccinated” 14 days have to lapse since your last dose of the COVID-19 primary vaccination series.

(4) The following COVID-19 boosters are accepted for the purposes of whether a person is considered boosted:

A. Booster dose is only required for adults 18 and older.

B. To be eligible for a booster dose, 5 months has to lapse since your last dose of COVID-19 primary series.

(5) Any person seeking exemption from the COVID-19 vaccination and/or booster requirements shall provide a certified medical statement from a licensed physician that the disability or medical condition of the person is such that the required COVID-9 vaccination or booster would endanger the life or health of the person. The Secretary may require further information or documentation in connection with a claim of exemption.

(b) COVID-19 testing

(1) Any person traveling to the FSM is required to be tested negative by PCR within 72 hours of entry.

(c) COVID-19 face-mask

(1) Any person, except children under 3 years old, entering FSM is required to wear mask at all time during travel.

(d) COVID-19 Health Clearance Declaration.

(1) A *FSM COVID-19 Health Clearance Declaration Form* is required to be completed upon entry in FSM. The declaration should include, at the minimum, the following mandatory information:

A. COVID-19 exposure or contact with persons with COVID-19.

B. COVID-19 contraction or infection;

C. COVID-19 medical treatment and hospitalization received;

- D. COVID-19 related quarantine; and
- E. COVID-19 testing results.

VI. Post Travel Requirements:

(a) Restriction of Movement.

- (1) A person who entered the FSM will be subjected to the following:
 - A. Stay at home and wear mask for 5 days.
 - B. If no symptoms, restriction of movement is lifted.
 - C. If developed symptoms visit the nearest Test-to-Treat Center.

VII. Interstate Travel

- (a) Inter-state travel is permitted on any aircraft and sea vessel originated locally (PMA, CIA, Navigator, and others) or internationally (UA, Air New Guinea, and others).
- (b) Traveler is required to be fully vaccinated and boosted.
- (c) Traveler is required to wear mask at all time during interstate travel.
- (d) The Secretary shall provide advice which shall be binding upon the States with respect to quarantine protocols and guidelines in the course of implementing this regulation.

VIII. Violation of Regulation.

- (a) Penalty for violating these regulations will be subjected to Public Law 22-134 and FSM Department of Justice Regulations.

IX. Implementation, Monitoring and Reporting

- (a) The Secretary shall coordinate with the State Directors of Health and Chairs of State Taskforces on implementation of this regulation in the FSM, including monitoring and reporting on the implementation of this regulation.
- (b) In monitoring the implementation of this regulation, the Secretary shall consider the following criteria:
 - (1) **Rationale** for implementation is based upon current medical practice;
 - (2) **Feasibility** of implementation in the proposed manner, time and place;
 - (3) **Limited health risk to all persons** at the port of entry including agency employees, persons working at the port, and travelers;
 - (4) **Administrative cost** for implementation and impact on agency budget;
 - (5) **Guidelines to aid in** effective implementation; and
 - (6) **Current capacity** to implement. The Secretary shall identify funding needed to implement this regulation, and may request supplemental funding from the FSM Congress if needed.
- (c) Within 90 business days of implementation of any regulation or agency action under this regulation, the Secretary shall provide a written report to the President regarding the implementation of this regulation. Copies of the report shall be provided to the Committee on Health and Social Affairs, and Committee on Judiciary and Governmental Operations in Congress of the Congress.
- (d) The Secretary may propose any amendment or changes to this regulation if necessary.