

TABLED

Cherokee Council House

Cherokee, (NC)

FEB 06 2020

TABLED

ORDINANCE NO. 128 (2020)

WHEREAS, Tribal Council passed Ordinance No. 2 (2019) containing laws essential for the accreditation of the Tribe's Public Health Department; and

WHEREAS, as part of the public health law initiative there are other chapters of the Tribal Code that require updating in order to ensure accuracy in cross-referencing, language use and to reflect changes that would support efficiencies in the current government structure; and

WHEREAS, these proposed changes are the result of the collaborative efforts of the tribal programs that would benefit from the changes proposed.

NOW THEREFORE BE IT ORDAINED in Tribal Council assembled, at which a quorum is present, that Cherokee Code Chapter 130 shall be amended as set forth in Exhibit A.

BE IT FURTHER ORDAINED that this ordinance shall be effective upon ratification by the Principal Chief and that all prior ordinances and resolutions that are inconsistent with this ordinance are rescinded.

*Submitted by: Office of the Attorney General for the Division of Public Health and Human Services*

## EXHIBIT A

1 Chapter 130 - PUBLIC HEALTH AND SANITATION

2 ARTICLE I. - IN GENERAL

3  
4 Sec. 130-1. - State sanitation laws.

5 All businesses located within the Qualla Boundary shall comply with all health and sanitation  
6 requirements of the State of North Carolina as it concerns food handling and preparation, lodging  
7 establishments and public pools. The Tribe's Department of Public Health shall ensure that these  
8 sanitation services from county departments of health are provided and reported to the Tribe's  
9 Public Health Department for compliance and enforcement when required.

10 Sec. 130-2. -- Division of Operations; Private sanitation services.

11 (a) Businesses located on the Qualla Boundary shall be permitted to hire or contract sanitation  
12 services from the private sector rather than using the services of the Tribal Sanitation  
13 Department.

14 (b) The Division of Operations is established and shall adopt administrative rules according  
15 to Chapter 150 which shall include but not be limited to sanitary waste disposal and  
16 permitting private sector solid waste collection and disposal.

17 ~~(b) Businesses providing contract sanitation services shall be granted the use of Cherokee landfill~~  
18 ~~but they shall not dispose in the Tribal landfill any material or matter collected from outside~~  
19 ~~the Cherokee Reservation.~~

20 Sec. 130-3. - Tribal Health Board.

21 (a) The Tribal Health Board shall consist of 13 members. One person shall be appointed by the  
22 Principal Chief; six Council representatives shall sit on the Tribal Health Board, one member  
23 from Tsali Manor, one member from Family Safety, one member from PHHS, and one  
24 member from Child Care. These members shall be voting members of the Tribal Health Board.  
25 Two members (non-voting) shall be from the Cherokee Indian Hospital Authority~~HHS~~: one  
26 patient advocate, and one employee advocate (to be voted on by members of the Employees  
27 Association).

28 (b) The Board shall adopt a constitution and By-laws to govern their acts and deliberations. The  
29 Board shall meet monthly.

30 (c) The Board shall monitor and investigate health care delivery to members of the Eastern Band  
31 of Cherokee Indians and their families. The Board shall seek to ensure efficient and  
32 appropriate health care to Tribal members, promote maximum utilization of all available  
33 medical resources, plan for health care programs, be responsible for budget preparation and  
34 allocation, establish health and medical priorities for the Cherokee Indian Reservation, assist  
35 or advise in the selection of medical personnel, plan and provide for training of medical  
36 personnel and Board members, plan for construction of all new health facilities, investigate  
37 availability of scholarships in the health services field, and investigate all contracted services  
38 for health care delivery offered by public health services.



1 Sec. 130-4. - Public Health and Sanitation Code Prohibition of Certain Food Sales Practices.

2 ~~The Tribal Council endorses the Public Health and Sanitation Code as the official Tribal~~  
3 ~~document for the regulation and control of health and sanitation activities on the Cherokee~~  
4 ~~Reservation. This chapter represents the proper references for any and all questions concerning~~  
5 ~~legality, conformance of standards and enforcement.~~

6 (a) It shall be unlawful for any person, individual, firm, association, organization,  
7 partnership, business trust, corporation or company to sell at wholesale or retail any  
8 meats, meat food products, poultry, poultry products, fish, shellfish, crustacea, scallop,  
9 and seafood products from any nonpermanent structure. Nonpermanent structures  
10 include, but are not limited to, trucks, vans and other mobile units. Delivery units that  
11 transfer products between approved processors and meat and seafood markets possessing  
12 a valid operational permit required by North Carolina Administrative Code 10.A 0502  
13 are exempted from this chapter.

14 (b) Any person, firm or corporation subject to the criminal jurisdiction of the Cherokee Court  
15 violating this chapter shall be guilty of a misdemeanor, and each violation shall be not  
16 less than \$100.00, nor more than \$1,000.00, or shall be imprisoned for not more than 60  
17 days, or both.

18 (c) Any person, firm or corporation ~~not~~ subject to the civil jurisdiction of the Cherokee Court  
19 who violates this chapter shall be subject to administrative fines guilty of a civil violation  
20 of the Cherokee Code and may be subject to a fine not more than \$1,000.00 for each  
21 offense. Persons, firms or corporations violating this provision may lose their privilege  
22 of continuing to conduct business on Cherokee Tribal lands, at the discretion of the Tribal  
23 Business Committee.

24 (d) The Division of Public Health and Human Services shall make administrative rules  
25 according to Chapter 150 and shall enforce this section.

26  
27 ARTICLE II. - INFECTIOUS DISEASES OF HUMANS AND ANIMALS; QUARANTINE  
28 Reserved. (Repealed and Replaced by Article IV)

29  
30 Sec. 130-5. — Definitions.

31 ~~The following definitions shall apply throughout this chapter unless otherwise specified:~~

32 ~~Authority means the Cherokee Indian Hospital Authority~~

33 ~~Communicable condition means the state of being infected with a communicable agent but~~  
34 ~~without symptoms.~~

35 ~~CEO means the Chief Executive Officer, or successor office, of the Cherokee Indian Hospital~~  
36 ~~Authority~~



~~Committee means the Tribal Health Board, which is the only person or persons authorized to issue orders of immediate quarantine.~~

~~Division means the Health and Medical Division of the Eastern Band of Cherokee Indians.~~

~~Executive Director means the Executive Director of Health and Medical Division~~

~~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.~~

~~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.~~

~~Lands held in trust for the Eastern Band of Cherokee Indians means land held in trust by the United States for the benefit of the Eastern Band of Cherokee Indians, and includes but is not limited to the trust lands within the Qualla Boundary, and those lands commonly referred to as "the 3200 Acre Tract," the "Snowbird Community," and trust lands in Cherokee County, NC.~~

~~Local board of health means the Health Board, a committee of Tribal Council, or its successor committee.~~

~~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.~~

~~Person means an individual, corporation, company, association, partnership, unit of local government or other legal entity.~~

~~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 State Health Director or a local health director determines that the immunizations are required to control an outbreak of that disease.~~

~~Vital records means birth, death, fetal death, marriage, annulment, divorce and enrollment records registered with the Tribal Court, Tribal Enrollment Office, Tribal Operations Office, or any state's or county's official records repository.~~

~~Sec. 130-6. Quarantine and isolation authority.~~

~~(a) Within all lands held in trust for the Eastern Band of Cherokee Indians, the Deputy Health Officer is empowered to investigate, or invite appropriate Federal or North Carolina state~~



1 ~~health officials in to investigate, communicable diseases and communicable conditions~~  
2 ~~reported to him/her, and to exercise quarantine and isolation authority. Quarantine and~~  
3 ~~isolation authority shall be exercised only when and so long as the public health is endangered,~~  
4 ~~all other reasonable means for correcting the problem have been exhausted, and no less~~  
5 ~~restrictive alternative exists.~~

6 (b) ~~No person other than a person authorized by the Deputy Health Officer shall enter quarantine~~  
7 ~~or isolation premises. Nothing in this subsection shall be construed to restrict the access of~~  
8 ~~authorized health care, law enforcement, or emergency medical services personnel to~~  
9 ~~quarantine or isolation premises as necessary in conducting their duties.~~

10 (c) ~~Before applying quarantine or isolation authority to livestock or poultry for the purpose of~~  
11 ~~preventing the direct or indirect conveyance of an infectious agent to persons, the Deputy~~  
12 ~~Health Officer shall consult with the North Carolina State Veterinarian in the Department of~~  
13 ~~Agriculture and Consumer Services, and with any tribal officials in whom general agricultural~~  
14 ~~responsibilities are vested.~~

15 (d) ~~When quarantine or isolation limits the freedom of movement of a person or animal or of~~  
16 ~~access to a person or animal whose freedom of movement is limited, the period of limited~~  
17 ~~freedom of movement or access shall not exceed ten calendar days. Any person substantially~~  
18 ~~affected by that limitation may institute in Cherokee Tribal Court an action to review that~~  
19 ~~limitation. If a person or a person's representative requests a hearing, the hearing shall be held~~  
20 ~~within 72 hours of the filing of that request, excluding Saturdays and Sundays. The court shall~~  
21 ~~reduce the limitation if it determines, by the preponderance of the evidence, that the limitation~~  
22 ~~is not reasonably necessary to prevent or limit the conveyance of a communicable disease or~~  
23 ~~condition to others. If the Deputy Health Officer determines that a ten-calendar-day limitation~~  
24 ~~on freedom of movement or access is not adequate to protect the public health, the Deputy~~  
25 ~~Health Officer must institute in Cherokee Tribal Court an action to obtain an order extending~~  
26 ~~the period of limitation of freedom of movement or access. If the person substantially affected~~  
27 ~~by the limitation has already instituted an action in Cherokee Tribal Court, the two issues must~~  
28 ~~be joined in the same case. The court shall continue the limitation for a period not to exceed~~  
29 ~~30 days if it determines, by the preponderance of the evidence, that the limitation is reasonably~~  
30 ~~necessary to prevent or limit the conveyance of a communicable disease or condition to others.~~  
31 ~~Before the expiration of an order issued under this section, the Deputy Health Officer may~~  
32 ~~move to continue the order for additional periods not to exceed 30 days each.~~

33 (e) ~~No pre-emption of federal law. Nothing in this chapter shall pre-empt the quarantine and~~  
34 ~~contagious disease authority granted to the United States Secretary of the Interior under 25~~  
35 ~~US Code 198 or successor provisions.~~

36 (f) ~~Penalties for violation. Violations of orders lawfully issued under the authority created in this~~  
37 ~~article are misdemeanors punishable by one year's imprisonment, and/or by a civil fine of not~~  
38 ~~more than \$2,000.00.~~

39 ~~Sec. 130-7. Abatement of an imminent hazard.~~

40 ~~If the Executive Director determines that an imminent hazard exists, the Executive Director~~  
41 ~~may order the owner, lessee, operator, or other person in control of the property to abate the~~  
42 ~~imminent hazard or may, after notice to or reasonable attempt to notify the owner, lessee, operator,~~  
43 ~~or other person in control of the property, enter upon any property and take any action necessary~~



1 ~~to abate the imminent hazard. If the Executive Director abates the imminent hazard, the~~  
2 ~~Department shall have a lien on the property of the owner, lessee, operator, or other person in~~  
3 ~~control of the property where the imminent hazard existed for the cost of the abatement of the~~  
4 ~~imminent hazard. The lien may be enforced in accordance with procedures provided in Chapter~~  
5 ~~44A of North Carolina General Statutes, except that no sale of trust land may be affected, but~~  
6 ~~where sale of land is permitted, forfeiture of a possessory holding and restoration of that tract to~~  
7 ~~tribal ownership shall be the remedy. The lien may be defeated by a showing that an imminent~~  
8 ~~hazard did not exist at the time the Executive Director took the action. The owner, lessee, operator,~~  
9 ~~or any other person against whose property the lien has been filed may defeat the lien by showing~~  
10 ~~that that person was not culpable in the creation of the imminent hazard.~~

11 ~~Sec. 130-8. Suspected terrorist attack.~~

12 ~~(a) If the State Health Director or the Executive Director reasonably suspects that a public health~~  
13 ~~threat may exist and that the threat may have been caused by a terrorist incident using nuclear,~~  
14 ~~biological, or chemical agents, the Executive Director is authorized to order any of the~~  
15 ~~following:~~

16 ~~(1) Require any person or animal to submit to examinations and tests to determine possible~~  
17 ~~exposure to the nuclear, biological, or chemical agents.~~

18 ~~(2) Test any real or personal property necessary to determine the presence of nuclear,~~  
19 ~~biological, or chemical agents.~~

20 ~~(3) Evacuate or close any real property, including any building, structure, or land when~~  
21 ~~necessary to investigate suspected contamination of the property. The period of closure~~  
22 ~~during an investigation shall not exceed ten calendar days. If the Executive Director~~  
23 ~~determines that a longer period of closure is necessary to complete the investigation, the~~  
24 ~~Executive Director may institute an action in Cherokee Tribal Court to order the property~~  
25 ~~to remain closed until the investigation is completed.~~

26 ~~(4) Limit the freedom of movement or action of a person or animal that is contaminated with,~~  
27 ~~or reasonably suspected of being contaminated with, a biological, chemical or nuclear~~  
28 ~~agent that may be conveyed to other persons or animals.~~

29 ~~(5) Limit access by any person or animal to an area or facility that is housing persons or~~  
30 ~~animals whose movement or action has been limited under subdivision (4) of this~~  
31 ~~subsection or to an area or facility that is contaminated with, or reasonably suspected of~~  
32 ~~being contaminated with, a biological, chemical or nuclear agent that may be conveyed~~  
33 ~~to other persons or animals. Nothing in this subdivision shall be construed to restrict the~~  
34 ~~access of authorized health care, law enforcement, or emergency medical services~~  
35 ~~personnel to quarantine or isolation premises as necessary in conducting their duties.~~

36 ~~(b) The authority under subsection (a) of this section shall be exercised only when and so long as~~  
37 ~~a public health threat may exist, all other reasonable means for correcting the problem have~~  
38 ~~been exhausted, and no less restrictive alternative exists. Before applying the authority under~~  
39 ~~subdivision (4) or (5) of subsection (a) of this section to livestock or poultry for the purpose~~  
40 ~~of preventing the direct or indirect conveyance of a biological, chemical or nuclear agent to~~  
41 ~~persons, the Executive Director shall consult with the State Health Director, State Veterinarian~~  
42 ~~in the Department of Agriculture and Consumer Services, and with any tribal officials in~~



1 whom general agricultural responsibilities are vested. The period of limited freedom of  
2 movement or access under subdivisions (4) and (5) of subsection (a) of this section shall not  
3 exceed ten calendar days. Any person substantially affected by that limitation may institute,  
4 in Cherokee Tribal Court, an action to review the limitation. If a person or a person's  
5 representative requests a hearing, the hearing shall be held within 72 hours of the filing of the  
6 request, excluding Saturdays and Sundays. The court shall reduce the limitation if it  
7 determines, by the preponderance of the evidence, that the limitation is not reasonably  
8 necessary to prevent or limit the conveyance of biological, chemical or nuclear agents to  
9 others, and may apply such conditions to the limitation as the court deems reasonable and  
10 necessary. If the Executive Director determines that a ten-calendar-day limitation on freedom  
11 of movement or access is not adequate to protect the public health, the Executive Director  
12 must institute in Cherokee Tribal Court, an action to obtain an order extending the period  
13 limiting the freedom of movement or access. If the person substantially affected by the  
14 limitation has already instituted an action in Cherokee Tribal Court, the two issues must be  
15 joined in one action. The court shall continue the limitation for a period not to exceed 30 days,  
16 subject to conditions it deems reasonable and necessary, if it determines by the preponderance  
17 of the evidence, that additional limitation is reasonably necessary to prevent or limit the  
18 conveyance of biological, chemical, or nuclear agents to others. Before the expiration of an  
19 order issued under this section, the Executive Director may move to continue the order for  
20 additional periods not to exceed 30 days each.

21 (c) ~~If the Executive Director reasonably suspects that there exists a public health threat that may~~  
22 ~~have been caused by a terrorist incident using nuclear, biological, or chemical agents, the~~  
23 ~~Executive Director shall notify the State Health Director, the Governor and the Secretary of~~  
24 ~~Crime Control and Public Safety, the Executive Director of Community Services, and the~~  
25 ~~Principal Chief.~~

26 (d) ~~For the purpose of this Article, the term "public health threat" means a situation that is likely~~  
27 ~~to cause an immediate risk to human life, an immediate risk of serious physical injury or~~  
28 ~~illness, or an immediate risk of serious adverse health effects.~~

29 (e) ~~Nothing in this section shall limit any authority otherwise granted to any public health officials~~  
30 ~~under this Chapter.~~

31 ~~Sec. 130-9. — Access to health information.~~

32 (a) ~~In this section the following terms shall include:~~

- 33 (1) ~~"Health care provider" includes a physician licensed to practice medicine in any state, US~~  
34 ~~territory or possession or a person who is licensed, certified, or credentialed to practice~~  
35 ~~or provide health care services, including, but not limited to, pharmacists, dentists,~~  
36 ~~physician assistants, registered nurses, licensed practical nurses, advanced practice~~  
37 ~~nurses, chiropractors, respiratory care therapists, and emergency medical technicians; and~~
- 38 (2) ~~"Health care facility" includes hospitals, skilled nursing facilities, intermediate care~~  
39 ~~facilities, psychiatric facilities, rehabilitation facilities, home health agencies, ambulatory~~  
40 ~~surgical facilities, or any other health care related facility, whether publicly or privately~~  
41 ~~owned.~~



1 ~~(b) Notwithstanding any other provision of law, a health care provider, a person in charge of a~~  
2 ~~health care facility, or a unit of government may report to the Executive Director any events~~  
3 ~~that may indicate the existence of a case or outbreak of an illness, condition, or health hazard~~  
4 ~~that may have been caused by a terrorist incident using nuclear, biological, or chemical agents.~~  
5 ~~Events that may be reported include unusual types or numbers of symptoms or illnesses~~  
6 ~~presented to the provider, unusual trends in health care visits, or unusual trends in~~  
7 ~~prescriptions or purchases of over the counter pharmaceuticals. To the extent practicable, a~~  
8 ~~person who makes a report under this subsection shall not disclose personally identifiable~~  
9 ~~information. A person disclosing or not disclosing information pursuant to this subsection is~~  
10 ~~immune from any civil or criminal liability that might otherwise be incurred or imposed based~~  
11 ~~on the disclosure or lack of disclosure provided that the health care provider was acting in~~  
12 ~~good faith and without malice. In any proceeding involving liability, good faith and lack of~~  
13 ~~malice are presumed. Notwithstanding the foregoing, if a health care provider or unit of~~  
14 ~~government willfully does not disclose information pursuant to this subsection, the immunity~~  
15 ~~from civil or criminal liability provided under this subsection shall not be available if the~~  
16 ~~person had actual knowledge that a condition or illness was caused by use of a nuclear,~~  
17 ~~biological, or chemical weapon of mass destruction as defined in N.C.G.S. 14-288.21(e).~~

18 ~~(c) The Executive Director may issue a temporary order, or implement a temporary order of the~~  
19 ~~State Health Director, requiring health care providers to report symptoms, diseases,~~  
20 ~~conditions, trends in use of health care services, or other health-related information when~~  
21 ~~necessary to conduct a public health investigation or surveillance of an illness, condition, or~~  
22 ~~health hazard that may have been caused by a terrorist incident using nuclear, biological, or~~  
23 ~~chemical agents. The order shall specify which health care providers must report, what~~  
24 ~~information is to be reported, and the period of time for which reporting is required. The period~~  
25 ~~of time for which reporting is required pursuant to a temporary order shall not exceed 90 days.~~  
26 ~~The Commission may adopt rules to continue the reporting requirement when necessary to~~  
27 ~~protect the public health.~~

28 ~~(d) The Executive Director may examine, review, and obtain a copy of records containing~~  
29 ~~confidential or protected health information, or a summary of pertinent portions of those~~  
30 ~~records, that pertain to a report authorized by subsection (a) or required by subsection (b) of~~  
31 ~~this section.~~

32 ~~(e) A person who makes a report pursuant to subsection (b) of this section or permits examination,~~  
33 ~~review, or copying of medical records pursuant to subsection (c) of this section is immune~~  
34 ~~from any civil or criminal liability that otherwise might be incurred or imposed as a result of~~  
35 ~~complying with those subsections.~~

36 ~~(f) Confidential or protected health information received by the Executive Director pursuant to~~  
37 ~~this section shall be confidential and shall not be released, except when the release is:~~

38 ~~(1) Made pursuant to any other provision of law;~~

39 ~~(2) To another federal, state, or local public health agency for the purpose of preventing or~~  
40 ~~controlling a public health threat; or~~

41 ~~(3) To a court or law enforcement official or law enforcement officer for the purpose of~~  
42 ~~enforcing the provisions of this Chapter or for the purpose of investigating a terrorist~~  
43 ~~incident using nuclear, biological, or chemical agents. A court or law enforcement official~~



1 ~~or law enforcement officer who receives the information shall not disclose it further,~~  
2 ~~except (i) when necessary to conduct an investigation of a terrorist incident using nuclear,~~  
3 ~~biological, or chemical agents, or (ii) when the Executive Director seeks the assistance of~~  
4 ~~the court or law enforcement official or law enforcement officer in preventing or~~  
5 ~~controlling the public health threat and expressly authorizes the disclosure as necessary~~  
6 ~~for that purpose.~~

7 ~~Sec. 130-10.—Abatement of public health threat.~~

8 ~~If it is determined that a public health threat may exist because of the contamination of~~  
9 ~~property caused by a terrorist incident using nuclear, biological, or chemical agents, the Executive~~  
10 ~~Director may initiate his own order, or implement any order of the State Health Director, that~~  
11 ~~directs any action to abate that public health threat. To the extent that any owner, lessee, operator,~~  
12 ~~or other person in control of the property is innocent of culpability in the creation of the public~~  
13 ~~health threat, that person shall not be responsible for the costs of abating the public health threat.~~

14 ~~Sec. 130-11.—Reports of infectious disease in livestock and poultry to veterinary authorities.~~

15 ~~All persons practicing veterinary medicine within the external boundaries of the Cherokee~~  
16 ~~Indian Reservation, or on animals found or primarily living on the Cherokee Indian Reservation,~~  
17 ~~shall report promptly to the State Veterinarian, to any tribal officials in whom general agricultural~~  
18 ~~responsibilities are vested, to the Executive Director of Health & Medical Division, and to the~~  
19 ~~CEO of CIHA the existence of any reportable contagious or infectious disease in livestock and~~  
20 ~~poultry, as well as their report of any occurrence or potential outbreak of anthrax, arboviral~~  
21 ~~infections, brucellosis, epidemic typhus, hantavirus infections, murine typhus, plague, psittacosis,~~  
22 ~~Q fever, hemorrhagic fever, virus infections, and any other disease or condition transmissible to~~  
23 ~~humans that may have been caused by a terrorist act.~~

24 ~~Sec. 130-12.—Confidentiality of records.~~

25 ~~All information and records, whether publicly or privately maintained, that identify a person~~  
26 ~~who has AIDS virus infection or who has or may have a disease or condition required to be reported~~  
27 ~~as a communicable disease shall be strictly confidential. This information shall not be released or~~  
28 ~~made public except under the following circumstances:~~

- 29 ~~(1) Release is made of specific medical or epidemiological information for statistical~~  
30 ~~purposes in a way that no person can be identified;~~
- 31 ~~(2) Release is made of all or part of the medical record with the written consent of the person~~  
32 ~~or persons identified or their guardian;~~
- 33 ~~(3) Release is made to health care personnel providing medical care to the patient;~~
- 34 ~~(4) Release is necessary to protect the public health and is made as provided by the~~  
35 ~~Commission in its rules regarding control measures for communicable diseases and~~  
36 ~~conditions;~~
- 37 ~~(5) Release is made pursuant to other provisions of law;~~
- 38 ~~(6) Release is made pursuant to subpoena or court order. Upon request of the person~~  
39 ~~identified in the record, the record shall be reviewed in camera. In the trial, the trial judge~~  
40 ~~may, during the taking of testimony concerning such information, exclude from the~~



~~courtroom all persons except the officers of the court, the parties and those engaged in the trial of the case:~~

~~(7) Release is made by the Department to a court or a law enforcement official for the purpose of enforcing terrorism or communicable disease laws, or investigating a terrorist incident using nuclear, biological, or chemical agents. A law enforcement official who receives the information shall not disclose it further, except (i) when necessary to enforce terrorism or communicable disease laws, or when necessary to conduct an investigation of a terrorist incident using nuclear, biological, or chemical agents, or (ii) when the Department seeks the assistance of the law enforcement official in preventing or controlling the spread of the disease or condition and expressly authorizes the disclosure as necessary for that purpose;~~

~~(8) Release is made by the Department to another federal, state or local public health agency for the purpose of preventing or controlling the spread of a communicable disease or communicable condition.~~

~~Sec. 130-13. -- Arrest to enforce quarantine ordinance.~~

~~A law enforcement officer may detain an individual arrested for violation of an order limiting freedom of movement or access issued pursuant to Cherokee Code Chapter 130-6 or 130-7 in the area designated by the Executive Director pursuant to such order. The person may be detained in such area until the initial appearance before a judicial official pursuant to Cherokee Code Chapter 15-8.~~

~~Sec. 130-14. Detention to protect public health.~~

~~If a judicial official 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 Cherokee Code Chapter 130-6 or 130-7 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 judicial official. Such pretrial confinement shall terminate when a judicial official 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 Executive Director has made recommendations to the court.~~

Article III. Sec. 130-16 --130-99 (Reserved).