

## Federal law consolidated: Entire legislation for the Epidemic Act 1950, version of 17.09.2020

### Long title

Epidemic Act 1950.StF

: [Federal Law Gazette No. 186/1950](#) (WV)

### Alteration

[FEDERAL LAW Gazette No. 185/1961](#) (NO: GP IX [RV 450](#) [AB 462](#) [P. 71.](#) BR: [P. 178.](#))

[FEDERAL LAW Gazette No. 116/1967](#) (NO: GP XI [RV 253](#) [AB 389](#) [P. 48.](#) BR: [P. 252.](#))

[Federal Law Gazette No. 127/1968](#) (NO: GP XI [RV 622](#) [AB 809](#) [P. 98.](#) BR: [P. 263.](#))

[FEDERAL LAW Gazette No. 702/1974](#) (NO: GP XIII [RV 1205](#) [AB 1312](#) [P. 119.](#) BR: [AB 1234](#) [S. 335.](#))

[FEDERAL LAW GAZETTE I No. 191/1999](#) (BG) (1ST BRBG) (NO: GP XX [RV 1811](#) [AB](#) [P. 179.](#) BR: [FROM 6041](#) [P. 657.](#))

[FEDERAL LAW GAZETTE I No. 98/2001](#) (NO: GP XXI [RV 621](#) [AB 704](#) [P. 75.](#) BR: [6398](#) [AB 6424](#) [S. 679.](#))

[FEDERAL LAW GAZETTE I No. 65/2002](#) (NO: GP XXI [RV 772](#) [AB 885](#) [P. 83.](#) BR: [6488](#) [AB 6496](#) [S. 682.](#))

[FEDERAL LAW GAZETTE I No. 114/2006](#) (NO: GP XXII [IA 822/A](#) [AB 1545](#) [P. 155.](#) BR: [AB 7603](#) [S. 736.](#))

[CELEX No.: [32003L0099](#)]

[FEDERAL LAW GAZETTE I No. 76/2008](#) (NO: GP XXIII [RV 503](#) [AB 530](#) [P. 59.](#) BR: [AB 7942](#) [S. 756.](#))

[FEDERAL LAW GAZETTE I No. 43/2012](#) (NO: GP XXIV [RV 1732](#) [AB 1763](#) [P. 153.](#) BR: [AB 8726](#) [P. 808.](#))

[FEDERAL LAW GAZETTE I No. 80/2013](#) (NO: GP XXIV [RV 2166](#) [AB 2256](#) [P. 200.](#) BR: [8946](#) [AB 8962](#) [S. 820.](#))

[FEDERAL LAW GAZETTE I No. 63/2016](#) (NO: GP XXV [RV 1187](#) [AB 1230](#) [P. 138.](#) BR: [AB 9639](#) [S. 856.](#))

[Federal Law Gazette I No. 37/2018](#) (NO: GP XXVI [RV 108](#) [AB 139](#) [P. 23.](#) BR: [9967](#) [AB 9970](#) [S. 880.](#))

[CELEX No.: [32017L2399](#), [32017L1572](#)]

[Federal Law Gazette I No. 16/2020](#) (NO: GP XXVII [IA 397/A](#) [AB 112](#) [P. 19.](#) BR: [FROM 10288](#) [P. 904.](#))

[Federal Law Gazette I No. 23/2020](#) (NO: GP XXVII [IA 402/A](#) [AB 115](#) [P. 22.](#) BR: [FROM 10291](#) [P. 905.](#))

[Federal Law Gazette I No. 43/2020](#) (NO: GP XXVII [IA 484/A](#) [AB 132](#) [P. 27.](#) [Einspr. d.](#) BR: [151](#) BR: [10296](#) [AB 10316](#) [S. 906.](#); NR: [AB 177](#) [S. 30.](#))

[Federal Law Gazette I No. 62/2020](#) (NO: GP XXVII [IA 622/A](#) [AB 230](#) [P. 38.](#) BR: [FROM 10359](#) [P. 909.](#))

[Federal Law Gazette I No. 103/2020](#) (NO: GP XXVII [AB 337](#) [P. 47.](#) BR: [10368](#))

### Text

#### I. MAIN PIECE.

#### Determination of the disease.

### **Notifiable diseases.**

**§ 1.** (1) The following are subject to the notification obligation:

1. Suspected deaths and deaths from cholera, yellow fever, virus-related haemorrhagic fever, infectious hepatitis (hepatitis A, B, C, D, E), dog tapeworm (*Echinococcus granulosus*) and fox tapeworm (*Echinococcus multilocularis*), infections with influenza virus A/H5N1 or another bird flu virus, polio, bacterial and viral food poisoning, leprosy, leptospira disease, measles, MERS-CoV (Middle East Respiratory Syndrome Coronavirus/" *new corona virus*"), anthrax, psittacosis, paratyphoid, plague, smallpox, rickettsiosis by *R. prowazekii*, snot, transmissible dysentery (amoebic dysentery), SARS (Severe Acute Respiratory Syndrome), transmissible spongiform encephalopathies, tularemia, typhoid (abdominal typhoid), puerperal fever, rage sickness (Lyssa) and bite injuries caused by angry or suspicious animals,
2. Cases and deaths of Bang's disease, chikungunya fever, dengue fever, diphtheria, Hanta virus infections, virus-related meningoencephalitis, invasive bacterial diseases (meningitis and sepsis), whooping cough, Legionnaires' disease, malaria, rubella, scarlet fever, relapse fever, trachoma, trichinosis, West Nile fever, severe *Clostridium difficile* associated diseases and Zika virus infections.

(2) The Federal Minister of Health and Women may, if justified for epidemiological reasons or necessary due to international obligations, make further communicable diseases subject to the reporting obligation or extend existing reporting obligations by ordinance.

### **Reimbursement of the complaint.**

**§ 2.** (1) Any illness, every death from a notifiable illness, in the cases of § 1 para. 1 no. 1 also any suspicion of such a disease, must be reported to the district administrative authority (health office), in whose territory the sick person or suspected of illness is staying or death has occurred, stating the name, age and home and, if possible, under the name of the disease within 24 hours.

(2) Within the same period, persons who, without being ill themselves, excrete pathogens of bacterial food poisoning, paratyphoid, transmissible dysentery or typhoid fever shall be notified to the district administrative authority (health office).

(Note: Para. 3 repealed by [Federal Law Gazette I No. 63/2016](#))

### **Persons obliged to report.**

**§ 3.** (1) The following are obliged to submit the notification:

1. The doctor who has moved in, in hospitals, childcare centres and other humanitarian institutions, the head of the institution or the head of a department obliged to do so by special regulations;
- 1a. any laboratory that diagnoses the causative agent of a notifiable disease;
2. the midwife who has moved in;
3. professional carers involved in the maintenance of the sick person;
4. the head of the household (head of an institution) or the person entrusted with the management of the household (the management of the institution) in his place;
5. the heads of public and private educational establishments and kindergartens in respect of pupils, teachers and school staff under their management;
6. the owner of the dwelling or the person entrusted with the custody of the dwelling in his place;
7. holders of hotels and restaurants and their officially authorised representatives in respect of the persons they host or staff;
8. the homeowner or the person entrusted with the handling of the house rules;
9. in the case of anthrax, psittacosis, glander, puerperal fever and rage disease (Lyssa) and bite injuries caused by angry or suspicious animals, tularemia, Bang's disease, trichinosis, leptospira disease and infections with influenza virus A/H5N1 or another avian influenza

virus, including veterinarians, if they become aware of or suspected infection of a human being in the exercise of their profession;

10. der Totenbeschauer.

(2) The obligation to report is incumbent on the persons referred to under no. 2 to 8 only if there is no previously named obligated party in the above list under nos. 1 to 7.

### **Data transmission in the interest of health protection**

**§ 3a.** (1) The district administrative authority is authorized to inform the mayor of the name and the necessary contact details of a person affected by a segregation measure under the Epidemic Act 1950 due to COVID-19 who is resident in his municipal territory, if and to the extent that it is absolutely necessary to provide this person with necessary health services or with goods or services of daily use.

(2) Processing of this data for other purposes is not permitted.

(3) The mayor must immediately and irreversibly delete the data if they are no longer required for the purposes mentioned in paragraph 1.

(4) The mayor must take appropriate data security measures.

(5) § 30 (5) of the Data Protection Act, [Federal Law Gazette I No. 165/1999](#), as last amended by the Federal Act [Federal Law Gazette I No. 24/2018](#), is not applicable within the scope of this provision.

### **Register of notifiable diseases**

**§ 4.** (1) The Federal Minister responsible for health care shall operate an electronic register concerning the notifications pursuant to § 1 (1) and (2) and § 2 (2) § 28c, (*Note 1*) as well as the notifications pursuant to §§ 5 and 11 of the Tuberculosis Act, [Federal Law Gazette No. 127/1968](#). The Federal Minister responsible for health care is responsible. With regard to the processing of personal data under this Federal Act, there is no right of objection pursuant to Article 21 of Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation), OJ No. OJ No L 119, 04.05.2016, p. 1.

(2) The notification register serves to fulfil the tasks of the district administrative authorities to carry out surveys on the occurrence of notifiable diseases (§ 5 of this Federal Act and § 6 of the Tuberculosis Act) as well as to prevent the spread and control of notifiable diseases (§§ 6 to 26a of this Federal Act and §§ 7 to 14 and 23 tuberculosis Act) and the fulfilment of the tasks of the Governors within the framework of their coordination function in accordance with § 43 (6) and 7.

(3) The district administrative authorities are obliged to process in the register the data from notifications pursuant to § 1 (1) and (2) and § 2 (2), § 28c, the data collected in the context of surveys on the occurrence of notifiable diseases and the data relating to measures taken. The district administrative authorities are also obliged to process in the register the data from notifications pursuant to §§ 5, 10 and 11 of the Tuberculosis Act, the data collected in the context of surveys on the occurrence of tuberculosis and the data relating to measures taken.

4. The register shall process the following categories of data:

1. Data for the identification of patients, suspects, bitten, deceased or eliminated (name, gender, date of birth, social security number and area-specific personal identification number (§ 9 E-GovG, [Federal Law Gazette I No. 10/2004](#))),

2. where applicable, dates of death (date, cause of death, autopsy status),

3. the clinical data relevant to the notifiable disease (history and course of the disease) and laboratory data,

4. Data on the environment of the patient, suspect, bitten, deceased or eliminated person, as far as they are related to the notifiable disease, as well as data for the identification of contact persons (name, telephone number, e-mail address, place of residence) and

5. Data on the precautionary measures taken.

(5) In the case of data processing in accordance with paragraphs 2 to 4, the use of the name and the area-specific personal identifier GH is permitted.

(6) Any use of the data processed in the register may only take place in enforcement of this Federal Act, in enforcement of the Tuberculosis Act or in enforcement of the Zoonoses Act, [Federal Law Gazette I No. 128/2005](#).

(7) Within the scope of its competence, the district administrative authority may, within the scope of its competence, process all data of a person in the register in connection with a particular suspected, illness or death for the purposes of surveys on the occurrence and prevention and control of a notifiable disease in accordance with this Federal Act and the Tuberculosis Act. Within the scope of his coordination function in accordance with § 43 (5) and (6), the Governor may process all data of a person in the register in connection with a specific suspected, ill or death case on a personal basis. If an expert has been appointed by the Federal Minister responsible for veterinary affairs in accordance with § 3 (7) of the Zoonoses Act or by the Federal Minister responsible for health care in accordance with § 5 (4) of this Federal Act to clarify zoonoses outbreaks or outbreak clusters across federal states, he may personally process all data of persons in the register who may be in connection with this zoonoses outbreak or outbreak cluster, to the extent necessary to clarify this zoonoses outbreak or outbreak cluster. A transfer of personal data to third parties and further processing of personal data for other purposes is not permitted. The Federal Minister responsible for health care may process the data of a person in the register in order to fulfil the obligations under Articles 15 and 16 of the General Data Protection Regulation.

(8) The Federal Minister responsible for health care may process the data in the register in pseudonymised form for the purposes of epidemiological surveillance, quality assurance and to fulfil reporting obligations arising from EU law. The Federal Minister responsible for health care may use third parties as processors for this purpose. The district administrative authority and the governor may process the data in the register in pseudonymised form for the purposes of epidemiological surveillance.

(9) The Federal Minister, Family and Youth responsible for health care must ensure that any access to the register is only possible with proof of unique identity (§ 2 no. 2 E-GovG) and authenticity (§ 2 no. 5 E-GovG). It must ensure that appropriate precautions are taken to prevent the destruction, alteration or consultation of the data of the register by unauthorised users or systems in accordance with the relevant state of the art, and that all use operations carried out, such as in particular entries, amendments, queries and transmissions, are logged to the extent necessary.

(10) The confidentiality of the data transmission must be ensured by state-of-the-art encrypted transmission procedures.

(11) The data in the register shall be deleted as soon as they are no longer necessary for the performance of the tasks of the district administrative authorities in connection with the collection of the occurrence and in connection with the prevention and control of a notifiable disease under this Federal Act and the Tuberculosis Act.

(12) The district governor, the governor and the federal minister responsible for health care are obliged to assign and document the access authorization for the individual users individually. Persons entitled to access must be excluded from the further exercise of their access authorization if they no longer need it for the further fulfilment of the tasks assigned to them or if they do not process the data in accordance with their intended purpose.

(13) The district administrative authorities and the Governor must ensure by means of organisational and technical precautions that access to rooms in which access to the register is located is in principle only possible for employees of the authority. If it is necessary for party traffic to take place in rooms with access to the register, it must in any case be ensured that it is not possible for outsiders to inspect the data of the register.

(14) Where the communication equipment enabling access to the register is removed from the scope of the authorities, it must be ensured that unauthorised access and use is excluded.

(15) Laboratories must comply with their reporting obligation (§ 1 in conjunction with § 3 sec. 1 no. 1a of this Federal Act and § 5 sec. 2 of the Tuberculosis Act) electronically by entering the report in the register. The Federal Minister responsible for health care must lay down details of these notifications by means of an ordinance.

(16) The Austrian Agency for Health and Food Safety, as the national reference centre and reference laboratory for tuberculosis, must comply electronically with its reporting obligation under Paragraph 1 in conjunction with Paragraph 3(1)(1a) (laboratory findings) by entering the notification in the register. Furthermore, the results of the resistance test and typing must be entered electronically in the register.

(17) The Federal Minister responsible for health care may, by ordinance in accordance with the technical possibilities, provide that persons obliged to report pursuant to § 3 sec. 1 no. 1 may also comply with their reporting obligation under § 1 electronically by entering the notification in the register. In doing so, the persons obliged to report must take the data security measures provided for in paragraphs 12 to 14.

(\_\_\_\_\_)

*Note 1: Article 33(1) of the amendment [to Federal Law Gazette I No. 16/2020](#) reads: "In § 4(1), after the phrase "and § 2(2)," the phrase "§ 28c," is inserted." It would be correct: "In § 4 (1), after the word sequence "and § 2 (2)", the phrase "§ 28c," is inserted.".)*

### **Statistics Register**

**§ 4a.** (1) The data (§ 4 para. 3 and 14 to 17) must also be transferred to a statistical register to be operated by the Federal Minister responsible for health care immediately after notification. This is used for statistics and scientific research.

(2) At the time of entry into force of this Federal Act in the version of the 2nd Material Data Protection Amendment Act, [Federal Law Gazette I No. 37/2018](#), data already contained in the register (§ 4) must be transferred to the statistics register at this time.

(3) The data shall be transferred to the statistical register after the data for personal identification have been replaced by a unique personal identification number that is not traceably encrypted. Gender and year of birth are not subject to pseudonymisation.

(4) In accordance with Article 5(1)(e) of the General Data Protection Regulation, the data in the statistics register may be stored without restriction in accordance with Article 89(1) of the General Data Protection Regulation and, if necessary, otherwise processed.

(5) The Federal Minister responsible for health care, the provincial governors and district administrative authorities, the Austrian Agency for Health and Food Safety and Gesundheit Österreich GmbH are entitled to process the data in the register for the purposes referred to in paragraph 1.

### **Surveys on the occurrence of a disease.**

**§ 5.** 1. With regard to any notification or suspicion of the occurrence of a notifiable disease, the competent authorities shall, through the doctors at their disposal, immediately initiate the surveys and examinations necessary to determine the disease and the source of infection. Sick persons, suspects of illness and suspects of infection are obliged to provide the competent authorities with the necessary information and to undergo the necessary medical examinations and the removal of examination material. For the purpose of detecting pathogens, specialist examination institutes must be used as far as possible.

(2) The conditions under which and by which organs the opening of corpses and the examination of body parts may be carried out during these surveys shall be determined by regulation.

(3) At the request of the district administrative authority, all persons, such as in particular attending physicians, laboratories, employers, family members and staff of community institutions who could contribute to the surveys, shall be obliged to provide information.

(4) The Federal Minister responsible for health care may appoint employees of the Austrian Agency for Health and Food Safety as experts for the clarification of outbreak clusters if they affect several federal states. They are entitled, while respecting official secrecy and all requirements of data protection, to inspect all documents, to make copies of them and to contact the data subjects including contact persons directly, insofar as this is absolutely necessary to clarify the outbreak cluster. The competent authorities of the Länder under this Federal Act are obliged to provide these experts with the information strictly necessary for the performance of their duties upon request.

## **Implementation of screening programs in the context of the fight against COVID-19**

**§ 5a.** (1) The Federal Minister responsible for health care may, insofar as this is necessary to assess the control measures already taken, to plan the further control strategy, to protect certain groups of persons particularly affected by the pandemic or to ensure the functioning of the health system, screening programmes.

1. to establish the prevalence of the incidence of the disease in the population or individual groups of the population;
2. to identify areas or facilities particularly affected;
3. for the screening of certain population groups in which infection can be expected due to the previous course of the disease;
4. to screen occupational groups that are at increased risk of COVID-19\_Infektion due to their work;

carry out. For this purpose, laboratory tests are used to detect the presence of infection with SARS-CoV-2 or antibody tests to confirm a past infection or to prove acquired immunity. Insofar as such programmes concern only one federal state, the Governor may, with the consent of the Federal Minister, carry out corresponding screening programmes within the respective federal state.

2. The screening programmes may process the following categories of data:

1. data to identify the person participating in a screening programme (name, gender, date of birth),
2. Contact details (residence, telephone number, e-mail address),
3. data for epidemiological evaluation depending on the objective of the programme in accordance with § 5a (region of residence, type of occupation, place of professional exercise),
4. a sample material identifier (sample ID), which enables a unique assignment, and
5. Test result.

(3) Screening programmes in accordance with paragraph 1 shall be carried out with the greatest possible protection of the privacy of the data subject. Participation is only permitted with the express consent of the data subjects in accordance with Art. 9 para. 2 lit. a GDPR.

(4) The content design as well as the specifications for the organizational handling of the programs and the organizations commissioned with their implementation are to be published by the Federal Minister in an appropriate manner.

## **Register of screening programmes**

**§ 5b.** (1) The Federal Minister responsible for health care must operate an electronic register as the controller (Art. 4 no. 7 GDPR) for the purpose of carrying out screening programs in accordance with § 5a and for the purpose of data transmission of confirmed infections with SARS-CoV-2 to the register of notifiable diseases.

(2) When carrying out screening programmes in accordance with § 5a, it shall be ensured that the data obtained from them are processed in the register for screening programmes.

3. The register shall process the following categories of data:

1. Data for the identification of the persons participating in a screening program (name, gender, date of birth, area-specific personal identification number (§ 9 E-GovG, [Federal Law Gazette I No. 10/2004](#)),
2. Contact details (residence, telephone number, e-mail address),
3. data for epidemiological evaluation depending on the objective of the programme in accordance with § 5a (region of residence, type of occupation, place of professional exercise),
3. a sample material identifier (sample ID), which enables a unique assignment,
4. Test result.

(4) In the case of data processing in accordance with paragraph 1, the use of the name and the area-specific personal identification number GH and AS (§ 10 para. 2 E-Government Act) is

permitted for identification. The area-specific personal identification number AS may only be used and stored in encrypted form. The direct personal reference (name and contact details) must be irreversibly deleted by the person responsible immediately as soon as the test result is available and, in the event of a confirmed infection with SARS-CoV-2, the data transmission to the register of notifiable diseases has taken place.

(5) The data processed in the register may only be processed for the purposes referred to in paragraph 1. The data types Names and contact details may only be processed in the register for the purpose of obtaining sample material, informing the data subject of the test result and, in the case of a confirmed infection with SARS-CoV-2, for data transmission to the register of notifiable diseases.

(6) The area-specific personal identifiers shall be deleted as soon as they are no longer required for the purposes referred to in paragraph 1.

(7) Paragraph 4 (9), (10) and (12) to (14) shall apply mutatis mutandis.

## **II. MAIN PIECE.**

### **precautions to prevent and control notifiable diseases.**

#### **Initiation of precautions in the event of the occurrence of notifiable diseases.**

**§ 6.** (1) For each case of a notifiable disease as well as for each suspected case of such a disease, in addition to any surveys required under § 5, the precautions necessary to prevent the further spread of the disease in question within the meaning of the following provisions must be taken without delay for the duration of the risk of infection.

(2) Ordinances of the district administrative authorities are to be published in electronic form on the website of the authority, provided that there are land regulations concerning the promulgation of ordinances of the authority, in accordance with these regulations; they may also be published in any other form without affecting the proclamation, in particular by posting on the official board of the authority or on the official board of the municipalities of the area concerned.

#### **Segregation of the sick.**

**§ 7.** (1) A regulation shall designate those notifiable diseases for which segregation measures can be ordered for sick, suspected of illness or suspected of infection.

(1a) In order to prevent the spread of a notifiable disease referred to in a regulation referred to in paragraph 1, sick, suspected of illness or suspected of infection may be stopped or restricted in contact with the outside world, provided that, according to the nature of the illness and the behaviour of the person concerned, there is a serious and significant risk to the health of other persons which cannot be eliminated by more lenient measures. The detained person may apply to the district court in whose district the place of stop is located for a review of the admissibility and the lifting of the restriction of liberty in accordance with Section 2 of the Tuberculosis Act. Any stop must be reported to the district court by the district administrative authority that ordered it. The district court must of its own motion at no more than three-month intervals from the stop or the last review to check the admissibility of the detention in analogous application of § 17 of the Tuberculosis Act, unless the stop has been lifted beforehand.

(2) If an appropriate segregation within the meaning of the orders made cannot take place in the home of the sick person or if the segregation is omitted, the accommodation of the sick person in a hospital or other suitable room must be carried out if the transfer can take place without endangering the sick person.

(3) For the purpose of segregation, where it appears necessary with regard to local conditions, suitable rooms and permissibly recognized means of transport must be provided in good time, or transportable barrack hospitals equipped with the necessary facilities and personnel.

(4) Apart from the cases of segregation of a sick person within the meaning of paragraph 2, the transfer from the apartment in which he is located can only take place with official approval and with close observation of the precautionary measures to be ordered by the authority in this regard.

(5) This authorisation shall only be granted if this does not endanger public considerations and the sick person is either to be taken to an institution intended for the admission of such sick persons or if the transfer appears absolutely necessary in the light of the facts.

### **Disinfection.**

**§ 8.** (1) Objects and rooms which are presumed to be afflicted with germs of a notifiable disease (suspected of infection) are subject to official disinfection. If appropriate disinfection is not possible or too costly in relation to the value of the object, the object may be destroyed.

(2) Objects suspected of infection may not be removed from disinfection or destruction and may not be removed from the home before these measures are carried out.

(3) The person obliged to report the case in question in accordance with § 3 shall report the disinfection in the manner prescribed in accordance with § 2.

4. Disinfection shall be carried out under expert guidance as required.

5. Detailed rules on the discharge and method of carrying out disinfection and destruction of articles shall be adopted by Regulation.

### **Exclusion of individuals from educational institutions.**

**§ 9.** (1) Residents of villages or houses in which a notifiable illness has occurred may be excluded from visits to educational establishments, kindergartens and similar institutions.

(2) The management of the institution must be informed of the exclusion that has taken place.

(3) Both the excluded persons themselves and, in the case of minors, their legal representatives, and the bodies of the institution appointed to supervise the visit to the institution shall be responsible for observing this prohibition.

### **Restriction of water use and other precautions.**

**§ 10.** (1) In localities in which a notifiable disease has occurred or which are threatened by such a disease occurring elsewhere, as well as in the vicinity of such localities, the use of public bathing, washing and need facilities may be restricted or prohibited and other appropriate precautions may be imposed, insofar as this appears necessary to prevent the spread of the disease.

(2) In the same way, in the event of abdominal typhoid, paratyphoid, dysentery, typhus, Asian cholera, Egyptian eye inflammation or anthrax, the use of springs, wells, water pipes, streams, ponds and other bodies of water may be restricted or prohibited. ([Federal Law Gazette No. 449/1925, Article III para. 2.](#))

3. However, the prohibitions referred to in the previous paragraph shall not extend to the use of water for the production of motor power, for transport and industrial purposes, but to the use of water for the production and distribution of food and beverages.

### **Restriction of food traffic.**

**§ 11.** The supply of food from sales outlets, houses or, if necessary, from individual local areas where scarlet fever, diphtheria, abdominal typhoid, paratyphoid, dysentery, typhoid, leaf, Asian cholera, plague or Egyptian eye inflammation has occurred may be prohibited or subject to certain cautions.

([Federal Law Gazette No. 449/1925, Article III para. 2.](#))

### **Closure of apartments, prohibition of funeral ceremonies.**

**§ 12.** (1) In the event of the occurrence of scarlet fever, diphtheria, typhus, blatters, Asian cholera or plague, no contagion-suspected rooms of uncalled persons may be entered before disinfection is carried out, funeral feasts and other funeral ceremonies may not be held in the same house.

(2) A regulation may provide that the same prohibition shall also apply in the event of the occurrence of another notifiable disease.



### **Measures relating to corpses.**

**§ 13.** (1) Corpses of persons afflicted with typhus, leishmaniasis, Asian cholera, plague shall be transferred to a morgue with the greatest possible acceleration.

(2) In the event of the occurrence of scarlet fever, diphtheria, anthrax or glanders, the transfer of the corpses of persons afflicted with one of these diseases to a morgue may also be ordered.

(3) If it is not possible to transfer to a morgue, the corpse shall be kept separate until the funeral in such a way that uncalled persons do not have access to the corpse.

4. The transfer or separation of the corpse shall, if necessary, be carried out by force.

(5) Detailed rules on the burial, transfer and burial of corpses with notifiable diseases and on the establishment of morgues shall be adopted by ordinance.

### **Extermination of animals.**

**§ 14.** Measures to prevent the spread of communicable diseases may be taken to eradicate animal pests.

*(Federal Law Gazette No. 151/1947, Article II No. 5 lit. e.)*

### **Measures against the confluence of large crowds.**

**§ 15.** 1. If and as long as this is strictly necessary in view of the nature and extent of the occurrence of a notifiable disease to protect against its spread, events involving a confluence of larger crowds shall:

1. prohibit, or
2. be bound by compliance with certain conditions or obligations, or
3. their holding is to be limited to certain groups of persons or professions.

2. Depending on epidemiological requirements, the conditions or obligations referred to in paragraph 1 may be, in particular:

1. Requirements for distance rules,
2. obligations to wear a mechanical mouth-nose protection device,
3. Limitation of the number of participants,
4. Requirements for the presence and use of sanitary facilities and disinfectants.

(3) Requirements or requirements within the meaning of paragraph 1 may not include the use of contact tracing technologies.

(4) Restrictions on groups of persons or professions pursuant to para. 1 no. 3 may not be based on gender, ethnicity, age, religion, belief, sexual orientation or on the existence of an assignment to the COVID-19 risk group according to § 735 para. 1 ASVG.

### **Special reporting requirements.**

**§ 16.** For places and areas for which there is a risk of the emergence or introduction of a notifiable disease from other areas, special orders may be issued on the reporting of foreigners and locals and on the evidentiary nature of the reports, without prejudice to the applicable reporting requirements.

### **Monitoring of certain persons.**

**§ 17.** 1. Persons who are to be regarded as carriers of pathogens of a notifiable disease may be subject to special medical surveillance or surveillance. They may not be active in the production or treatment of foodstuffs in such a way as to entail the risk of transmitting germs to other persons or to foodstuffs, in accordance with the detailed instructions of the district administrative authority (health authority). For these persons, a special reporting obligation, the periodic medical examination and, if necessary, disinfection and segregation in their home may be ordered; if the segregation in the apartment is not feasible in a convenient manner, the segregation and catering can be ordered in own rooms.

2. Where the suspicion of infection relates to the transmission of typhus, leafs, Asian cholera or plague, the medical surveillance and surveillance of the suspected person within the meaning of the preceding paragraph shall in any event be carried out.

(3) Particular care should be taken for persons professionally involved in medical treatment, nursing or the care of corpses and for midwives. Traffic and occupational restrictions as well as protective measures, in particular protective vaccinations, may be ordered for such persons.

(4) If this is absolutely necessary in view of the nature and extent of the occurrence of a notifiable disease to protect against its further spread, the district administrative authority may, in individual cases, order the implementation of protective vaccinations or the administration of prophylactics for certain persons at risk.

### **Closure of educational institutions.**

**§ 18.** The total or partial closure of educational establishments, kindergartens and similar institutions may be pronounced in the event of the occurrence of a notifiable illness. The competent school authority must be informed of this order, which must carry out the closure immediately.

### **Prohibition of peddling.**

**§ 19. 1.** The exercise of peddling and migrant activities may be prohibited in the event of the occurrence of a notifiable illness in the territory of one or more localities or municipalities.

(2) This prohibition and its repeal shall also be promulgated in the neighbouring municipalities if necessary.

### **Note for the following provision**

cf. Art. 1, [Federal Law Gazette II No. 74/2020](#)

### **Restriction of operation or closure of commercial enterprises.**

**§ 20. 1.** In the event of the occurrence of scarlet fever, diphtheria, abdominal typhoid, paratyphoid, bacterial food poisoning, typhus, leafs, Asian cholera, plague or anthrax, the closure of establishments in which certain trades are carried out the operation of which entails a particular risk to the spread of that disease may be ordered for certain areas to be designated if, and to the extent that, in accordance with the conditions prevailing on the holding, the maintenance of: Would also constitute an urgent and serious threat to the employees themselves and to the public in general by the spread of the disease. ([Federal Law Gazette No. 449/1925, Article III para. 2, and Federal Law Gazette No. 151/1947, Article II No. 5 lit. h.](#))

(2) In the event of the occurrence of one of the diseases referred to in the first paragraph, the operation of individual commercially operated enterprises with a fixed permanent establishment may be restricted or the closure of the permanent establishment may be prohibited under the other conditions specified therein, as well as individual persons who come into contact with sick persons from entering the permanent establishments.

(3) However, the closure of a permanent establishment shall not be ordered until extraordinary dangers make it seem necessary.

(4) The extent to which the precautions referred to in paragraphs 1 to 3 can also be taken in the event of the occurrence of another notifiable disease shall be determined by ordinance.

### **Designation of houses and apartments.**

**§ 21. (1)** In the event of the occurrence of abdominal typhoid, paratyphoid, typhoid, leaf, Asian cholera or plague, houses, in the case of scarlet fever, diphtheria, epidemic neck rigidity, apartments in which sick persons are located, may be identified by appropriate designations. These designations must not be removed before disinfection is carried out. ([Federal Law Gazette No. 449/1925, Article III\(1\)](#))

2. The form of the designation shall be determined by Regulation.

### **Evacuation of apartments.**

**§ 22.** (1) The district administrative authority shall order the evacuation of dwellings and buildings if this measure is absolutely necessary to protect against its further spread according to the nature of the occurrence of a notifiable disease.

(2) The residents concerned shall be provided with adequate accommodation and food for their request, free of charge in the event of their destituteness.

#### **Traffic restriction for certain items.**

**§ 23.** In the event of the occurrence of scarlet fever, diphtheria, abdominal typhoid, paratyphoid, dysentery, typhoid, leaf, Asian cholera, plague, Egyptian eye inflammation, anthrax or glander, traffic with objects that can be considered carriers of pathogens and originate from an area affected by the disease may be prohibited or made subject to certain cautions.

*(Federal Law Gazette No. 449/1925, Article III para. 2.)*

#### **Traffic restrictions for the inhabitants of certain localities.**

**§ 24.** If this is absolutely necessary in view of the nature and extent of the occurrence of a notifiable disease to protect against its spread, the district administrative authority must impose traffic restrictions on residents of epidemic areas. Likewise, restrictions on traffic with the inhabitants of such areas from the outside can be ordered.

#### **Traffic restrictions vis-à-vis foreign countries.**

**§ 25.** On the basis of existing laws and international treaties, an ordinance determines which measures to prevent the introduction of a disease from abroad will finally make the entry of seagoing vessels and other vehicles serving the transport of persons or freight, the import and transit of goods and utensils, finally subject to the entry and transport of persons.

#### **Regulations relating to domestic transport facilities.**

**§ 26.** (1) For the operation of public transport establishments (railways, inland waterway transport undertakings, rafts, etc.) and for traffic on them, the manner in which and by which organs the precautions referred to in this Act for the prevention and control of notifiable diseases are to be applied shall be determined by regulation.

(2) In the same way, the necessary orders on the application of the provisions of this Act to ships and port constructions and other objects located in the area of maritime authorities shall be issued by ordinance.

#### **Specific provisions concerning zoonoses**

**§ 26a.** (1) Laboratories that diagnose zoonotic agents within the meaning of Annex I of the Zoonoses Act, [Federal Law Gazette I No. 128/2005](#), must - insofar as diseases of these pathogens are subject to the reporting obligation under this Federal Act - transmit the corresponding isolates to the competent national reference laboratory for further examination.

(2) The national reference laboratories are obliged to immediately report the occurrence of zoonotic agents within the meaning of paragraph 1 in a federal state or across federal states to the relevant heads of the state commissions for zoonoses control, the district administrative authorities concerned, the office of the Federal Commission for the Monitoring of Zoonoses and the Austrian Agency for Health and Food Safety.

(3) The national reference laboratories are obliged to submit monthly to the heads of the State Commissions for Zoonoses Control a list of all findings of diseases of zoonotic agents within the meaning of paragraph 1 for the respective federal state.

(4) Art. The Federal Minister of Health and Women shall determine the content and scope of the notifications referred to in paragraphs 2 and 3 by ordinance. A transfer of personal data may be specified to the extent necessary to clarify food-borne disease outbreaks caused by zoonotic agents.

#### **Specific provisions concerning impreventible diseases**

**§ 26b.** Laboratories diagnosing meningococci, pneumococci or Haemophilus influenzae shall , insofar as diseases of these pathogens are subject to the reporting obligation, transmit the corresponding isolates to the competent national reference laboratory for further examination.

### **Epidemic doctors.**

**§ 27.** (1) If, in the event of the occurrence of a notifiable disease, the doctors available in the affected areas, primarily the municipal and district doctors, are not sufficient to effectively combat the disease, epidemic doctors may be appointed for the duration of the need.

(2) When epidemic doctors are appointed, their remuneration shall be governed by a contract with the proviso that, in the event of their illness, they continue to receive their full salary even if they do not constitute incapacity for work.

**§ 27a.** Insofar as it is necessary for measures under this Federal Act in the context of combating the spread of the pathogen SARS-CoV-2, the Governor, if the activity is to be able to extend to the entire territory of the Land, or the Federal Minister responsible for the health care system, if the activity is to be able to extend to the entire Federal territory, may – insofar as these are not activities reserved for doctors – also other suitable persons to support Order measures in accordance with this Federal Act in compliance with official secrecy and all requirements of data protection. Their actions are attributable to the district administrative authority. In any case, persons who exercise their profession or the activities of the paramedic in facilities pursuant to § 23 of the Medical Act, [Federal Law Gazette I No. 30/2002](#), are considered suitable.

### **Measures relating to pathogens.**

**§ 28.** Special arrangements may be issued by regulation for the carrying out of examinations and work with pathogens, as well as for their storage and circulation.

### **Participation of public security service bodies**

**§ 28a.** (1) The organs of the public security service shall support the competent authorities and bodies under this Federal Act on their request in the exercise of their tasks described in accordance with §§ 5, 6, 7, 15, 17, 22 and 24 or, if necessary, in enforcing the measures provided for by means of coercion.

(1a) In addition, the organs of the public security service shall participate in the implementation of this Federal Act and the ordinances issued on the basis of this Federal Act by:

1. measures to prevent imminent administrative offences,
2. measures to initiate and secure administrative criminal proceedings, and
3. the punishment of administrative violations by organ penalty orders (§ 50 VStG).

(1b) The organs of the public security service shall, in accordance with the resources at their disposal, cooperate in measures pursuant to § 5 at the request of the competent authorities under this Federal Act – if urgently necessary. The obligation to cooperate includes

1. the collection of identity data (name, place of residence),
2. the inquiry of any symptoms of the disease and
3. the collection of contact data (telephone number, e-mail address)

of sick persons suspected of illness or suspected of being infected as processors (Art. 4 no. 8 of Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation), OJ No L 119, 4.5.2016 p. 1, as amended by correction OJ No L 127, 23.5.2018 p. 2) for the competent authorities under this Federal Act. To this end, the organs of the public security service may carry out queries from the Central Population Register. This data must be transmitted to the competent authorities in accordance with this Federal Act in electronic form via a secure line immediately after collection. The data collected by the organs of the public security service may only be processed for the purpose of contacting the data subject and must be deleted immediately after transmission to the authorities responsible under this Federal Act. Processing of the data for other purposes is not permitted.

(2) If, according to the professional assessment of the competent authorities under this Federal Act, a risk is associated within the framework of the support provided for in paragraph 1 for the organs of the public security service according to the nature of the communicable disease and its possibilities of transmission that can only be countered by special protective measures, the authorities responsible under this Federal Act shall be obliged to: take adequate protective measures.

### **Measures in the context of a pandemic**

**§ 28b.** (1) The national IHR contact point within the meaning of the International Health Regulations, [Federal Law Gazette III No. 98/2008](#), is the Federal Ministry responsible for health care (Art. 4 para. 1 and 2 IHR).

2. The decision as to which information is forwarded by the national IHR focal point to the World Health Organisation ('WHO') and to which authorities information transmitted by WHO to the national IHR focal point shall be taken by the Federal Minister responsible for health.

(3) The district administrative authorities and Governors shall immediately provide the Federal Ministry responsible for health care with all information in their possession that is necessary for notifications to the WHO within the meaning of Articles 6 to 12 and 19 letter c IHR.

(4) Insofar as this is necessary for the fulfilment of the obligations under the IHR, district administrative authorities and State governors are entitled to transmit personal information within the framework of paragraph 3 and the Federal Minister responsible for health care is entitled to transmit personal information to district administrative authorities, state governors, the WHO and competent authorities abroad.

### **Scientific, in particular veterinary institutions pursuant to § 2 sec. 2 no. 1 of the Medical Practitioners Act 1998**

**§ 28c.** (1) The institutions are obliged to report this to the Federal Ministry of Social Affairs, Health, Care and Consumer Protection before commencing their work for humans, providing proof of their professional suitability. These reports shall be brought to the attention of the district administrative authorities.

(2) The institutions are subject to the reporting obligation according to §§ 2 and 3 of this Federal Act.

(3) In accordance with the Ordinance of the Federal Minister of Health concerning electronic laboratory reporting, the notification must be made to the Register of Notifiable Diseases, [Federal Law Gazette II No. 184/2013](#).

(4) The institutions are obliged to comply with the state of the art in their work for humans as well as the requirements of the Medical Devices Act and the regulations based on it.

(5) If there is a reasonable suspicion that an institution is violating paragraph 4, the Federal Minister responsible for health care shall prohibit an institution from working for humans if paragraph 4 is violated and a danger to people is thereby to be caused.

## **III. MAIN PIECE.**

### **Compensation and reimbursement of costs.**

#### **Right to compensation.**

**§ 29.** (1) An appropriate remuneration shall be granted for items which have undergone official disinfection in accordance with the provisions of this Act and which have been damaged in such a way that they can no longer be used for their intended use, as well as for destroyed objects.

(2) The compensation shall be paid to the person in whose possession the object was located.

(3) No compensation shall be granted for objects owned by a public body (federal, state, district, local municipality, school community, etc.) or a public fund.

#### **Loss of the right to compensation.**

**§ 30.** (1) The right to compensation shall be lost if the owner or holder of the object is guilty of an act or omission contrary to the provisions of this Act or the orders issued on the basis of the same in relation to the disease for the prevention or control of which disinfection or destruction has been ordered.

(2) Likewise, the right to compensation shall be lost if the owner of the damaged or destroyed objects has brought them or some of them to himself, although he knew or had to assume under the circumstances that they were already contaminated with the disease substance or had to be disinfected by official order.

#### **Determination of the amount of damage.**

**§ 31.** (1) If the damage caused by the disinfection or destruction cannot be sufficiently determined on the basis of the declaration of the owner, owner or custodian or other appropriate evidence, the same shall apply before the restitution or destruction by sworn experts and, where this is not feasible, by unbiased commemorative witnesses who are able to assess the value of the damaged objects, Estimate.

(2) The assessment shall not apply if the owner or owner of the object does not declare that he or she is entitled to compensation.

#### **Remuneration for loss of earnings.**

**§ 32.** (1) Natural and legal persons as well as partnerships under commercial law shall be remunerated because of the financial disadvantages caused by the impediment to their acquisition if and to the extent that

1. they have been separated in accordance with §§ 7 or 17, or
2. they have been prohibited from supplying foodstuffs in accordance with § 11, or
3. they have been prohibited from pursuing gainful employment in accordance with § 17, or
4. they are employed in a limited or closed enterprise in accordance with § 20, or
5. they operate a company that has been restricted or blocked in its operation in accordance with § 20, or
6. they live in apartments or buildings whose eviction has been ordered in accordance with § 22, or
7. they live or work in a locality on which traffic restrictions have been imposed in accordance with § 24,

and as a result a loss of earnings has occurred.

(2) The remuneration shall be paid for each day covered by the official decision referred to in paragraph 1.

(3) The remuneration for persons who are in an employment relationship is to be calculated according to the regular remuneration within the meaning of the Continued Payment of Remuneration Act, [Federal Law Gazette No. 399/1974](#). Employers must pay them the amount of remuneration due on the usual dates for the payment of the remuneration in the company. The entitlement to remuneration vis-à-vis the Confederation is transferred to the employer at the time of payment. The employer's share in the statutory social security to be paid by the employer for the period of disability and the surcharge pursuant to § 21 of the Bauarbeiterurlaubsgesetz 1972, Federal Law Gazette No. 414, is to be replaced by the Confederation.

(4) For self-employed persons and enterprises, the compensation shall be calculated on the basis of the comparable updated economic income.

(5) Amounts due to the remuneration shall be set off against amounts due to the person entitled to remuneration due to such a disability in accordance with other provisions or agreements and from any other gainful activity taken up during the period of disability.

(6) The Federal Minister responsible for health care may, if and to the extent necessary to ensure uniform administrative management, issue by ordinance more detailed specifications for the calculation of the amount of compensation or remuneration for loss of earnings.

#### **Deadline for asserting the claim for compensation or compensation for loss of earnings.**

**§ 33.** The claim for compensation pursuant to § 29 must be asserted within six weeks after disinfection or restitution of the object or after notification of the destruction, the claim for compensation for the loss of earnings in accordance with § 32 must be asserted within six weeks of the day of the lifting of the official measures at the district administrative authority in whose area these measures were taken, otherwise the claim expires.

#### **Reimbursement of treatment costs for people bitten by angry dogs**

**§ 33a.** (1) The treatment costs for persons bitten by an angry or suspected dog shall be borne by the solvent dog owner, unless a health insurance institution or a health care institution or an accident insurance institution has to pay.

(2) If the dog owner is not solvent or cannot be ascertained, one third of the treatment costs (para. 1) shall be borne by the municipality in whose territory the bite violation took place, two thirds by the Confederation.

(3) Claims for compensation pursuant to paragraphs 1 and 2 shall be asserted with the district administrative authority within six months of the end of the treatment in the event of other exclusion.

#### **Rest and care pleasures for doctors and their bereaved.**

**§ 34.** (1) If, in the course of combating a notifiable illness, a doctor becomes incapacitated in Germany, becomes incapacitated or finds death, he and, in the event of his death, his survivors shall be entitled to rest and care benefits. When these rest and pension benefits are granted as well as the death contribution, the general pension standards can be observed. ([Federal Law Gazette No. 161/1925.](#))

(2) If, in accordance with other provisions from his employment relationship, the doctor or his surviving dependants are entitled to pensions and pension benefits, they shall be supplemented in the cases referred to in paragraph 1 to the extent prescribed in Regulation [BGBl. No. 161/1925](#) or in a provision replacing them.

(3) If the pensions and benefits due to the doctor or his surviving dependants under other provisions from his employment relationship reach or exceed the extent prescribed in paragraph 1, the preceding provisions of this paragraph shall not apply.

#### **Rest and care pleasures for caregivers and their bereaved.**

**§ 35.** 1. If a carer becomes incapacitated or finds death due to his permanent or temporary admission to the public medical service when combating a notifiable illness, he or she shall be entitled to rest and care benefits and, in the event of his or her death, to his surviving dependants. In addition, the general pension standards can be observed when these rest and pension benefits are granted as well as the death contribution. ([Federal Law Gazette No. 161/1925.](#))

(2) If, in accordance with other provisions from their employment relationship, the caregiver or his or her surviving depends on pensions and pension benefits, they shall be supplemented in the cases referred to in paragraph 1 to the extent prescribed in Regulation [BGBl. No. 161/1925](#) or in a provision replacing it.

(3) If the pension and pension benefits due to the caregiver or his/her surviving dependents under other provisions from their employment relationship reach or exceed the extent prescribed in paragraph 1, the preceding provisions of this paragraph shall not apply.

(4) If a caregiver falls ill under the conditions referred to in paragraph 1 without the effects provided for therein occurring, he shall be entitled to continued receipt of his salary.

(5) This paragraph shall also apply to persons employed in the transport of the sick and disinfection in accordance with § 8.

#### **Reimbursement of costs from the Federal Treasury.**

**§ 36.** (1) The following shall be contested from the Federal Treasury:

- a) the costs of screening programmes in accordance with § 5a;
- b) the costs of the examinations carried out in state investigation institutes in accordance

with § 5;

- c) the costs of the eradication of animals through which pathogens can be spread (§ 14);
- d) the costs of monitoring and segregating persons suspected of being infected (§ 17);
- e) the cost of providing accommodation (§ 22);
- f) the cost of arrangements to restrict traffic with residents of contaminated villages and establishments (§ 24);
- g) the fees of epidemic doctors (§ 27);
- h) compensation for objects damaged or destroyed during disinfection (§§ 29 to 31);
- i) the remuneration for the loss of earnings (§ 32) and the treatment costs in accordance with § 33a (2);
- k) the rest and care pleasures for doctors and their surviving dependents (§ 34);
- l) the rest and care pleasures for caregivers and their surviving dependents (§ 35);
- m) the cost of official acts to be carried out by the public authorities and bodies on the occasion of the implementation of this Law;
- n) the costs for the assignments according to § 5 Abs. 4 and § 27a.

(2) Claims made pursuant to paragraph 1 shall be decided by the district administrative authority.

(3) Orders the costs of the legal proceedings to be borne by the Confederation.

#### **Reimbursement of costs by the parties.**

**§ 37.** Determined to be no longer valid. (Transitional amendment [FEDERAL LAW Gazette No. 269/1925.](#))

### **IV. MAIN PIECE.**

#### **Penal provisions.**

##### **Violation of a notification or reporting obligation.**

**§ 39.** (1) Any person who violates the orders contained in this Federal Act or issued on the basis thereof for the filing of complaints and reports is guilty of an administrative offence and shall be punishable by a fine of up to EUR 2 180 or, in the event of non-submission, by imprisonment of up to six weeks.

(2) Criminal prosecution does not occur if the notification has not been made by the initially obligated parties, but in good time.

#### **Other violations.**

**§ 40.** Who by acts or omissions

- a) the commandments and prohibitions contained in the provisions of §§ 5, 8, 12, 13, 21 and 44 (2), or
- b) the official requirements or prohibitions issued on the basis of the provisions referred to in §§ 7, 9, 10, 11, 12, 13, 14, 15, 17, 19, 20, 21, 22, 23 and 24, or
- c) violates the precepts or prohibitions contained in the ordinances issued pursuant to this Federal Act, or
- d) does not ensure, in breach of his duties of care, that the person under his care and care undergoes a medical examination ordered on the basis of Paragraph 5(1) and the removal of examination material,

is guilty of an administrative offence, provided that the offence is not punishable by a judicial penalty, and is punishable by a fine of up to EUR 1 450 or, in the event of non-recovery, by imprisonment of up to four weeks.

#### **Confiscation and forfeiture of objects.**



**§ 41.** (1) Objects whose safekeeping, treatment or use has violated or circumvented a provision of this Act or an order issued on the basis of it may be confiscated by the appointed organs of the medical authorities.

(2) Objects with which a traffic ban issued in accordance with § 25 has been violated or circumvented must in any case be covered with confiscation and declared forfeited by the district administrative authority in whose district they were entered. ([StGBI. No. 94/1945](#) in the version [BGBI. No. 142/1946](#), Section II C § 15 Abs. 2.)

(3) The seizure and forfeiture of property within the meaning of paragraph 2 shall be independent of the initiation of prosecution of a particular person and of the conviction of the same.

(4) If the destruction of a forfeited object does not have to occur, the same shall be sold by public auction after appropriate disinfection has been carried out.

### **Dedication of fines.**

**§ 42.** The fines and the proceeds for the objects declared forfeited shall be paid to those municipalities in whose territory the offence was committed or the object declared to have fallen into disrepair and shall be used for public medical care purposes.

## **V. MAIN PIECE.**

### **General provisions.**

#### **Regulatory competences.**

**§ 43.** (1) The provisions of the Law of 30 April 1870, RGBI. No. 68, concerning the organization of the public medical service, remain unaffected by the provisions of the present law.

*(Note: Para. 2 repealed by [Federal Law Gazette I No. 63/2016](#))*

(3) In the event of the occurrence of scarlet fever, diphtheria, abdominal typhoid, paratyphoid, typhoid, leaf, Asian cholera, plague, Egyptian eye inflammation, rage disease, bite injuries caused by angry or angry animals as well as in other cases of urgent danger, the surveys referred to in § 5 (1) and the precautions referred to in §§ 7 to 14 must also be taken immediately on the spot by the responsible doctors standing in the public medical services.

(4) The initiation, implementation and safeguarding of all surveys and precautions prescribed in this Act for the prevention and control of notifiable diseases or the monitoring and promotion of the precautions primarily taken by the competent medical bodies are the task of the district administrative authority.

(4a) Insofar as this Federal Act provides for competence to issue ordinances by the district administrative authority, ordinances whose scope extends to several political districts or the entire territory of the Land shall be issued by the Governor. Ordinances of the district administrative authority that conflict with an ordinance of the Governor shall cease to have effect with the legal validity of the Ordinance of the Governor, unless otherwise stated therein. If the scope of application extends to the whole of Germany, ordinances must be issued by the Federal Minister responsible for health care. A conflicting ordinance of the Governor or a district administrative authority shall cease to have effect with the legal validity of the Ordinance of the Federal Minister, unless otherwise stated therein.

(5) Within the scope of his local sphere of activity, the Governor is responsible for coordinating and controlling the measures of the district administrative authorities in accordance with paragraph 4. If there is suspicion or knowledge of a cross-state outbreak of a disease in accordance with § 1 (1) and (2), the Governors of the affected Länder shall cooperate and coordinate their activities.

(6) The Federal Ministry of Health, Family and Youth must be informed immediately by the Governor in the event of disease outbreaks.

### **Special powers of the medical authorities and their organs.**

**§ 44.** (1) The doctors appointed to investigate a case of illness within the meaning of § 43 (3) or on the basis of an official order are entitled, after notification of the head of the household

or the person entrusted with the management of the care of a sick person, to access the sick person or to the corpse and to carry out the examinations necessary for the determination of the disease. If possible, this should be done in agreement with the attending physician.

(2) The bodies officially seconded to carry out the disinfection or to other precautions within the meaning of this Act may not be denied access to land, houses and other facilities, in particular to rooms suspected of infection and to objects suspected of infection, as well as the taking of the necessary measures and the disposal of objects and rooms necessary for disinfection or destruction.

(3) If there is a suspicion that a notifiable illness is being concealed or that objects suspected of infection are being hidden, a house search may be carried out by the district administrative authority in accordance with the provisions of §§ 3 and 5 of the Act of 27 October 1862, RGBl. No. 88. (*StGBl. No. 94/1945 in the version BGBl. No. 142/1946, Section II C § 15 Abs. 2.*)

### **Precautions in the military field**

**§ 45.** The implementation of the precautions to be taken in accordance with this Act in the areas of the Federal Armed Forces and the Army Administration is the responsibility of the Federal Minister or the Federal Minister of Defence as well as the competent military departments. For the intended purposes, agreement must be maintained between these bodies and the respective competent health authorities.

### **Notification by telephone**

**§ 46.** (1) Decisions pursuant to § 7 or § 17 of this Federal Act may also be issued by telephone for the duration of the covid-19 pandemic, in deviation from § 62 (1) of the General Administrative Procedure Act 1991, [Federal Law Gazette No. 51/1991](#) in the current version, on suspicion of infection with SARS-CoV-2.

(2) The segregation ends if the authority does not issue a decision on the segregation within 48 hours in accordance with § 7 of this Federal Act due to infection with SARS-CoV-2.

(3) The content and the promulgation of a telephone decision must be notarized and served on the party.

### **Postage treatment.**

**§ 47.** (1) Persons obliged under this Act to reimburse advertisements and reports shall use envelopes or cards for the carriage of such advertisements and reports which are not registered and which do not have proof of delivery, which shall bear the words "Collect postal fee from the recipient" and the official seal of the receiving authority. The latter must pay the simple postal fee for the letter mail when the notification is handed over.

2. If the receiving authority does not wish to pay the fees waived in each individual case, those fees may be deferred on a monthly basis.

(*Federal Law Gazette No. 151/1947, Article II No. 5 lit. i.*)

### **Repeal of older regulations.**

**§ 48.** (1) All provisions on objects regulated in this Act or regulated by ordinance on the basis thereof shall cease to apply with effect from the date of validity of this Act or the relevant Ordinance.

(2) The Court Chancellery Decree of 11 January 1816, PGS. Vol. 44 No. 3, concerning the reimbursement of medical costs for poor persons damaged by angry dogs, was repealed on 1 September 1925 as the beginning of the effectiveness of Article 35 of the Administrative Relief Act, [Federal Law Gazette No. 277/1925](#).

(3) The patent of 21 May 1805, JGS. No. 731, has ceased to have effect with the entry into force of this Act in its original version (the words "§§ 393 up to and including 397 of the Criminal Code of 27 May 1852, RGBl. No. 117 and" are omitted with regard to the Austrian Criminal Law 1945, ASlg. No. 2).

(4) The Ordinances of 17 December 1917, RGBl. No. 490, concerning the control of malaria (alternating fever), of 16 June 1923, Federal Law Gazette No. 329, concerning the obligation to

notify varicella (chickenpox) and of 11 January 1927, Federal Law Gazette No. 38, concerning the obligation to notify poliomyelitis anterior acuta and encephalitis lethargica epidemica, are effective date of the Federal Act of 18 June 1947, Federal Law Gazette No. 151. ([Federal Law Gazette No. 151/1947](#), Article IV para. 4.)

### **Special provision for the duration of the SARS-CoV-2 pandemic**

**§ 49.** (1) By way of derogation from § 33, the right to remuneration for loss of earnings due to an official measure taken due to the occurrence of SARS-CoV-2 shall be asserted within three months of the date of the lifting of the official measures with the district administrative authority in whose area these measures were taken.

(2) Even before the entry into force of this provision, running and expired periods shall begin to run anew with the entry into force of the Federal Act [Federal Law Gazette I No. 62/2020](#).

### **Effectiveness of the law.**

**§ 50.** (1) This Act, in the version of the Act of 17 February 1920, StGBI. No. 83 (Epidemic Act Amendment), and the Federal Act of 3 December 1925, Federal Law Gazette No. 449 (II Epidemic Act Amendment), as well as the provisions of the Federal Act of 18 June 1947, Federal Law Gazette No. 151, Article II No. 5 and Article III and IV (3) and (4) – after the repeal of the relevant provisions of Reich law by the Federal Act of 18 June 1947, Federal Law Gazette No. 151, Article I No. 6 – re-entered into force on 22 August 1947.

(2) The amendments to § 36 (2) and § 43 (4) as well as § 43 (5) as amended by the Administrative Reform Act 2001, [Federal Law Gazette I No. 65/2002](#), shall enter into force on 1 July 2002, but not before the fourth month following the promulgation of the Administrative Reform Act 2001.

(3) Proceedings pending on the date of entry into force specified in paragraph 2 shall be conducted in accordance with the legal situation in force before that date.

(4) § 43 in the version of the Federal Act [FEDERAL LAW Gazette I No. 80/2013](#) enters into force on 1 January 2014.

(5) §§ 1 sec. 1 no. 1 and 2, 4 para. 7, 7 para. 1 and 1a, 26b including heading, 36 para. 3, 43 para. 4, and 51 as well as the omission of § 2 sec. 3 and 43 sec. 2 in the version of the Federal Act [BGBl. I No. 63/2016](#) enter into force on the day following the announcement.

(6) § 4 para. 1 to 5, 7 to 9, 11, 12, 15 and 17, § 4a including the title and § 5 (3) in the version of the 2nd Material Data Protection Amendment Act, [Federal Law Gazette I No. 37/2018](#), enter into force on 25 May 2018.

(7) § 6 (2) in the version of the 3rd COVID-19 Act, [Federal Law Gazette I No. 23/2020](#), comes into force on 1 February 2020, but without effect on ordinances which, in accordance with its previous version, were promulgated by the end of 4 April 2020.

(8) § 3a, § 13 (5), § 28a (1a) and § 43 (4a) and § 46 in the version of the Federal Act [BGBl. I No. 23/2020](#) enter into force on the day following the announcement. § 3a expires at the end of 31.12.2020.

(9) § 6 (2) in the version of the Federal Act [BGBl. I No. 43/2020](#) shall enter into force at the end of the date of promulgation of the aforementioned Federal Act. Ordinances issued before 5 April contrary to the provisions of this Federal Act shall be deemed to have been promulgated in accordance with the provisions of this Federal Act if the proclamation has achieved a degree of publicity at least equivalent to the provisions of this Federal Act. This applies in any case if the regulation has been published in a law gazette or in an official gazette of a country.

(10) The amendments to Paragraph 4(7), Paragraph 4a(5), Paragraph 5(4), Paragraph 5a and Paragraph 5b including headings, Paragraph 15, Paragraph 27a, the amendments to Paragraph 28c, Paragraph 32(6), the amendments to Paragraph 36, Paragraph 43(4a), Paragraph 45 and the heading, Paragraph 46 as amended by [Federal Law BGBl. I No 43/2020](#) shall enter into force on the day following the announcement.

(11) Sections 5a, 5b and 46 of this Federal Act, as amended by Federal Law [Gazette I No. 43/2020](#), shall cease to apply at the end of 31 December 2021.

(12) The title of § 46 and § 49 in the version of the Federal Act [Federal Law Gazette I No. 62/2020](#) enter into force on the day following the announcement.

(13) Paragraph 28(1b) as amended by Federal Law [Gazette I No. 103/2020](#) shall enter into force on the day following the announcement and shall cease to apply at the end of 30 June 2021.

**§ 50a.** Insofar as this Federal Act refers to other federal laws, these shall apply in their currently valid version.

**§ 50b.** (1) With the entry into force of this Federal Act as amended by Federal Law [Gazette I No. 43/2012](#), the Ordinance of the Federal Minister of Health concerning notifiable communicable diseases 2009, Federal Law Gazette II No. 359, as last amended by Ordinance [Federal Law Gazette II No. 359/2011](#), shall cease to apply.

(2) With the entry into force of this Federal Act in the version of the Federal Act [Federal Law Gazette I No. 63/2016](#), the Ordinance of the Federal Minister of Health concerning notifiable communicable diseases 2015, [Federal Law Gazette II No. 224/2015](#), shall cease to apply.

### **Enforcement.**

**§ 51.** With the enforcement of this Federal Act,

1. with regard to Paragraph 7(1a) – in so far as it concerns the judicial proceedings – and Paragraph 36(3) of the Federal Minister of Justice,
  2. with regard to § 28a of the Federal Minister of Health in agreement with the Federal Minister of the Interior and
  3. incidentally, the Federal Minister of Health
- entrusted.