

**PERMANENT REGULATION IMPLEMENTING PUBLIC LAW NO. 22-134**

**HEALTHY BORDER PROTECTION ACT**

This Regulation is issued by the FSM Department of Health and Social Affairs to implement the Healthy Border Protection Act pursuant to Public Law No. 22-134. It is promulgated according to the Administrative Procedures Act (APA) and was posted for 30 days in public places for the purpose of soliciting public comment as required by the APA.

Extra copies of the Regulation can be obtained from the Department of Health & Social Affairs:

FSM Department of Health & Social Affairs  
Mogethin Building  
Palikir, Pohnpei  
Federated States of Micronesia 96941

This Regulation shall take effect on August 1, 2022. This Regulation shall be deposited with the FSM Office of Registrar of Corporation as repository of national regulations.

Approved:

Date: July 30<sup>th</sup>, 2022



H.E. David W. Panuelo  
President  
Federated States of Micronesia

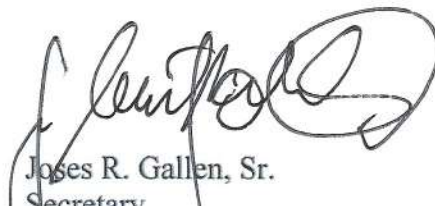
Date: July 29, 2022



Marcus Samo  
Secretary  
Department of Health & Social Affairs

Approved as to legal sufficiency:

Date: 30 July 2022



José R. Gallen, Sr.  
Secretary  
Department of Justice

I. **Authority.**

- (a) Section 305 of Title 50 of the FSM Code (Annotated) as amended by Public Law No. 22-135 empowers the Secretary of Health & Social Affairs to issue Regulation regarding COVID-19 vaccination and booster requirements at all ports of entry, including but not limited to:
- (1) Type of COVID-19 vaccine and booster shots acceptable for entry into the FSM; and
  - (2) Waiting period requirements after receiving the COVID-19 novel coronavirus (SARS-CoV-2) vaccine and booster shots to be considered fully vaccinated prior to entry.
- (b) Section 307 of Title 50 of the FSM Code (Annotated) as amended by Public Law No. 22-135 in reference to Title 41 of the FSM Code empowers the Secretary of Health & Social Affairs to establish COVID-19 Health Clearance Declaration requirements and assessment factors by Regulation.
- (c) Sections 307 and 308 of Title 50 of the FSM Code (Annotated) as amended by Public Law No. 22-135 in reference to Title 41 of the FSM Code empowers the Secretary to issue Regulation to implement this Act.
- (d) Section 311 of Title 50 of the FSM Code (Annotated) as amended by Public Law No. 22-135 requires that the Secretary of Health and Secretary of Justice shall enact Regulations to implement this Act within 30 calendar days of this Act becoming law.

II. **Reasons for the Regulation.**

- (a) The reasons for the proposed Regulation are the following:

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

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

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





- (7) "Essential movement" means moving between hotel or residence and other places to perform essential duties and functions, including medical, food, essential work and meeting.
- (8) "President" means the President of the Federated States of Micronesia.
- (9) "Secretary" means the Secretary of the FSM Department of Health & Social Affairs.
- (10) "Test-to-Treat Center (T&T)" means a center or site (public gymnasium, community health center or dispensary) clearly designated and strategically located in each State for the purpose of providing COVID-19 testing services for the community, including treatment services for those tested positive and symptomatic, moderately ill or with comorbidities, or advice/guidance for positive asymptomatic and mild cases.
- (11) "Vaccine" or "vaccination" refers to the vaccine for the COVID-19 authorized or permitted or authorized by the Secretary of Health and Social Affairs.
- (12) "Fully vaccinated" refers to 14 days after completing your COVID-19 primary vaccination series.
- (13) "Boosted" refers to additional dose or doses of a vaccine given after the primary series.
- (14) "International Travel" refers to travel into or outside of FSM by aircraft (commercial, private, charter, military, and others crafts) and by sea vessel (passenger and cruise ships, cargo and fishing vessels, military, yachts, and other sea vessels)
- (15) "Inter-state Travel" refers to travel between the FSM States

#### **IV. International Travel.**

- (a) At this juncture of the Pandemic, the risk of introducing COVID-19 cases into the FSM should no longer be the basis to keep FSM's borders closed because, as of the effective date of this regulation, the virus has already been introduced in Kosrae and Pohnpei with widespread community transmission. It is only a matter of time before the virus is introduced in Chuuk and Yap. The current science and knowledge of COVID-19 and the predominant Omicron variant (BA5.5), and other available COVID-19 tools and methods (vaccines and therapeutics; capacity and capability for testing and treatment; prevention, protection and management measures, e.g., test-to-treat centers, home stay, self-isolation, restriction of movement, social distancing, hand washing, and masking) should be the basis of FSM's readiness to reopen its borders on August 1, 2022.
- (b) For the purpose of this Regulation, international travel includes travel by aircraft (commercial, private, charter, military, and others) and by sea vessel (passenger and cruise ships, cargo and fishing vessels, yachts, military, and others).

#### **V. Pre-Travel Requirements.**

(a) Vaccination.

- (1) Any person entering the Federated States of Micronesia is required to be fully vaccinated and boosted (if eligible) with a COVID-19 vaccine approved by or granted emergency use authorization (EUA) by the U.S. Food and Drug Administration (US FDA) or the World Health Organization (WHO), prior to entry in the FSM. Additional information

on vaccines can be found at the following CDC and WHO sites:

- <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/index.html>
- <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/covid-19-vaccines>

(2) The following are accepted COVID-19 vaccines:

- (a) Comirnaty – BioNTech Manufacturing GmbH
- (b) Vaxzevria – AstraZeneca AB/SK Bioscience Co. Ltd
- (c) Covishield – Serum Institute of India Pvt. Ltd
- (d) COVID-19 Vaccine – Janssen-Cilag International NV
- (e) SpikeVax – Moderna Biotech/TX, Inc
- (f) Vero Cell – Beijing Institute of Biological Products Co., Ltd. (BIBP)
- (g) CoronaVac – Sinovac Life Sciences
- (h) Covaxin – Bharat Biotech International Ltd
- (i) Conovax – Serum Institute of India Pvt. Ltd
- (j) Nuvaxovid – Novavax CZ a.s.
- (k) Convidecia – CanSino Biologics Inc

The vaccine list will be reviewed periodically and updated as necessary.

(3) In order to be considered fully vaccinated, the following waiting periods must be observed:

- A. To be considered “fully vaccinated” 14 days have to lapse since your last dose of the COVID-19 primary vaccination series.

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

- A. First booster dose is required for adults 18 and older, if eligible.
- B. To be eligible for a booster dose, 5 months has to lapse since your last dose of COVID-19 primary series (or after 2 months of J&J primary vaccination).

(5) Any person seeking exemption from the COVID-19 vaccination and/or



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

(b) COVID-19 testing.

- (1) Any person traveling to the FSM is required to be tested negative by PCR within 72 hours (3 days) prior to entry.
- (2) In the event a person is tested positive for COVID-19 due to past infection (within the past 90 days), the person may enter FSM if the following criteria is met:
  - A. Evidence of positive PCR test result with a CT value of 34 or higher is provided with medical report from a certified physician indicating their infectivity status or other documentation of recovery from COVID-19.
- (3) If community transmission of COVID-19 is evident in all four (4) States, a negative Antigen test within 72 hours (or 3 days) will be accepted for entry in the FSM.

(c) COVID-19 face-mask

- (1) Any person, except children under 3 years old, traveling to FSM from abroad is strongly recommended to wear face mask during travel.

(d) COVID-19 Health Clearance Declaration.

- (1) A *FSM COVID-19 Health Clearance Declaration Form* (see Appendix 1) is required to be completed and provided to FSM Immigration upon entry.

The Health Clearance Declaration should include, at the minimum, the following mandatory information:

- A. COVID-19 Exposure or contact with persons with COVID-19
  - B. COVID-19 Symptoms
  - C. COVID-19 Contraction or infection
  - D. COVID-19 Medical treatment and hospitalization received
  - E. COVID-19 Quarantine and Isolation
  - F. COVID-19 Testing results
- (2) If a person arrived in FSM with COVID-19 symptoms, FSM Immigration will refer the passenger to the local health department or health personnel for further evaluation and management.

#### **VI. Post Travel Requirements.**

##### **(a) Restriction of Movement.**

- (1) A person who entered the FSM is required to:
- A. Stay at home and wear mask for 5 days, with restriction of movement;
  - B. Essential movement shall be permitted for travelers staying in a hotel or residence;
  - C. If no symptoms after 5 days, restriction of movement is lifted.
  - D. If symptoms developed, visit the nearest Test-to-Treat Center for testing, treatment, and further advice by the local health authority.
- (2) A person who entered the FSM is required to follow other State COVID-



19 requirements and protocols other than those set out in this Regulation.

**VII. Inter-state Travel**

- (a) Inter-state travel is permitted on any aircraft and sea vessel originating locally (PMA, CIA, Navigator, and others) or internationally (United Airlines, Air New Guinea, and others);
- (b) Traveler is required to be fully vaccinated and boosted, if eligible;
- (c) Traveler is strongly recommended wear face mask at all times during inter-state travel;
- (d) With respect to inter-state travel, a negative COVID-19 Antigen test is required for inter-state travel from a COVID-19 infected FSM State to a COVID-19 free FSM State. No COVID-19 test is required for travels between COVID-19 infected FSM States.
- (e) The Secretary shall provide advice which shall be binding upon the States with respect to home-stay protocols and guidelines in the course of implementing this Regulation.

**VIII. Violation of Regulation.**

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

**IX. Implementation, Monitoring and Reporting**

- (a) The Secretary shall coordinate with the State Directors of Health and Chairs of State Taskforces on implementation of this Regulation in the FSM, including

monitoring and reporting on the implementation of this Regulation.

(b) In monitoring the implementation of this Regulation, the Secretary shall consider the following criteria:

- (1) **Rationale** for implementation is based upon current medical practice;
- (2) **Feasibility** of implementation in the proposed manner, time and place;
- (3) **Limited health risk to all persons** at the port of entry including agency employees, persons working at the port, and travelers;
- (4) **Administrative cost** for implementation and impact on agency budget;
- (5) **Guidelines to aid** in effective implementation; and
- (6) **Current capacity** to implement. The Secretary shall identify funding needed to implement this Regulation, and may request supplemental funding from the FSM Congress, if needed.

(c) Within 90 business days of implementation of any Regulation or agency action under this Regulation, the Secretary shall provide a written report to the President regarding the implementation of this Regulation. Copies of the report shall be provided to the Committee on Health and Social Affairs, and Committee on Judiciary and Governmental Operations in Congress.

(d) The Secretary may propose any amendments or changes to this Regulation, if necessary. The Secretary may also give exceptions to this Regulation in the event of medical emergencies or humanitarian reasons.

## Appendix 1- FSM Health Clearance Declaration Form

### Arrival Health Declaration Form Supplementary Arrival Card



Due to the global outbreak of novel coronavirus (COVID-19), the Federated States of Micronesia (FSM) is collecting additional information from each arriving passenger regarding their current health status.

Your complete and accurate completion and information will help keep the FSM and our visitors safe and healthy.

Please complete all sections of this form using blue or black pen. A separate card must be completed for every passenger including children. Please print clearly, answering in English, using capital letters.

Mark check boxes with a "tick", like this: ☒

#### ARRIVAL INFORMATION

Date of Arrival in the FSM:  /  /  Passenger:  
Airline/Vessel #:  Crew  
Originating From:  Resident  
Seat #:  Non-Resident

#### PERSONAL INFORMATION

Family name/  
Surname  
Given/First  
names  
Passport  
number  
Country of  
residence  
Nationality

Date of  
birth (DDMMYY)

Phone contact  
in the FSM

Email contact  
in the FSM

Address of stay  
in the FSM

#### PLEASE CHECK IF YOU HAVE ANY OF THE FOLLOWING AT PRESENT OR DURING THE PAST 14 DAYS

|          |                        |                                       |
|----------|------------------------|---------------------------------------|
| Fever    | Sore Throat            | Running nose                          |
| Headache | Bodyache               | Nausea                                |
| Cough    | Joint pain             | Vomiting                              |
|          | Shortness of breathing | Other (Specify): <input type="text"/> |

Have you come in contact with someone confirmed or suspected with COVID-19? Yes No  
Have you been infected with COVID-19 within the last three months? Yes No  
If yes, have you been treated for COVID-19? Yes No  
Have you been hospitalized for COVID-19? Yes No  
Do you have a negative COVID-19 test result within the last 72 hour prior to your flight? Yes No N/A

#### DECLARATION

I declare that the details I have given are true and correct and complete in every respect.

Signature:

Date:

#### FSM DEPARTMENT OF HEALTH & SOCIAL AFFAIRS

#### MORE INFORMATION ON COVID-19

Kasalehile, Pain kom, Mogethile, Ran annim | Please find advice regarding novel coronavirus (COVID-19) for travellers arriving into the FSM. The virus is a new strain of coronavirus that has not been previously identified in humans. Coronaviruses are a large family of respiratory viruses that can cause diseases ranging from the common cold to the Middle-East Respiratory Syndrome and the Severe Acute Respiratory Syndrome (SARS).

How can you catch COVID-19? Whilst many details about the virus are yet to be determined, it has been identified that it can spread from human to human. Therefore, it is recommended that individuals reduce their general risk of respiratory infections while travelling in or from affected areas by practicing regular handwashing and cough hygiene.

What are the symptoms? Common signs include fever, dry cough, difficulty breathing, and other flu-like symptoms and loss of sense of smell.

If you have been to an area affected by COVID-19 in the last 14 days and develop any of these symptoms, immediately contact your State Health Service (below). Please call before visiting a health facility to reduce the risk of spreading the virus.

Yap DHS: 350-2110  
Chuuk DHS: 330-2214

Pohnpei DHS: 320-3108  
Kosrae DHS: 370-3102

For the latest information, visit the Government of the FSM website: <https://gov.fm/index.php/public-info/fsm-pia>

For more information regarding COVID-19: <https://www.who.int/emergencies/covid-19>