A BILL FOR AN ACT

To further amend title 41 of the Code of the Federated States of Micronesia (Annotated), as amended, by creating a new chapter 12 to establish the COVID-19 Public Health Vaccination Act of 2022, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

Section 1. Title 41 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby amended by creating a new chapter 12 entitled: "COVID-19 Public Health Vaccination Act of 2022".

Section 2. Chapter 12 of title 41 of the Code of Federated States of Micronesia (Annotated), as amended, is hereby amended by inserting a new section 1201 to read as follows:

"Section 1201. Short title. This Act may be referred to as the COVID-19 Vaccination Act."

Section 3. Chapter 12 of title 41 of the Code of Federated States of Micronesia (Annotated), as amended, is hereby amended by inserting a new section 1202 to read as follows:

"Section 1202. Statement of Policy. It is hereby declared as a policy of the Federated States of Micronesia that requiring COVID-19 vaccinations for all persons in the Federated States of Micronesia is necessary to ensure the health, safety and welfare of the country."
Section 4. Chapter 12 of title 41 of the Code of Federated States of Micronesia (Annotated), as amended, is hereby amended by inserting a new section 1203 to read as follows:

"Section 1203. Definitions.

For the purposes of this title, the following terms shall be given the meanings described herein:

(1) "Department of Health Services" means the Department within the executive branch of each State government within the FSM which is responsible for health service matters within a respective State.

(2) "FSM" means the Federated States of Micronesia.

(3) "Non-citizen" means a person who is not a citizen of the FSM.

(4) "Public service employees" means any person, whether permanently or otherwise, subject to the Public Service System under 52 F.S.M.C. § 204, employed by the FSM national government, or employed by a State government agency within the FSM that receives funding from the FSM national government.

(5) "Retired Persons" means any person actively receiving social security benefits from the FSM national government pursuant to 52 F.S.M.C. § 304 or retirement benefits from the FSM national government under 52 F.S.M.C. §§ 505-506.

(6) "School" means a public, private or parochial
nursery school, day care center, child care facility,
family care home, head start program, kindergarten,
elementary, or secondary school through grade twelve.

(7) "School aged children" means any person under the
age of 18 years old that is enrolled in or attending
school in the FSM.

(8) “Secretary of Health” means the Secretary of
Health and Social Affairs of the Government of the FSM.”

Section 5. Chapter 12 of title 41 of the Code of Federated
States of Micronesia (Annotated), as amended, is hereby amended
by inserting a new section 1204 to read as follows:

"Section 1204. Scope of COVID-19 Vaccine Mandate.

(1) The COVID-19 vaccine mandate under this Act
applies to all school aged children, public service
employees, and retired persons in the FSM, including both
FSM citizens and non-citizens.”

Section 6. Chapter 12 of title 41 of the Code of Federated
States of Micronesia (Annotated), as amended, is hereby amended by
inserting a new section 1205 to read as follows:

"Section 1205. COVID-19 Vaccination and Booster
Requirements.

(1) All public service employees shall be vaccinated
against COVID-19 as specified by the Secretary of Health
for employment with the FSM national government or
employment with any State government agency within the
FSM that receives funding from the FSM national government. All public service employees shall provide a certification of COVID-19 vaccination, as specified by the Secretary of Health, to an appropriate official of the employer.

(2) All retired persons shall be vaccinated against COVID-19 as specified by the Secretary of Health in order to receive social security or retirement benefits from the FSM national government. All retired persons shall provide a certification of COVID-19 vaccination, as specified by the Secretary of Health, to an appropriate official of the national social security or retirement pension administration.

(3) All school aged children shall be vaccinated against COVID-19 as specified by the Secretary of Health in order to enroll or attend school within the FSM. All school aged children shall provide a certification of COVID-19 vaccination, as specified by the Secretary of Health, to an appropriate official of the school.”

Section 7. Chapter 12 of title 41 of the Code of Federated States of Micronesia (Annotated), as amended, is hereby amended by inserting a new section 1206 to read as follows:

"Section 1206. Exemption from COVID-19 Vaccination and Booster Requirements.

(1) Persons in the following identified categories are
exempt from the COVID-19 vaccine mandate under section 1206:

(a) Children under the age of 5 years old; and

(b) Person with a disability or medical condition that qualifies for a medical exception and provides a certified medical statement from a licensed physician that the disability or medical condition of the person is such that the required vaccination or booster would endanger the life or health of the person.

(2) The Secretary of Health, or his designee, in coordination with each State Department of Health Services, may provide, by regulation, further exemptions based upon sound medical practice."

Section 8. Chapter 12 of title 41 of the Code of Federated States of Micronesia (Annotated), as amended, is hereby amended by inserting a new section 1207 to read as follows:

"Section 1207. Regulations.
The Secretary of Health, or his designee, shall promulgate and publish such rules and regulations as necessary to implement the COVID-19 vaccine mandate throughout the FSM. The Secretary of Health shall coordinate with each State Department of Health Services, or the relevant departments or agencies, to implement regulations under this Act."
Section 9. This Act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

Date: 5/5/22

Introduced by: /s/ Ferny S. Perman

Ferny S. Perman