

Enforcement of the Infection Protection Act (IfSG)

Quarantine of contact persons and persons suspected of being infected with coronavirus, isolation of persons who have tested positive for the coronavirus SARS-CoV-2 (General Ruling on Isolation)

Announcement of the Bavarian State Ministry of Health and Care of 31 August 2021, ref. G5ASz-G8000-2020/122-925, of 9 September 2021, ref. G51z-G8000-2021/505-246, and of 15 September 2021, ref. G51z-G8000- 2021/505-267

In accordance with Article 28 sub-para. 1 clause 1, Article 29 sub-paras. 1 and 2 and Article 30 sub-para. 1 clause 2 of the Infection Protection Act (IfSG) in conjunction with Section 65 clause 2 no. 2 of the Responsibilities Ordinance (ZustV), the Bavarian State Ministry of Health and Care hereby issues the following

General Ruling:

1. Definitions

Unless otherwise specified, the provisions of this general ruling apply to the following persons (persons affected):

- 1.1 Persons who have been informed by the health authorities that, due to their close contact with a confirmed COVID-19 case, they are close contact persons who have an increased risk of infection according to the currently valid criteria of the Robert Koch Institute (close contact persons).
- 1.2 Persons suspected of being infected
 - a) for whom

- aa) an antigen test for the direct detection of SARS-CoV-2 (antigen test), which was not carried out or supervised by a healthcare professional or a comparable person trained for this purpose, yields a positive result, or
- bb) symptoms of disease indicating an infection with SARS-CoV-2 are present,

and for whom either the health authority has ordered testing by means of a PCR test, a PoC-PCR test or another nucleic acid amplification technique (nucleic acid test) for SARS-CoV-2, or who subjected themselves to testing by means of a nucleic acid test for SARS-CoV-2 following the positive result of the antigen test or following medical advice because of the signs of the disease, and

- b) whose swab sample is part of a pool sample for which a PCR pool test has yielded a positive result.

- 1.3 Persons who, after 31 August 2021, were informed by the health authority, by the person who performed or supervised the test or by the body evaluating the test that a nucleic acid test carried out on them or supervised by a healthcare professional or a comparable person trained for this purpose or an antigen test carried out on them or supervised by a healthcare professional or a comparable person trained for this purpose yielded a positive result (persons tested positive) and who are neither close contact persons as defined under No. 1.1 nor persons suspected of being infected as defined under No. 1.2.

2. Rules on quarantine and isolation

2.1 Order for quarantine or isolation

2.1.1 Quarantine for close contact persons

- 2.1.1.1 Close contact persons must go into quarantine immediately after being notified by the health authority as per No. 1.1, if no other instructions are issued by the competent local authority. The health authority will record the contact details and notify the contact persons without delay in writing or electronically of the measures to be taken.
- 2.1.1.2 The quarantine obligation as per No. 2.1.1.1 does not apply to
- a) close contact persons who have been fully vaccinated against COVID-19 (as from day 15 after the final vaccination),
 - b) close contact persons who have recovered from a COVID-19 infection which was confirmed by a nucleic acid test and who have been vaccinated with one vaccine dose (as from the day of the vaccination), and
 - c) close contact persons who have recovered from a SARS-CoV-2 infection which was confirmed by a nucleic acid test, if the relevant test was carried out at least 28 days and at most six months previously.
- Proof of vaccination and proof of the previous SARS-CoV-2 infection must be submitted to the health authority upon request. If the persons referred to in sentence 1 show typical symptoms of infection with the SARS-CoV-2 coronavirus, such as a cough, fever or loss of taste and smell, within 14 days of close contact with the confirmed case of COVID-19, the responsible health authority must be informed immediately. The health authority can decide differently in individual cases and order quarantine.
- 2.1.2 Persons suspected of being infected must go into quarantine immediately after notification from the health authority about the instructions for the test or, if no such instructions have been given, immediately after performance of the nucleic acid test or notification of the positive result of the PCR pool test. This applies even if a previously taken antigen test shows a negative result. The health authority, the doctor giving the consultation before the test or, in the case of No. 1.2 a), the person carrying out the nucleic acid test, will inform the person suspected of being infected in writing or electronically about the obligation to go into quarantine. If a test is carried out by a doctor during a home visit or at the doctor's practice, the person suspected of being infect-

ed must be informed by the doctor of the obligation to undergo quarantine in writing or electronically when the test is taken by presentation of the main content of this general ruling and other materials. Persons suspected of being infected must be reported to the local health authority in accordance with Article 6 sub-para. 1 clause 1 no. 1 letter t IfSG.

- 2.1.3 Persons tested positive must go into isolation immediately after learning of their positive test result. The office announcing the test result will inform persons tested positive in writing or electronically about their obligation to isolate when the test result is announced. The notification obligations pursuant to Article 6 sub-para. 1 clause 1 no. 1 letter t and Article 7 sub-para. 1 clause 1 no. 44a IfSG remain unaffected by this. The person tested positive is obliged to report to the health authority responsible and supply information about the test result, the type of test (nucleic acid test or antigen test) and the date of the test.
- 2.2 Quarantine or isolation must take place in an apartment or other spatially delimited part of a building.
- 2.3 Close contact persons, persons suspected of being infected and persons tested positive may not leave the dwelling during the period of quarantine or isolation without the express consent of the health authority. They are permitted to spend a limited time on their own in or on a garden, terrace or balcony belonging to the dwelling. The dwelling may be left for the sole purposes of tests which, according to this general ruling, may be carried out in order to end quarantine or isolation, and for other tests ordered by the health authority.
- 2.4 During the entire period of home quarantine or isolation, a spatial or temporal separation from other persons living in the same household as the person affected must be ensured. A "temporal separation" can be achieved, for example, by taking meals not together but in turn. A "spatial separation" can be achieved, for example, by the person affected staying in a separate room to the other members of the household.

- 2.5 During quarantine or isolation, the person affected may not receive visits from persons who do not belong to the same household. The responsible local authority may take a different decision in substantiated individual cases.

3. Rules of hygiene during quarantine and isolation

- 3.1 The health authority will advise the close contact person, person suspected of being infected or the person tested positive and any other persons sharing their households and will inform them of appropriate hygiene and protection measures, in particular to prevent the further spread of infections.
- 3.2 The directions of the health authority regarding hygiene and protection measures must be observed.

4. Measures during quarantine of close contact persons

- 4.1 The health authority should actively establish contact with close contact persons. Contact will be established by telephone or alternatively by electronic means of communication such as by e-mail or other digital media.¹
- 4.2 During the period of quarantine, the close contact person must keep a diary in which to note their body temperature every day, if possible, and the course of signs of illness, if any, as well as general activities and contact with other persons. At the request of the health authority, the close contact person must provide information from the diary.²
- 4.3 During home quarantine, the close contact person must let officials of the health authority carry out examinations (e.g. medical consultations and diagnostics) on them and collect samples for examination. This refers in particular to swabs from mucous membranes.

¹ No. 4.1 clause 1 adjusted with the announcement of 15.09.2021.

² No. 4.2 clause 1 adjusted with the announcement of 15.09.2021.

4.4 If the quarantine endangers the continuity of business operations in a company belonging to critical infrastructure or the service operations of a public authority despite the exhaustion of all organisational possibilities, such as the transfer of personnel from other areas, it is possible to make an exception to the quarantine order for close contact persons in individual cases, subject to adherence to infection hygiene requirements in order to protect other employees. The decision will be taken by the responsible local authority, possibly after consultation with the company doctor and the management of the plant or public authority.

5. Further rules of hygiene during quarantine and isolation and extended information obligations of close contact persons after the end of quarantine³

5.1 If, irrespective of the continuation of quarantine, typical symptoms of infection with the SARS-CoV-2 coronavirus such as a cough, fever or loss of taste and smell develop in close contact persons within 14 days of the last close contact with the confirmed case of COVID-19 or, in the case of household members as defined in No. 6.1.2, within 20 days of the onset of symptoms of the primary case, or, in the case of asymptomatic primary cases, from the date of the swab collection which gave rise to the initial detection of the pathogen, or if the health condition of suspected persons deteriorates, they must immediately contact the public health department by telephone.⁴

5.2 Should more extensive medical treatment or rescue transport become necessary during quarantine or isolation, the person affected must inform the healthcare facility or rescue service in advance by telephone of the reason for the quarantine or isolation. The health authority must also be informed in advance.

5.3 Where the person affected is a minor or where a carer has been appointed by law, the primary carers are responsible for adherence to home quarantine or isolation.

³ Heading extended with the announcement of 15.09.2021.

⁴ No. 5.1 reworded with the announcement of 15.09.2021.

6. End of the measures

6.1 End of quarantine for close contact persons

6.1.1 For close contact persons, home quarantine ends when it has been ten days since the close contact with a confirmed COVID-19 case and if no typical symptoms of COVID-19 occurred during quarantine. Under the conditions of sentence 1, home quarantine ends prematurely if the close contact with the confirmed COVID-19 patient was at least five days ago and a nucleic acid test carried out at the earliest five days after the last close contact yields a negative result; the negative result of an antigen test suffices for persons in the area of schools, day-care facilities for children (day-care centres, day-care babysitters and nannies, special pedagogical day-care centres) and other facilities in the sense of Article 33 nos. 1 to 3 IfSG, which care mainly for minors. Under the conditions of sentence 1, home quarantine also ends prematurely if the close contact with the confirmed COVID-19 patient was at least seven days ago and an antigen test carried out at the earliest seven days after the last close contact yields a negative result. The nucleic acid test or the antigen test must be carried out by a healthcare professional or a person trained for this purpose. Premature termination of quarantine becomes effective with the transmission of the negative test result to the responsible local authority, unless the latter decides otherwise in individual cases.

If the test result of the close contact person is positive, quarantine continues and the responsible local authority issues the necessary instructions. The instructions given under No. 6.3 apply with regard to the end of isolation.⁵

6.1.2 In the case of members of the household of a person infected with COVID-19 who do not fall ill, or do have respiratory symptoms but have tested negative for SARS-CoV-2 by means of a nucleic acid test, domestic quarantine ends ten days after the onset of symptoms of the primary case, with asymptomatic primary cases ten days from the date of the swab which produced initial proof of the virus, regardless of the occurrence of other cases in the household. Un-

⁵ No. 6.1.1 reworded with the announcement of 15.09.2021.

der the conditions of sentence 1, domestic quarantine ends prematurely if the onset of symptoms of the primary case occurred at least five days ago, in the case of asymptomatic primary cases if the date of the swab collection which gave rise to the initial detection of the pathogen was at least five days ago and a nucleic acid test carried out at the earliest five days after this date yields a negative result; the negative result of an antigen test suffices for persons in the area of schools, day-care facilities for children (day-care centres, day-care babysitters and nannies, special pedagogical day-care centres) and other facilities within the meaning of Article 33 nos. 1 to 3 IfSG, which care mainly for minors. Under the conditions of sentence 1, domestic quarantine also ends prematurely if the onset of symptoms of the primary case occurred at least seven days ago, in the case of asymptomatic primary cases if the date of the swab collection which gave rise to the initial detection of the pathogen was at least seven days ago and an antigen test carried out at the earliest seven days after this date yields a negative result. The nucleic acid test or the antigen test must be carried out by a healthcare professional or a person trained for this purpose. Premature termination of quarantine becomes effective with the transmission of the negative test result to the responsible local authority, unless the latter decides otherwise in individual cases.

If the test result is positive, quarantine continues and the responsible local authority issues the necessary instructions. With regard to the end of isolation, if the test result is positive then the instructions given under No. 6.3 apply.^{6 7}

- 6.2 For persons suspected of being infected, domestic quarantine ends upon presentation of a negative result of a nucleic acid test, but no later than the end of the fifth day after undergoing the nucleic acid test. The negative test result must be confirmed in writing or electronically at the request of the person suspected of being infected. If the test result of the person suspected of being infected is positive, the isolation continues and the responsible local authority issues the necessary instructions. The instructions given under No. 6.3 apply with regard to the end of isolation.

⁶ No. 6.1.2. reworded with the announcement of 15.09.2021.

⁷ No. 6.1.3. rescinded with the announcement of 15.09.2021.

6.3 End of isolation for persons tested positive

- 6.3.1 For persons who tested positive by means of an antigen test which was performed by a healthcare professional or a comparable person trained for this purpose, isolation ends, provided that the first nucleic acid test performed on such persons after the positive antigen test produces a negative result, with the presence of this negative test result.
- 6.3.2 For asymptomatic persons whose nucleic acid test has yielded a positive result and who are fully vaccinated (from day 15 after the final vaccination) or who have recovered from a COVID-19 infection which was confirmed by a nucleic acid test and who have been vaccinated once (as from the day of the vaccination), the duration of isolation is at least 5 days. If a nucleic acid test carried out at the earliest on day 5 of isolation yields a negative result and the person consistently remains asymptomatic, isolation can be terminated at the earliest on day 5. If the person develops symptoms, or if the nucleic acid test yields a positive result, isolation ends, in cases with asymptomatic disease progression, at the earliest 14 days after the initial detection of the virus and, in cases with mildly symptomatic disease progression, at the earliest 14 days after the onset of symptoms, subject to freedom from symptoms for at least 48 hours (defined as a sustained improvement of acute COVID-19 symptoms according to medical assessment). In both cases, for isolation to end an additional test carried out at the earliest on day 14 (nucleic acid test or antigen test, performed by a healthcare professional or a comparable person trained for this purpose) must produce a negative result. The responsible local authority will issue the necessary instructions and decide when the isolation is to end.
- 6.3.3 For all other persons tested positive, isolation ends, in cases with asymptomatic disease progression, at the earliest 14 days after the initial detection of the virus and, in cases with mildly symptomatic disease progression, at the earliest 14 days after the onset of symptoms, subject to freedom from symptoms for at least 48 hours (defined as a sustained improvement of acute COVID-19 symptoms according to medical assessment). In both cases, for

isolation to end an additional test carried out at the earliest on day 14 (nucleic acid test or antigen test, performed by a healthcare professional or a comparable person trained for this purpose) must produce a negative result. The responsible local authority will issue the necessary instructions and decide when the isolation is to end.

7. Transitional regulation

For persons who are, on 31 August 2021, in quarantine or isolation due to the General Ruling of the Bavarian State Ministry of Health and Care dated 14 April 2021, ref. G51s-G8000-2021/505-38 (BayMBI. No. 276), concerning the quarantine of contact persons and persons suspected of being infected with coronavirus, isolation of persons who have tested positive for coronavirus (General Ruling on Isolation), which was amended by the General Ruling dated 28 May 2021, ref. G51s-G8000 -2021/505-63 (BayMBI. 367), the provisions of the General Ruling of the Bavarian State Ministry of Health and Care dated 14 April 2021, ref. G51s-G8000-2021/505-38 (BayMBI. No. 276), concerning the quarantine of contact persons and persons suspected of being infected with coronavirus, isolation of persons who have tested positive for coronavirus (General Ruling on Isolation), which was amended by the General Ruling dated 28 May 2021, ref. G51s-G8000 -2021/505-63 (BayMBI. 367) continue to apply with the proviso that the end of the isolation or quarantine of each of these persons takes place in accordance with the instructions issued in No. 6 of the present General Ruling⁸ as amended.

8. Offences

Any violation of this General Ruling can be punished as an offence pursuant to Section 73 sub-para. 1a no. 6 IfSG.

⁸ Addition inserted with the announcement of 09.09.2021; No. 7 amended with the announcement of 15.09.2021.

Consolidated version (valid as at: 15.09.2021) – the individual announcements of 31.08.2021, of 09.09.2021 and of 15.09.2021 are legally binding

9. Immediate enforceability

The present General Ruling is immediately enforceable by law.

10. Effective date, expiry date

The present General Ruling takes effect on 1 September 2021 and expires on 31 December 2021 at midnight.