

Sec. 101. Contagious disease.

(a) Whenever the Tribal Health Officer on the Fort Peck Reservation has probable cause to believe that an Indian on the Reservation is afflicted with a contagious disease, he/she may apply to the Fort Peck Tribal Court for an order that the affected Indian should be removed to a hospital for examination, treatment and possible quarantine.

(b) The application shall:

(1) State that there is probable cause to believe that the Indian is afflicted with a contagious disease, and what disease, and set forth the facts supporting probable cause;

(2) State that the Indian affected will not voluntarily accept treatment and examination; and

(3) State that the Indian, by reason of his/her illness, is endangering or likely to endanger the public health of the community, and set forth the facts supporting that conclusion.

(c) The Court shall promptly set the matter for hearing, and shall cause the affected Indian to be served with reasonable prior notice of the time and place of the hearing, together with a copy of the application of the Tribal Health Officer.

(d) If after the hearing, the Court determines that the Indian is afflicted with a contagious disease, or that there is probable cause to believe the Indian is afflicted with a contagious disease, and that the Indian, by reason of his/her illness, is endangering or likely to endanger the public health, the Court may issue an order for the removal of the Indian to a hospital or other appropriate place for such examination and treatment as may be required. The Court may order the Indian to be quarantined in his/her home for a time period specified by the Tribal Health Officer. Otherwise, he/she shall be discharged. The Court, in its discretion, may upon finding probable cause, order the Indian examined prior to the conclusion of the hearing.

(e) The order of the Court shall constitute continuing authority for the detention of the Indian in the place designated until the Indian is discharged by the proper medical authorities or by the Court; provided that the Indian shall not be detained if he/she is found not to have a contagious disease, nor shall he/she be detained longer than necessary to protect the public health of the community.

(f) Removal, detention, examination and treatment under this Section shall be without cost to the affected Indian.

(AMENDED AS PER RESOLUTION NO. 29-1506-2019-05, DATED 5/13/2019)