

Bürger Service – Citizen Service		<i>Translator's remark: Bav Corona Ordinance 17 (consolidated version) updated w/Amendment dated 19 Jan 2023 Status 01 Feb 2023; Expiration 17 Feb 2023</i>
Source/Quelle: BAYERN.RECHT	Bayerische Staatskanzlei (Bavarian State Chancellery)	

TRANSLATION FROM THE GERMAN LANGUAGE

17. BayIfSMV: Seventeenth Bavarian Ordinance on Protective Measures Against Infectious Diseases (17. BayIfSMV) dated 30 September 2022 (Bavarian Ministerial Gazette No. 557) Compilation of Bavarian Laws [Bayerische Rechtssammlung - BayRS 2126-1-21-G (§§ 1-3)]

Seventeenth Bavarian Ordinance on Protective Measures Against Infectious Diseases (17. BayIfSMV) dated 30 September 2022 (Bavarian Ministerial Gazette No. 557) Compilation of Bavarian Laws [Bayerische Rechtssammlung/BayRS 2126-1-21-G

Full citation in congruence with legal citation guidelines: Seventeenth Bavarian Ordinance on Protective Measures Against Infectious Diseases (17. BayIfSMV) dated 30 September 2022 (Bavarian Ministerial Gazette No. 557, Compilation of Bavarian Laws 2126-1-21-G), last amended by § 1 and § 2 of the Ordinance dated **19 January 2023** (Bavarian Ministerial Gazette No. 29).

Pursuant to § 32 Sent. 1 in conjunction with § 28 Para (1), § 28b Para (1) Sents. 9 and 10 and Para (2) of the [Federal] Infection Protection Act [Infektionsschutzgesetz - IfSG] dated 20 July 2000 (Federal Law Gazette Part I p. 1045), last amended by Art. 1b of the Law dated 16 September 2022 (Federal Law Gazette Part I. p. 1454), and § 9 No. 5 of the Delegation Ordinance (DelV) dated 28 January 2014 (Law and Ordinance Gazette [Gesetz- und Verordnungsblatt - GVBl] p. 22, Compilation of Bavarian Laws BayRS 103-2-V), last amended by the Ordinance dated 27 September 2022 (BayMBl. No. 555), the Bavarian State Ministry for Health and Care decrees the following:

§ 1 General Recommendations for Conduct

¹Everyone is urged to maintain a minimum distance of 1.5m [4.9 feet] to other persons wherever possible and observe proper hand hygiene. ²Notwithstanding the provisions of the [Federal] Infection Protection Act [Infektionsschutzgesetz – IfSG] in closed spaces including local public transportation recommend that at least a medical (surgical) face mask be worn and a sufficient level of ventilation be ensured. ³For establishments, facilities, offers and events which are open to the public recommend that hygiene concepts be designed which in particular include measures for the provision of disinfectants and the avoidance of unnecessary contacts.

§ 2 Exemptions from Institution-related Testing Requirements

(1) ¹Operators and employees who are not deployed on wards or in areas with particularly vulnerable patients are exempt from the testing requirement as per § 28b Para (1) Sent. 1 No. 3 Letter a IfSG. ²Particularly vulnerable are patients who, due to their age or health condition, are at a substantially increased risk of a severe or fatal course of the COVID-19 disease. ³The wards and areas of a hospital with particularly vulnerable patients must be named and made known to the employees in the hygiene plans as per § 23 Para (5) Sent. 1 IfSG.

(2) Persons entering a curative daycare center are exempt from the testing requirement as per § 28b Para (1) Sent. 1 No. 3 Letter b IfSG.

(3) ¹Operators and employees who are vaccinated or recovered as defined by § 22a Paras (1) and (2) IfSG and present proof of testing at least twice per calendar week are exempt from the testing requirement as per § 28b Para (1) Sent. 1 Nos. 3 or 4 IfSG. ²Proof of testing as per Sent. 1 is proof of testing as per § 22a Para (3) IfSG or a written or electronic proof of testing on the basis of

1. A PCR test, PoC-PCR test or a test using other methods of nucleic acid amplification technique carried out not more than 48 hours ago,

2. A PoC antigen test carried out not more than 24 hours ago, or

3. An antigen test, marketable due to its CE marking or approved by the Federal Institute for Drugs and Medical Devices, carried out by a layperson (self-test) not more than 24 hours ago,

provided that the test complies with § 22a IfSG. ³Testing as per Sent. 2 No. 3 can also be carried out without supervision.

(4) In addition, the following persons are exempt from the testing requirement as per § 28b Para (1) Sent. 1 Nos. 3 or 4 IfSG

1. Children under 6 years of age,
2. Children not yet enrolled in school,
3. Persons in respect of whom testing cannot fulfill its purpose.

(5) The support of dying persons is permissible at any time.

§ 3 Entry into Force, Expiration

This Ordinance becomes legally effective on 01 October 2022 and will expire on 17 February 2023.

Munich, 30 September 2022

Bavarian Ministry for Health and Care

Klaus Holetschek, Minister of State

END OF TRANSLATION

<p><i>FOR THE TRANSLATION:</i> <i>Martina Bayer, certified Translator (English)</i> <i>7th Army Training Command, OSJA Ansbach Law Center</i> DATE: 01 February 2023</p>
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