



DEPARTMENT OF HEALTH AND SOCIAL AFFAIRS
FSM National Government
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Office of the Secretary

June 17, 2023

Ms. Easter Shirai-Mathew
General Manager–PNIOZUA
UNITED
P.O. Box I
Kolonia, Pohnpei FM 96941

Subject: Health Regulations- Public Law No 22-134 (Healthy Border Protection Act)

Dear Ms. Shirai-Mathew:

Please find attached a copy of the amended Health Regulations Implementing Public Law 22-134 (Healthy Border Protection Act) for United Airlines' use to assist enforce the requirements for entry in FSM. The global situation on COVID-19 has changed- WHO has declared the COVID-19 Pandemic over, the US and other countries (including FSM) have lifted their COVID-19 public health emergency declarations, the US CDC has amended its definition of fully vaccinated to mean one single dose of the bivalent COVID-19 vaccine for all eligible age groups.

For the purpose of entry in FSM, we have amended our definition of "Fully vaccinated" to mean: (a) one dose of the Comirnaty (Pfizer), Moderna bivalent COVID-19 vaccines or other bivalent COVID-19 primary vaccines as designated by the Secretary under section V(a)(2) of the Regulation; or (b) 14 days after completion of a non-bivalent COVID-19 primary vaccination series. To elaborate more on the vaccination requirement for entry, for example: (1) for any person not currently vaccinated – receiving 1 dose of COVID-19 bivalent vaccine meets the requirement; (2) for any person partially vaccinated – receiving 1 dose of the COVID-19 bivalent vaccine meets the requirement; (3) for any person fully vaccinated with a non-bivalent COVID-19 primary series before the amended definition, meets the requirement; and (4) for any person traveling from a country or area which does not have Pfizer, Moderna or other bivalent COVID-19 vaccines, will require 14 days after completion of a non-bivalent COVID-19 primary vaccination series.

For interstate travel between the FSM States, a person is permitted to transit on Guam if the transit period is less than 24 hours. If the transit period is more than 24 hours, the traveler is required to be fully vaccinated prior to entry in FSM.

Should there be any questions, please let us know.

Sincerely,

Moses E. Pretrick
Acting Secretary, FSM Department of Health and Social Affairs

Attachment- Amended Health Regulations for Implementing PL 22-134 (Effective June 17, 2023)

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.

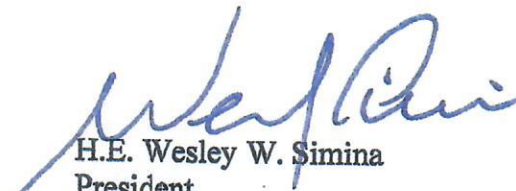
Extra copies of the Regulation can be obtained from the Department of Health & Social Affairs:

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


This Amended Regulation shall take effect on June 17, 2023. This shall be deposited with the FSM Office of Registrar of Corporation as repository of national regulations.

Approved:

Date: 5/17/23

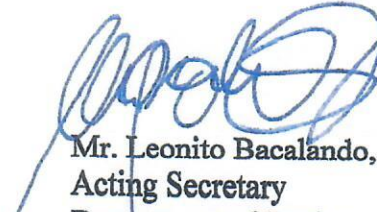

H.E. Wesley W. Simina
President
Federated States of Micronesia

Date: 5/17/23


Mr. Moses E. Pretrick
Acting Secretary
Department of Health & Social Affairs

Approved as to legal sufficiency:

Date: 5/17/23


Mr. Leonito Bacalando, Jr.
Acting Secretary
Department of Justice

Federated States of Micronesia
Office of the Registrar of Corporation
Department of Justice
Filed on this 19th day of May of 2023

Registrar

I. **Authority.**

(a) Section 305 of Title 50 of the FSM Code (Annotated) as amended by Public Law No. 22-134 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) (a) Type of COVID-19 vaccine and booster shots acceptable for entry into the FSM; and
- (2) (b) 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. 22-134 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. 22-134 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. 22-134 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.

(e) In light of the following facts:

- (1) FSM has lifted its Public Health Emergency Declaration.
- (2) WHO has declared that the COVID19 Pandemic is over.
- (3) The US and other countries have lifted their COVID19 public health emergency declarations.
- (4) The CDC has amended its definition of fully vaccinated to mean one single dose of the bivalent COVID-19 vaccine for all eligible age groups.
- (5) The US FDA and CDC have approved that one bivalent dose of COVID19 vaccine is adequate to be considered fully vaccinated.

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) or the latest WHO and CDC recommendations and guidelines.

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 Heathy Border Protection Act enacted by the 22nd FSM Congress through Public Law No. 22-134.
- (2) “Boosted” refers to additional dose or doses of a vaccine given after the primary series.
- (3) “Congress” means the Congress of the Federated States of Micronesia.
- (4) “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.
- (5) “COVID-19 test” refers to any of the acceptable COVID-19 tests prior to entry into the FSM.
- (6) “COVID-19 vaccine” means any of the COVID-19 vaccines accepted by the FSM Government under this Regulation, including boosters.
- (7) “Directors” means the FSM States Director of Health.
- (8) “Essential movement” means moving between hotel or residence and other places to perform essential duties and functions, including medical, food, essential work, meeting, etc.
- (9) “Fully vaccinated” means:
 - (a) one dose of the Comirnaty (Pfizer) or Moderna bivalent COVID-19 vaccines, or other bivalent COVID-19 primary vaccines as designated by the Secretary under V(a)(2); or
 - (b) 14 days after completion of a non-bivalent COVID-19 primary vaccination series

- (10) “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).
- (11) “Interstate Travel” refers to travel between the FSM States.
- (12) “President” means the President of the Federated States of Micronesia.
- (13) “Secretary” means the Secretary of the FSM Department of Health & Social Affairs.
- (14) “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.
- (15) “Vaccine” or “vaccination” refers to the vaccine for the COVID-19 authorized or permitted by the Secretary of Health and Social Affairs.

IV. **Travel.**

FSM is open for travel based on the existing law. Travel within and between the FSM States is permitted. Whenever travels between FSM states would involve a transit in a foreign jurisdiction (i.e., transit in Guam), such transit is permitted for the purpose of vaccination requirement for as long as the transit is completed within 24 hours; for clarity purposes, the period between arrival from a FSM State into a foreign jurisdiction and the departure time into another FSM State is not more than 24 hours.

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:

1. Comirnaty – (Pfizer bivalent) BioNTech Manufacturing GmbH
2. Vaxzevria – AstraZeneca AB/SK Bioscience Co. Ltd
3. Covishield – Serum Institute of India Pvt. Ltd
4. COVID-19 Vaccine – Janssen-Cilag International NV
5. SpikeVax – (Moderna bivalent) Moderna Biotech/TX, Inc
6. Vero Cell – Beijing Institute of Biological Products Co., Ltd. (BIBP)
7. CoronaVac – Sinovac Life Sciences
8. Covaxin – Bharat Biotech International Ltd
9. Conovax – Serum Institute of India Pvt. Ltd
10. Nuvaxovid – Novavax CZ a.s.
11. Convidecia – CanSino Biologics Inc

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

(b) The Secretary shall provide advice which shall be binding upon the States with respect to protocols and guidelines in the course of implementing this Regulation.

VI. Violation of Regulation.

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

VII. **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.