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Ordinance on Measures during the Special Situation to combat the COVID-19 Epidemic (COVID-19 Special Situation Ordinance)

of 16 February 2022 (Status as of 17 February 2022)

The Swiss Federal Council,

on the basis of Article 6 paragraph 2 letters a and b of the Epidemics Act of 28 September 2012¹ (EpidA),

ordains:

Section 1 General Provisions

Art. 1 Subject matter and purpose

¹ This Ordinance introduces measures to combat the COVID-19 epidemic that apply to the general public, organisations and institutions, and to the cantons.

² The measures serve to prevent the spread of the Sars-CoV-2 coronavirus and to break chains of transmission.

Art. 2 Responsibilities of the cantons

Unless this Ordinance provides otherwise, the cantons shall retain their responsibilities in accordance with the EpidA.

Section 2 Requirement to Wear a Face Mask

Art. 3 Public transport

¹ Every person aged 12 and over who is travelling in the enclosed compartments of public transport vehicles, such as trains, trams, buses, ships, aircraft and cableways, must wear a face mask. The foregoing does not apply to the restaurant areas of such vehicles.

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¹ SR 818.101

² Public transport vehicles are:

- a. vehicles operated by companies with a concession under Article 6 or a licence under Article 7 or 8 of the Passenger Transport Act of 20 March 2009²;
- b. aircraft operated by companies holding an operating licence in accordance with Articles 27 or 29 of the Civil Aviation Act of 21 December 1948³ that are used for scheduled or charter flights.

³ The operator of the vehicles must take suitable measures to ensure compliance with the requirement to wear a face mask.

Art. 4 Hospitals, clinics, homes for the elderly and care homes

¹ Every person aged 12 and over in the publicly accessible indoor areas of hospitals, clinics, homes for the elderly and care homes must wear a face mask. The cantons may exempt individual establishments, provided the protection of persons at high risk is guaranteed.

² The following persons are not required to wear a face mask:

- a. in-patients in hospitals and clinics, while they are in their rooms;
- b. residents of homes for the elderly and care homes;
- c. persons undergoing a medical or cosmetic procedure to the face;
- d. persons seated at a table in a restaurant area;
- e. persons performing in public, such as persons giving a talk.

³ The cantons or the operators of the establishments may require persons under paragraph 2 letters a, b and e to wear a face mask if this is necessary in order to protect persons at high risk.

⁴ The operators of establishments must take suitable measures to ensure compliance with the requirement to wear a face mask.

Art. 5 Other businesses and establishments

The cantons or operators may introduce the requirement to wear a face mask in other establishments or businesses if this is necessary to protect the persons present, in particular in establishments and businesses in which persons at high risk are present.

Art. 6 Exemption from the requirement to wear a face mask

¹ Persons who can prove that they are unable to wear a face mask for compelling reasons, in particular medical reasons, are exempt from the requirement to wear a face mask.

² SR 745.1

³ SR 748.0

² In order to prove medical reasons, a medical certificate is required from a professional who is authorised to practise their profession under their own professional responsibility in accordance with the Medical Professions Act of 23 June 2006⁴ or the Psychology Professions Act of 18 March 2011⁵.

Section 3 Isolation

Art. 7 Ordering and duration

¹ The responsible cantonal authority shall order persons who are suffering from COVID-19 or who have been infected with Sars-CoV-2 to isolate for 5 days.

² If a person displays particularly serious symptoms or if he or she suffers from severe immunosuppression, the responsible cantonal authority may order a longer period in isolation.

³ The period in isolation begins:

- a. in the case of persons with symptoms: on the day that symptoms begin;
- b. in the case of persons without symptoms: on the day the test is carried out.

⁴ The responsible cantonal authority shall terminate isolation after 5 days at the earliest, provided the person in isolation:

- a. has been symptom-free for at least 48 hours; or
- b. continues to display symptoms but these are such that the continuation of isolation is no longer justified.

Art. 8 Exemptions

¹ The responsible cantonal authority may exempt specific persons or categories of persons from isolation while working and when travelling to work provided the following requirements are met:

- a. The persons concerned carry out an activity that is of high importance to society and for which there is an acute shortage of staff.
- b. Precautionary measures are taken while carrying out the activity in order to prevent the transmission of Sars-CoV-2 from the persons concerned to other persons.

² The persons exempted from isolation in accordance with paragraph 5 must wear a face mask outside their homes or accommodation and maintain the required distance from other persons.

³ They must remain in isolation when not at work or travelling to work.

⁴ SR 811.11

⁵ SR 935.81

Section 4 Criminal Provision**Art. 9**

Any person who wilfully or through negligence fails to comply with the requirement to wear a face mask in Articles 3 paragraph 1 and 4 paragraph 1 shall be liable to a fine.

Section 5 Final Provisions**Art. 10** Repeal of another enactment

The COVID-19 Special Situation Ordinance 23 June 2021⁶ is repealed.

Art. 11 Amendment of other legislation

The Amendment of other legislation is regulated in the Annex.

Art. 12 Commencement and duration

¹ This Ordinance comes into force on 17 February 2022 at 00.00.

² Subject to paragraphs 3 and 4, it applies until 31 March 2022.

³ Annex number 1 (Annex 2 Number XVI Sections 16001 and 16003–16007) and Sections 2 and 3 are not subject to a time limit.

⁴ Annex number 1 (Annex 2 Number XVI Number 16002) applies until 31 March 2022. Thereafter Annex number 1 (Annex 2 number XVI number 16002) is repealed.

⁶ [AS 2021 379, 563 annexe No 4, 813; 2022 5, 21, 29, 59]

Annex
(Art. 11)

Amendment of Other Legislation

The following enactments are amended as follows:

...⁷

⁷ The amendments may be consulted under AS 2022 97.

