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Federal Act on Controlling Communicable Human Diseases (Epidemics Act, EpidA)

of 28 September 2012 (Status as of 18 December 2021)

*The Federal Assembly of the Swiss Confederation,
on the basis of Articles 40 paragraph 2, 118 paragraph 2 letter b, 119 paragraph 2
and 120 paragraph 2 of the Federal Constitution¹,
and having considered the Federal Council Dispatch dated 3 December 2010²,
decrees:*

Chapter 1 General Provisions and Principles

Art. 1 Subject matter

This Act regulates protecting people against communicable diseases and provides for the measures required to do so.

Art. 2 Purpose

¹ This Act has the aim of preventing and controlling the outbreak and spread of communicable diseases.

² The measures under this Act are intended to enable:

- a. communicable diseases to be monitored and basic knowledge about their spread and development to be made available;
- b. the dangers of the outbreak and spread of communicable diseases to be recognised, assessed and avoided at an early stage;
- c. individual persons, specific groups of persons and institutions to contribute to preventing and controlling communicable diseases;
- d. the organisational, technical and financial requirements for detecting, monitoring, preventing and controlling communicable diseases to be created;
- e. access to facilities and resources for protection against transmission to be ensured;

AS 2015 1435

¹ SR 101

² BBl 2011 311

- f. the effects of communicable diseases on society and the persons affected to be reduced.

Art. 3 Definitions

In this Act:

- a. *communicable disease* means an illness that may be transmitted to human beings by pathogens or their toxic products;
- b. *observations* means clinical findings (e.g. suspected diagnoses, confirmed diagnoses, deaths), laboratory analysis findings (e.g. test results, direct and indirect evidence of pathogens, typifications, resistance tests), epidemiological findings (e.g. key figures on healthcare-associated infections) and incidents (e.g. suspicious substances, objects) connected with communicable diseases;
- c. *pathogens* means natural and genetically modified organisms (e.g. viruses, bacteria, fungi, protozoa and other parasites), substances (e.g. prions, toxins) and genetic material that can cause or aggravate a communicable disease;
- d. *handling pathogens* means any activity involving pathogens, in particular their manufacture, reproduction, release, marketing, import, export, transit, retention, use, storage, disposal or transport.

Art. 4 Goals and strategies

¹ The Federal Council shall in consultation with the cantons determine the goals and strategies for detecting, monitoring, preventing and controlling communicable diseases.

² The following in particular must be taken into consideration in determining the goals and strategies:

- a. the findings of the reports under Article 76;
- b. international recommendations and guidelines;
- c. the current state of scientific knowledge.

³ The Confederation and the cantons shall, based on the reports, review whether the goals have been achieved, and take the relevant measures as required.

Art. 5 National programmes

¹ The Federal Office of Public Health (FOPH) shall, in consultation with the cantons, develop topic-specific national programmes for detecting, monitoring, preventing and controlling communicable diseases, in particular relation to:

- a. vaccinations;
- b. healthcare-associated infections and resistance in the case of pathogens;
- c. HIV and other sexually transmitted pathogens.

² The Confederation and the cantons shall implement the national programmes within the scope of their powers.

Art. 6 Special situation

¹ A special situation arises if:

- a. the ordinary enforcement agencies are unable to prevent or control the outbreak and spread of communicable diseases, and one of the following risks is present:
 1. a high risk of infection and of spread,
 2. a special risk to public health,
 3. serious consequences for the economy or for other areas of life;
- b. the World Health Organization (WHO) has announced a public health emergency of international concern and this emergency poses a risk to public health in Switzerland.

² The Federal Council may, after consulting the cantons, order the following measures:

- a. measures in relation to individual persons;
- b. measures in relation to the population;
- c. a requirement for doctors and other healthcare specialists to participate in combating communicable diseases;
- d. mandatory vaccinations for population groups at high risk, for persons who are particularly exposed to infection and for persons who carry out certain activities.

³ The Federal Department of Home Affairs (FDHA) shall coordinate the measures taken by the Confederation.

Art. 7 Extraordinary situation

If an extraordinary situation so requires, the Federal Council may order the measures required for the entire country or for individual parts of the country.

Art. 8 Preparatory measures

¹ The Confederation and the cantons shall take preparatory measures to limit the risks to and negative effects on public health at an early stage.

² The FOPH may instruct the cantons to take specific measures in view of a special risk to public health, in particular:

- a. measures to detect and monitor communicable diseases;
- b. measures in relation to individual persons;
- c. measures in relation to the population;
- d. measures to distribute therapeutic products.

Chapter 2 Providing and Exchanging Information

Art. 9 Providing information

¹ The FOPH shall inform the public, specific groups of persons, authorities and experts about the dangers of communicable diseases and about the options for preventing and controlling such diseases.

² It shall regularly publish compilations and analyses about the nature, incidence, causes and spread of communicable diseases.

³ It shall publish recommendations on measures against communicable diseases and on handling pathogens and shall adapt them regularly in line with the current state of scientific knowledge. If other federal offices are affected, the FOPH shall act in consultation with them.

⁴ The FOPH and the competent cantonal authorities shall coordinate their information activities.

Art. 10 Exchange of information

¹ The FOPH shall ensure that the cantons receive the information pertaining to preventing and combating communicable diseases.

² The competent federal and cantonal bodies shall share research results, specialist knowledge and information on training and monitoring programmes with each other.

Chapter 3 Detection and Monitoring

Section 1 Reports

Art. 11 Early detection and monitoring systems

The FOPH shall in cooperation with other federal agencies and the competent cantonal bodies operate systems for the early detection and monitoring of communicable diseases. It shall ensure coordination with international systems.

Art. 12 Duty to report

¹ Doctors, hospitals and other public or private healthcare institutions shall report observations on communicable diseases, including the information required to identify the persons who are ill, infected or have been exposed and to establish the route of transmission:

- a. to the competent cantonal authority;
- b. in the case of certain pathogens, directly to the FOPH as well.

² Laboratories shall report laboratory analysis findings on communicable diseases including the information required to identify the persons who are ill or infected to the competent cantonal authority and the FOPH.

³ The Federal Council may require that measures taken to prevent and control the disease as well as their effect are reported and that samples and test results are sent to the laboratories designated by the responsible authorities.

⁴ The competent cantonal authorities shall report observations that indicate a risk to public health to the FOPH.

⁵ Any person piloting a ship or an aircraft shall report observations that indicate a risk to public health to the port or airport operator.

⁶ Observations must be reported if they relate to communicable diseases that:

- a. may cause epidemics;
- b. may cause serious consequences;
- c. are novel or unexpected; or
- d. are subject to monitoring by international agreement.

Art. 13 Regulation of reports

¹ The Federal Council shall stipulate the observations on communicable diseases that must be reported, together with the methods, criteria and time limits for reporting.

² In the case of specific report content, it may restrict the duty to report to selected doctors, to hospitals and other public or private healthcare institutions and to laboratories.

Art. 14 Reports for epidemiological monitoring and for research purposes

¹ The FOPH may agree for the purpose of epidemiological monitoring and for research purposes with doctors, laboratories, hospitals and other public or private healthcare institutions that they report observations that are not subject to the duty to report to a body designated by the FOPH.

² The report must be made in anonymised form.

Art. 15 Epidemiological investigations

¹ The competent cantonal authorities shall ensure the required epidemiological investigations, in particular on the nature, cause, source of infection and spread of a detected or suspected disease. They shall coordinate their activities and inform the FOPH about the results.

² The competent federal authority shall provide the cantonal authorities with professional support with the epidemiological investigations. It may conduct such investigations itself, particularly if the canton concerned requests it to do so.