

Free Translation

OFFICIAL GAZETTE

OF THE REPUBLIC OF CHILE
Ministry of the Interior and Public Security

I
SECTION

LAWS, REGULATIONS, DECREES AND RESOLUTIONS OF GENERAL ORDER

No. 42.842

Wednesday 30 December 2020

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General Norms

CVE 1874555

MINISTRY OF HEALTH

Under Secretary of Public Health

MODIFIES EXEMPT RESOLUTION No. 997, 2020, OF THE MINISTRY OF HEALTH

(Resolution)

No. 1.147 exempt. Santiago, 29 December 2020.

Citations:

Article 19 No. 1 and No. 9 of the Political Constitution of the Republic; the Health Code; decree with the force of law No. 1, of 2005, of the Ministry of Health, which sets out the consolidated, coordinated and systematised text of decree law No. 2.763, of 1979, and Acts No. 18.933 and No. 18.469; the International Health Regulations, enacted by way of supreme decree No. 230, of 2008, of the Ministry of Foreign Affairs; supreme decree No. 136, of 2004, of the Ministry of Health, Organic Regulations of the Ministry of Health; decree No. 4, of 2020, of the Ministry of Health enacting Health Alert for the period stated and granting the indicated extraordinary faculties due to Public Health Emergency of National Concern (ESPIL, in Spanish) due to the outbreak of a new Coronavirus (2019-NCOV); supreme decree No. 104, of 2020, of the Ministry of the Interior and Public Security, declaring constitutional state of exception due to a catastrophe in all the national territory of Chile; extended by supreme decrees No. 269, No. 400 and No. 646, of 2020, of that same Ministry; supreme decree No. 9, of 2020, of the Ministry of Health setting out the coordination for Public Health Emergency of International Concern, indicated, and appointing a Coordinating Minister; the Criminal Code, in Act No. 21.240 modifying the Criminal Code and Act No. 20.393 sanctioning the non-compliance with the Health Authority provisions to self-quarantine or other preventive measures within the context of pandemics or epidemics; Art. No. 10 of Act No. 10.336 of the organisation and powers of the Comptroller General of the Republic; exempt resolution No. 997, of 18 November 2020, of the Ministry of Health, establishing health measures due to the Covid-19 outbreak for all individuals entering the Country; resolution No. 7, of 2019, of the Comptroller General of the Republic, and

Considering:

1. That, the Ministry of Health has the power to perform the duties of the State of guaranteeing the free and equal access to the actions of promotion, protection and recovery of the health and rehabilitation of the sick individual, as well as coordinating, controlling, and when pertinent, executing said actions.

2. That, this Secretariat of State has the power to exercise a steering role over the health sector and ensure the effective coordination of the healthcare work networks, including all its levels.

3. That, this Ministerial Office shall monitor the public health and assess the situation of the health of the population. In fulfilling this duty, it shall keep an adequate epidemiological surveillance system and control of communicable and non-communicable diseases, investigate disease outbreaks and coordinate the application of control measures.

4. That, likewise, this Ministerial Office shall guarantee that all the environmental factors, elements or agents affecting the health, safety and well-being of the population are removed or controlled.

CVE 1874555

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5. That, as it is of public knowledge, from the second half of December 2019 to date a worldwide outbreak of the Coronavirus-2 of the severe acute respiratory syndrome (SARS-CoV-2) has occurred, causing the Coronavirus 2019 or Covid-19 disease.

6. That, on 30 January 2020, the WHO General Director stated that the Covid-19 outbreak is a Public Health Emergency of International Concern, in compliance with article 12 of the International Health Regulations, approved in Chile by way of supreme decree No. 230, of 2008, of the Ministry of Foreign Relations.

7. That, on 11 March 2020, the WHO declared the Covid-19 outbreak a global pandemic.

8. That, to date, there are more than 80 million Covid-19 cases worldwide positive, and around 1.7 million deaths.

9. That, in Chile, to date there are 603,986 confirmed Covid-19 cases and 16,488 deaths.

10. That, on 5 February 2020, the Ministry of Health issued decree No. 4, that establishes a Health Alert over the indicated period and grants the indicated extraordinary faculties due to Public Health Emergency of International Concern due to the novel Coronavirus (2019-NCOV) outbreak.

11. That, the aforementioned decree No. 4 grants extraordinary faculties to this Ministry and to the decentralised bodies subject to the Ministry. Thus, in order to exercise said faculties, an administrative act must be issued to keep a record, allowing the execution of the measures provided therein. Likewise, given that the Covid-19 outbreak affects the entire country, the measures provided for shall be applied in all the national territory or in the part of the territory to be determined.

12. That, it is the duty of the Ministry of Health to have a steering role regarding the health sector. That, likewise, the Minister is responsible for the higher management.

13. That, on 18 March 2020, His Excellency, the President of the Republic, declared constitutional state of exception due to a catastrophe in all the national territory of Chile by virtue of supreme decree No. 104, of 2020, of the Ministry of the Interior and Public Security. Consequently, article 4 of said decree stipulates that, to exercise the faculties therein granted, "the Chiefs of the National Defence shall consider the health measures provided for to avoid the spread of Covid-19, in administrative acts issued by the Ministry of Health." Said constitutional state of exception was extended by way of supreme decrees No. 269, No. 400, and No. 646, all of them of 2020, of the Ministry of the Interior and Public Security.

14. That, to date several exempt resolutions have been issued by the Ministry of Health, stipulating health measures, indicated, due to the Covid-19 outbreak. This is so because the epidemiological situation is dynamic; hence, it requires the update of measures.

15. That, on 16 March 2020, the President of the Republic issued supreme decree No. 102, of 2020, of the Ministry of the Interior and Public Security ordering the temporary closure of the authorised places for the arrival and departure of foreign nationals due to Public Health Emergency of National Concern due to the outbreak of the new Coronavirus (2019-NCOV).

16. That, on 12 November 2020, supreme decree No. 500 of 2020, was issued by the Ministry of the Interior and Public Security, that modified the aforementioned supreme decree No. 102 and among other measures, establishes the opening of certain entry points.

17. That, by way of exempt resolution No. 997 of 18 November 2020, health measures regulating the entry of individuals in the national territory were issued in order to minimise the risk of contracting the SARS-CoV-2 virus.

18. That, notwithstanding the foregoing, the epidemiological situation caused by the Covid-19 outbreak is still currently unfolding, so the health measures for the control of the emergency should be updated within short deadlines.

19. That, given the foregoing and considering the faculties granted to me by law, I hereby:

Resolve:

1. To modify Resolution No. 997 of 2020 issued by the Ministry of Health, as follows

a. No. 3 shall be replaced with the following:

“3. It is stipulated that all the individuals entering the national territory, regardless of the country of origin and the region of destination in Chile, shall comply with a 10-day quarantine at their final destination or until they leave the country, if they stay less than 10 days.

The quarantine measure may come to an end before the aforementioned 10 days for individuals with negative PCR tests for SARS-CoV-2, and testing should be done 144 hours after having arrived in the country.

For the purposes of the stipulations of the aforementioned paragraph of this number, the individual may only leave once from their place of quarantine to undergo the PCR test for SARS-CoV-2.

Regardless of undergoing the PCR test, travellers heading to a region different than the one in which they arrived in Chile are authorised to continue their travel during the first 24 hours after their arrival in the country by public or private means of transportation, complying with all the pertinent health measures.”

b. No. 7 shall be replaced with the following:

“7. That the entry requirements stipulated in preceding No. 3 to No 6 bis, regarding individuals entering the country in accordance with letters b), c), d) and e) of subparagraph 2 of article 2 of supreme decree No. 102, of 2020, of the Ministry of the Interior and Public Security, are excluded. That, likewise, it excludes Chilean nationals and permanent residents in the national territory, that fall under said category. The Health Authority may establish specific requirements for all of these cases.

Individuals entering the country as stipulated in letter f) of subparagraph second of article 2 of supreme decree No. 102, of 2020, of the Ministry of the Interior and Public Security, are excluded from the measure stipulated in No. 4 herein.

Chilean and permanent residents in Chile, who are crewmembers on vessels or airplanes entering the country may conclude, at any time, the measure established in No. 3 as long as they have a negative PCR test for SARS-CoV-2 carried out in Chile, subsequent to their last entry in the country.

Individuals entering the country, in accordance with letter i), subparagraph 2 of article 2 of supreme decree No. 102, of 2020, of the Ministry of the Interior and Public Security are excluded from the measures established in numbers 3 and 5 herein.”

2. That this resolution enters into force on 31 December 2020.

That it be noted, published and communicated. - Enrique Paris Mancilla, Minister of Health.

This is a transcription for your information, exempt resolution No. 1.147, of 29 December 2020. Under the instructions from the Public Health Undersecretary; sincerely, Soledad Zapata Villaseñor, (S) Head of the Legal Department, Ministry of Health.