

Memorandum of law

Name of the proposed right

Special authorities dealing with the new law on the corona virus (interim order) (amendment)
(extension of validity and additional provisions),

2021 – 5772

A. Purpose of the draft act, its need, main provisions of its provisions and its impact on the applicable law

The legal memorandum is to extend the validity of the Special Bodies for Dealing with the New Crown Virus (Provisional Order), 5752-2020 (hereinafter - the Act) until the end of December 2022 and change the law on various issues. Here are the main proposed changes: 1. Extend the duration of the Act until the end of 2022 to further provide the legal infrastructure to impose restrictions and maintain public health. 2. Agree that the Corona Emergency periods will be extended for periods not exceeding 4 months each. 3. Change the period covered by parliamentary oversight prior to the entry into force of the Rules of Procedure from 24 hours to 48 hours. A reservation is also proposed with regard to the supervision of the Knesset committee that unless a Knesset committee is appointed under whose authority the supervision of certain regulations is not appointed, and a Knesset committee is not appointed, then the decision of which committee to discuss the regulations will be made. by a regulatory committee. 4. The repeal of para. 3A of the Act on special exceptional situations and par. 7 lit. b which deals with the possibility of imposing restrictions on demonstrations during a specific emergency. 5. Add a clause authorizing the government to pass legislation that will require the submission of a negative Corona test result or a convalescence certificate (including a certificate of recovery or valid vaccinations) as a condition for admission to places such as public places, businesses, workplaces and others (listed in sections 8-12). This section is intended to anchor authority to the requirement of a test or green mark, for the sake of good order and without detracting from the authority already vested in the installation of these regulations. 6. It is proposed to delete the list of members of the ministerial committee for the treatment of the corona crisis and its aftermath, and instead to establish that its membership does not exceed half the number of members of the government. 7. With regard to financial penalties for breach of the provisions of the regulations: First, it is proposed to add a provision on the structure of the hierarchy of penalties. Secondly, it is proposed to add to the list of offenses for which the law may provide for an administrative penalty of up to NIS 10,000, also the offense of violating the obligation to prevent entry of a person who failed the recent corona test or a person who failed to provide a recovery certificate . Thirdly, it is proposed to adjust the amount of fines and their ranking in relation to infringements of the regulations concerning a limited area - so that they correspond to the regulations in force in the scope of infringements of the regulations in general. 8. Several changes are proposed in the context of technological supervision of insulation debtors: First, it is proposed to stipulate that the deadline for extending the notification of insulation in technological supervision will generally be extended to periods not exceeding 60 days each (and not 28 days). days on the currently agreed date), approved by the Law and Justice Committee of the Knesset Constitution (hereinafter - the Constitutional Committee). Second, it is proposed to stipulate that the government

may stipulate in a declaration that it will not apply to minors. Thirdly, it is proposed that with regard to obtaining consent to use the means of consent (i.e. a measure not adherent to the authority and not monitored on an ongoing basis), the consent of a minor over 14 years of age is sufficient, and the consent of the parents will not be required. 9. Delete the provision that hotels serving as places of retreat on behalf of the state will necessarily be financed by the state, while giving the government the power to regulate where the state will finance the cost of a hotel stay. 10. Add authorization to the service manager or district physician to close the facility because you were verified on site for coronavirus, or for an epidemiological inquiry that is now established as an authority that can be established in § 8 and 10 of the Act In case of suspicion that a person carrying a dangerous strain of coronavirus was at the scene of the incident. It is also proposed to add provisions on obtaining a decision to close the premises. At the same time, it is proposed to delete the certificate in order to reserve the provisions regarding the closure of such a place in the regulations. 11. Adding the possibility of issuing an administrative closure order to the place where, before entering the site, the site manager did not ask the participants to present him with a current negative corona examination result or a recovery certificate, contrary to the provisions of Art. 8A of the Act. 12. Amend the mandatory record of the monthly report imposed on the government or a government body authorized by it to the Constitutional Commission so that the report is submitted on the 10th of the following month, not on the 1st of the month, to allow the necessary time to collect data from the

Ponadto rozważana jest możliwość wprowadzenia nowelizacji przepisów, w ramach której zostanie ustalone uprawnienie do ustalenia obowiązku wykonania badania koronowego na osobę, a za niewykonanie badania przestępstwo W obawie przed wybuchem niebezpiecznego szczepu koronawirusa, na przykład szczepu, dla którego szczepionki są mniej korzystne, lub szczepu gwałtownego wirusa powodującego poważniejszą zachorowalność.

C. Impact of the proposed law on certain groups of the population

Irrelevant

D. Impact of the proposed legal memorandum on the budget and administrative standard of the proposing company, other ministries and other bodies.

Irrelevant

E. Below is the text of the proposed legal memorandum and explanatory notes

Memorandum of the Act on Special Powers to Deal with the New Corona Virus (Interim Order) (Amendment 10) (Extension of Validity and Additional Provisions), 5722-2021

Amendment of Art. 1.1 In the Special Powers to Deal with the New Crown Virus Act (temporary decree) 5742-2020 (hereinafter - the main act), in section 1 -

(A) The definition of "Knesset committee" at the end of the network should read "and if a Knesset committee has not been established, a Knesset committee appointed by the organizing committee for the matter."

(B) In the definition of "questioning", where the above is to take place: "Hearing" - Oral hearing on matters that reduce the risk of coronavirus infection, including, but not limited to, no symptoms of such an infection, lack of closeness to a person infected with the virus, or following applicable instructions aimed at preventing the spread of the virus, a negative test result or recovery.

Amendment of paragraph 2 2. In sec. 2 lit. d of the basic act in para.

(1) '60 days' shall be replaced by 'four months'.

(2) It will finally read: "The extension of the declaration will be published in Reshumot and shall take effect upon its publication or at a later date specified therein and which shall not exceed 7 days from the date of the Government's decision to extend the declaration."

The repeal of Art. 3A 1. Art. 3A of the Basic Law - repealed.

Modification of section 4 1. In section 4 (a), d) of the constitution in para. 1, the figure "24" is replaced by the figure "48". Amendment of paragraph 7 2. In sec. 7 of the Basic Law, section (b) - repeals. Amendment of paragraph 8 3. In sec. 8 lit. a of the Basic Law, para. 2 -. Addition of Art. 8A 4. After sec. 8 of the Basic Law, the following will come:

"Presentation of a negative result or confirmation of recovery 8a. (A) The government may, under its authority under paragraph 4, enact regulations restricting entry to the places listed in paragraphs 8, 9, 10, 11 and 12 to a person who did not give a negative result to the person in charge of the place, or a person who did not provide a recovery certificate and an obligation for the person responsible for the location to prevent that person from entering the restricted location. in this part "current corona test" - type and frequency test according to regulations. (B) When enacting regulations under this paragraph, the Government will take into account, inter alia, the lifetime of the service provided at the site, the impact of the restrictions on the availability of the service, the severity of the restrictions for applicants and staff in particular. "

Amendment to paragraph 10 1. In paragraph 10 of the Basic Law -

Sub-item (d), followed by:

'(E) The director of the institution shall have the right to obtain information about the person in isolation and about the person holding a convalescence certificate for the purpose of drawing up isolation reduction plans and information about the person in isolation for this purpose to prevent a person studying or working in the institution.

Amendment of Art. 22A 1. In Art. 22A lit. and in the Basic Law, in the definition of "place of isolation on behalf of the state", the word "financed" is deleted.

Addition of paragraph 22d1 2. After paragraph 22d of the Fundamental Law comes: "A place of isolation on behalf of the state with state funding"

Amendment of paragraph 22 pcs. 3. In sec. 22 to the Fundamental Law - (1) At the end of paragraph (a), it should read: "The government may in such a declaration specify that it does not apply to minors as defined in section 22c (b)." (2) In subparagraph (c), in paragraph (2), for "28 days each" replace "60 days each, and if specified in the declaration specified in paragraph 22l (b1), for additional periods not exceeding 28 days each. "

Amendment of paragraph 22c lit. b) 1. In sec. 22c lit. measure for continuous monitoring of the place of residence of the person only with the consent of the minor He is 14 years old in relation to the conditions for using the technological supervision measures referred to in 22l (a). " Amendment to paragraph 24 2. In paragraph 24 (b) of the Fundamental Law - (1) In paragraph (1) - (A) At the end of paragraph, this paragraph reads as follows: attention, inter alia, to the level of danger or damage that may be caused by the crime, the benefit to the perpetrator and the degree of harm to the perpetrator "; (B) In point (b), the following is added after paragraph (1): "(1a)" The administrative offense referred to in paragraph 1 is 8A, concerning the operation of the site by opening it to persons who did not present a negative corona examination result or to persons who did not present a recovery certificate, contrary to the obligation to recover the person. "Addition of section 28C 3. After section 28B, the following is added:

"Site closure due to the presence of someone carrying the coronavirus or because of concerns that someone carrying a dangerous strain of the 28c virus. (A) Required if the person carrying the coronavirus has been, or is suspected, that the person carrying the dangerous strain of the coronavirus has been present for the period to be reported and is necessary to prevent infection with the coronavirus, provided that its closure for such investigation does not exceed 72 hours, and in special cases and at the request of the head of service - about 120 hours. (B) The decision to close the facility referred to in para. (a) may be submitted to the Director General of the Ministry of Health or a person authorized by him in accordance with Art. 20 paragraph 1 of the Public Health Regulation and the following provisions apply: (1) The decision on achievement should be justified and issued as soon as possible, no later than 24 hours from the date of achievement; (2) the decision to close such a place remains in force unless otherwise decided;

- (1) An administrative application may be submitted to the court in administrative matters. " 1. In Art. 30 lit. b of the constitution, instead of par. 2 add: "(2) for a Section 29 offense (2) - (A) If the site is 100 square meters or less - NIS 5,000; (B) If the site exceeds 100 square meters and 500 square meters or less - 7500 NIS; (C) If the area of the site exceeds 500 square meters - 10,000 NIS; "2. In Section 32B of the Basic Law - (1) In paragraph (a) after paragraph (3), the following is added:" (4) The person in charge of the site has significantly violated its obligation to prevent entry without presenting a recent negative corona examination result or confirmation of recovery; and in the case of a minor, also the person in charge of the minor. the authorized person who is the commune leader "is replaced by" see the authorized person ".
- (2) In art. 37 of the Basic Law "Art. 7A and 22 "is replaced by" Art. 7A, 22 and 28C ". 2. In Section 46 of the Basic Law - (1) Under (a) - (A), "appointed" comes after "through a ministerial committee"; (B) "Instead of members of the Council of Ministers, Deputy Prime Minister, Minister of Defense, Minister of Justice, Minister of Finance, Minister of Internal Security, Minister of Health and Minister of Economy and Industry" will come "the number of members will not exceed half the number of members. (2) Sub-item (b) - repealed. 3. In § 48A of the Basic Law - (1) In sub-item (a) in the brush, replace "B-1" with "B-10". (2) In item (b) in the brush, replace "B-1" with "B-10". (3) In subsection (c) "B-1" is replaced by "B-10". 4. In section 50 of the Basic Law, "7 Tevet 5733 (31 December 2022)" is inserted instead of "26 Kislev 5772 (30 November 2021)". 5. In the Act on Conducting Discussions in the Visual Committee with Detainees, Prisoners and Prisoners During the Spread of the New Coronavirus (Provisional Regulation), 5722-2020, in § 42 (a), instead of "27 tewart 5772 (December 31, 2021)" "7 tewart 5733 (December 31, 2022)".

Explanatory notes

General part

Enacted in July 2020, it is the main legislative infrastructure that provides the Israeli government with the tools to tackle a particular challenge that has spread in Israel and around the world - the pandemic due to the outbreak and spread of SARS-CoV-2, the virus causing COVID-19 (hereinafter - disease or virus). The State of Israel has so far experienced four waves of disease, each more severe than its predecessor, and is now in decline in the fourth wave. By law, the government has the power to legislate various restrictions to prevent the spread of the coronavirus. However, the power of the government to enact such legislation is subject to the declaration by the government of a state of emergency due to the coronavirus, after believing that there is a real risk of widespread spread of the virus and significant harm to public health, and is therefore committed to taking action under this law . The period of validity of the declaration, in accordance with applicable law, may not exceed 45 days, and the Government may, with the consent of the Committee on the Constitution, Law and Justice (hereinafter - the Constitutional Committee) of the Knesset, extend the declaration for additional periods not exceeding 60 days each. Along with the enactment of the law, a state of emergency was declared due to the coronavirus for a period of 45 days in accordance with Art. 51 of the Act, and since then the declaration has been successively extended until December 23, 2021 (or until the expiry of the act, whichever comes first). Article 4 of the Act stipulates that during the period of validity of such a declaration, the Government may introduce regulations limiting activities in public and private space, workplaces, enterprises, educational institutions, social assistance institutions, restrictions in transport and aviation and more (specified in sections 6 to 12 of the Act) It is necessary to prevent coronavirus infection in society and limit its spread, reduce the incidence of morbidity or protect vulnerable populations, all only for the period and to the extent necessary to achieve these goals, after considering alternatives, violate the rights and impacts on economy. Section 4 of the Act also specifies the manner in which the parliament oversees regulations and, as a rule, submit them for approval to a Knesset committee prior to their entry into force, except in urgent cases where the regulations enter into force immediately and the Knesset may discuss and decide their approval or revocation in whole or in part within the time limits specified in para. In addition, the Act contains provisions on the declaration of restricted areas, isolation in places of isolation on behalf of the state, and enforcement provisions and penalties for restrictions set out in the regulations. As the law provides the legal basis for imposing various restrictions, some of them extremely severe, have been enacted as a temporary regulation for a period in which dealing with the coronavirus is required. Initially, it was agreed that the act will remain in force until June 30, 2021, and the amendment to Art. 50 of the Act, which entered into force on July 1, 2021, provides that the Act will be in force until November 30, 2021. Indeed, since the law was enacted and the state of emergency was declared under it, various regulations have been enacted under the law that impose restrictions on activities in the private and public spheres, which have occasionally resulted in public shutdowns in Israel. These restrictions included, inter alia, restrictions on assembly, entry and exit from Israel, running a business, workplaces and public places,

Organizing events, activities in educational institutions, transport, aviation activities and others. Which does not exceed the legal deadlines (up to 7 days, 14 days or 28 days, depending on the case). The aforementioned paragraph 4, the regulations were enacted for the period of What does not exceed the legal deadlines (up to 7 days, 14 days or 28 days, depending on the case). From that date, the applicable restrictions set out in the provisions of law relate to the limitation of activities in public and commercial places, restrictions on activities in educational institutions, green labels for employees, restrictions in the field of aviation and the obligation to enter Israel. The introduction of regulations by operation of law has been in the past and continues today according to their need, depending on the changing disease state. In addition to the restrictions set out by law, restrictions are also imposed on the public under the Public Health Order (New Corona Virus) (Home Isolation and Miscellaneous Regulations) (Temporary Ordinance), 5720-2020 (hereinafter - Home Isolation

Order), which provides isolation of people coming from abroad or having contact with the patient. On Thursday, Tevet 5771 (December 20, 2020), the State of Israel launched a large-scale vaccination campaign. From mid-June, start

The rate of increase in severe morbidity and mortality was also very rapid, and this time was characterized by severe morbidity and mortality even among the relatively young population, 40-60 years of age, most of whom are unvaccinated. Compared to the third wave of incidence in the fourth wave, the number of patients was slightly smaller, but differences in patient characteristics (younger age, fewer background diseases, etc.) resulted in longer hospital stays, especially in critical patients. The high medical complexity of these patients, including a high proportion of people requiring resuscitation and even connection to the Acme device (a cardiopulmonary replacement designed for multi-system collapse), resulted in a large, abnormal and long-term hospital stress with an emphasis on intensive care. The downward trend in the incidence of severe disease also began with a significant delay in relation to the decrease in the number of verified daily for these reasons. The number of new patients known in this wave has exceeded half a million, and 1,322,653 verified viruses have been diagnosed since the outbreak began. Mortality in the current wave was high and was particularly evident in the rapid pace of mortality growth, including in the young age group. In August, the Ministry of Health started a booster vaccination campaign for the entire population over the age of 12, after which vaccinations were given to the elderly and those at risk. **To date, around 6.2 million people have been vaccinated with at least two vaccines, of which 3.9 million people have been vaccinated voluntarily.**

For several weeks, the number of new, newly verified patients has been systematically decreasing, although there is still a significant incidence - about 1024 patients as of October 24, 2021. According to specialists from the Ministry of Health, it is primarily for patients with the corona vaccine, along with additional restrictions imposed by regulations under the aforementioned law and regulation. The position of specialists in the Ministry of Health, the state of morbidity in Israel and previous waves of morbidity lead to the conclusion that the corona epidemic is characterized by recurrent waves of morbidity and the time cannot be extended until the next wave or the real possibility of its occurrence.

Here are the main risk factors:

28% of the population of the State of Israel who is not yet protected at all (not vaccinated or recovering). This includes the 2 million children under the age of 12 for whom the corona vaccine has not yet been approved. Added to the above indicator is a group of around 1.132 million citizens who have not yet received a booster dose at least 5 months after receiving the second dose of the vaccine and are therefore only partially protected, and even partial protection will continue to decline. 2. Continued decline in protection against morbidity in vaccinated and recovering patients Continuation of the global pandemic - Most countries around the world have experienced or are still experiencing a significant wave of incidence due to the continued spread of the Delta strain. The Delta strain itself has also created a number of subvariants whose clinical and epidemiological significance is not yet clear enough. The proliferation of various mutations in the coronavirus is manifested in countries where there are still significant waves of incidence with significant rates of recurrent incidence (such as Brazil and Mexico). Although vaccination rates have increased in many countries around the world, still according to WHO estimates only around 50% of the world's population are vaccinated or recovering by the end of September 2021. 4. Risk of introducing other variants for which the vaccine is less effective - The term 'virus variant' refers to the phenomenon of mutations in the genome of the original virus strain that creates mutant variants of the virus, some of which are already known to have a higher infection potential or are suspected to be more violent. One of the main problems in managing an epidemic at this stage is the introduction of a new virus variant that damages the defense mechanism that ensures recovery or vaccination (in whole or in part) or expansion of variants of the type that have managed to enter Israel. Another risk is a contagious or more brutal variant that can still harm the unvaccinated population.

According to estimates by WHO and leading health organizations around the world, the global pandemic is expected to last at least until the end of 2022, and its characteristics will depend on population behavior, government policy decisions to deal with the epidemic, vaccine production rate, vaccination coverage and vaccine adjustments. Vaccines are expected to provide long-term protection, but the time it will take for most countries in the world to obtain the wide range of vaccinations that has created herd immunity is long. The formation of mutations in the virus can also reduce the effectiveness of the vaccines and the level of protection afforded even after a wide range of immunizations have been achieved. Taking into account the current state of the disease in the world, the assessment of the continuation of the pandemic and the rate of spread of dangerous variants, some of which are suspected of bypassing the defense mechanisms created by the vaccine, their penetration and spread in Israel. making each wave more important than its predecessors in terms of incidence and duration. Therefore, an extension of the law which is the legal basis is required to limit its provisions on the protection of public health. This is to prevent a real risk of widespread spread of the coronavirus in Israel and significant harm to public health if restrictions and measures to contain the spread of the disease are not possible. In order to ensure the continued existence of the legal infrastructure that allows such restrictions, it is proposed to amend Art. 50 of the Act, which states that the Act expired on Kislev 5772 (November 30, 2021) and extend the law for another year, until Saturday Tevet 5733 (December 31, 2022).

Moreover, it is proposed to amend the act in many respects, following the experience of its implementation in the period from its enactment to the present day. Here are the main points of the fix, detailed below:

1. Extend the duration of the Act until the end of 2022 to further provide the legal infrastructure to impose restrictions and maintain public health.
2. Agree that the Corona Emergency periods will be extended for periods not exceeding 4 months each.
3. Change the period covered by parliamentary oversight prior to the entry into force of the Rules of Procedure from 24 hours to 48 hours. A reservation is also proposed with regard to the supervision of the Knesset committee that unless a Knesset committee is appointed under whose authority the supervision of certain regulations is not appointed, and a Knesset committee is not appointed, then the decision of which committee to discuss the regulations will be made. by a regulatory committee.
4. The repeal of para. 3A of the Act on special exceptional situations and par. 7 lit. b which deals with the possibility of imposing restrictions on demonstrations during a specific emergency.
5. Add a clause authorizing the government to pass legislation that will require the submission of a negative Corona test result or a convalescence certificate (including a certificate of recovery or valid vaccinations) as a condition for admission to places such as public places, businesses, workplaces and others (listed in sections 8-12). This section is intended to anchor authority to the requirement of a test or green mark, for the sake of good order and without detracting from the authority already vested in the installation of these regulations.
6. It is proposed to delete the list of members of the ministerial committee for the treatment of the corona crisis and its aftermath, and instead to establish that its membership does not exceed half the number of members of the government.
7. With regard to financial penalties for breach of the provisions of the regulations: First, it is proposed to add a provision on the structure of the hierarchy of penalties. Secondly, it is proposed to add to the list of offenses for which the law may provide for an administrative penalty of up to NIS 10,000, also the offense of violating the obligation to prevent entry of a person who failed the recent corona test or a person who failed to provide a recovery certificate . Thirdly, it is proposed to adjust the amount of fines and their ranking in relation to infringements of the regulations concerning a limited area - so that they correspond to the regulations in force in the scope of infringements of the regulations in general.
8. Several changes are proposed in the context of technological supervision of insulation debtors: First, it is proposed to stipulate that the deadline for extending the notification of insulation in technological supervision will generally be extended to periods not exceeding 60 days each (and not

28 days). days on the currently agreed date), approved by the Law and Justice Committee of the Knesset Constitution (hereinafter - the Constitutional Committee). Second, it is proposed to stipulate that the government may stipulate in a declaration that it will not apply to minors. Thirdly, it is proposed that with regard to obtaining consent to use the means of consent (i.e. a measure not adherent to the authority and not monitored on an ongoing basis), the consent of a minor over 14 years of age is sufficient, and the consent of the parents will not be required.

9. Delete the provision that hotels serving as places of retreat on behalf of the state will necessarily be financed by the state, while giving the government the power to regulate where the state will finance the cost of a hotel stay.

10. Add authorization for the service manager or district doctor to close the facility because you were verified on-site for coronavirus, or for an epidemiological investigation that is now established as an authority that can be established under Sections 8 and 10 of the Act. a person carrying a dangerous strain of coronavirus was at the scene. It is also proposed to add provisions on obtaining a decision to close the premises. At the same time, it is proposed to delete the certificate in order to reserve the provisions regarding the closure of such a place in the regulations.

11. Adding the possibility of issuing an administrative closure order to the place where, before entering the site, the site manager did not ask the participants to present him with a current negative corona examination result or a recovery certificate, contrary to the provisions of Art. 8A of the Act.

12. Amend the mandatory record of the monthly report imposed on the government or a government body authorized by it to the Constitutional Commission so that the report is submitted on the 10th of the following month, rather than the 1st of the month, to allow for the necessary time to collect data for the previous month.

13. Adding a provision on the provision of information on a recovery certificate (in fact a recovery or vaccination certificate) and on the isolation of debtors to school directors.

14. Finally, it is proposed to extend the validity of the Act on visual interviews with detainees, prisoners and prisoners during the spread of the new coronavirus (Temporary Order), 5752-2020, until the end of December 2022.

In addition, the possibility of introducing an amendment to the regulations is being considered, which will establish the right to establish the obligation to perform a corona examination per person, and in the event of failure to perform the examination, recognize it as a crime, for fear of an outbreak of a dangerous strain of coronavirus, for example a strain for which vaccines are less favorable, or the strain of violent virus causing more serious morbidity.

Article 1

It is proposed to amend par. 1 of the Act on these matters: First, it is proposed to amend the definition of the "Knesset Committee", which identifies the Knesset committees empowered to discuss legislation by operation of law, depending on the various issues. Under the current definition, if a committee of the committees mentioned in the definition is not formed, it will be entitled to discuss the rules of the Knesset committee appointed on this matter by the Knesset committee. It is proposed to amend the definition to provide that, if a Knesset committee has not been established, it will be authorized to discuss the rules of the Knesset committee that the organizing committee has established on the matter.

Secondly, it is proposed to change the definition of "questioning", the observance of which is required if required by law, to include, inter alia, certificate.

Article 2

It is proposed to amend Art. 2 of the Act, which concerns the declaration of a state of emergency in connection with the coronavirus, so that the government can extend the period not exceeding four months each, instead of 60 days. . In addition, it is proposed to stipulate that the extension of the

declaration will be published in Reshumot and will enter into force upon its publication or at a later date specified therein and no later than 7 days from the date of the government's decision to extend the declaration. This will allow approval and publication of the renewal of the declaration by setting a future commencement date (up to 7 days from the date of the government's decision to extend the declaration) rather than publication and immediate effect.

Article 3

It is proposed to repeal Art. 3A of the Act, which concerns the declaration of a special state of emergency in connection with the coronavirus, which allows for the imposition of significant restrictions on demonstrations in Art. 7 lit. deletion has also been proposed as detailed below.

Article 4

It is proposed to extend the period of parliamentary scrutiny before the legislation comes into force from 24 hours to 48 hours. Thus, regulations approved or passed by the government can be approved by a Knesset committee or revised within 48 hours of the date it was submitted prior to its entry into force. It is therefore proposed to extend the period of prior Knesset approval in a way that will increase parliamentary oversight of the regulations even before their entry into force. It should be noted that, in addition to supervision prior to the entry into force of the regulations, in accordance with par. 4 in its current wording, the Knesset committee (and then the plenum in the absence of the committee's decision) may decide to approve the regulations even after their entry into force, on the dates specified therein.

Article 5

It is proposed to abolish in Art. 7 of the Act, the possibility of limiting the possibility of leaving a certain distance from the place of residence for the purpose of demonstrating in the event of a state of emergency. This is after section 3A on the declaration of a state of emergency has been deleted.

Article 6

It is proposed to amend par. 8 lit. a of the Act and the lifting of the authorization to specify in the regulations the right to close the facility due to the presence of a patient there or for the purpose of conducting an epidemiological investigation. This is due to the addition of the proposed section 28C detailed below (in line with section 14 of this amendment) to define the authority to close such a place in the law itself, not in the regulations.

Article 7

It is proposed to add section 8A, which explicitly anchors the right to pass rules to prevent entry to a person who has not failed a recent corona examination or certificate of recovery ("green sign"). According to the proposal, the government may, under Art. 4 of the Act, introduce provisions limiting access to generally accessible places, workplaces, enterprises, educational establishments, social welfare institutions, etc., listed in par. 8 to 12, a person who did not provide a negative result. In a recent coronary examination by a person who did not provide a convalescence certificate, it is the responsibility of the person in charge of the site to prevent that person from entering a place where the restriction took place. It should be noted that, according to the definition of "recovery certificate", which refers to the provisions of the apartment insulation order, this concept also applies to holders of a validly vaccinated certificate (and not only to holders of a recovery certificate). It is also proposed to stipulate that for the purposes of this chapter "current corona test" is a type and frequency test as provided for in the regulations. According to the proposed wording, the

regulations may provide for different rules for entering the site: for example, it can be specified that entry is only possible for those who have presented one of the two alternatives: a negative test result or a green assessment. Another option is to determine that entry is possible for those who provided only one of the alternatives, for example only those who provided a green grade (without the ability to submit a test result) or only for those who submitted a negative test result (even if it has green sign). Moreover, it is proposed that when adopting regulations on the basis of this paragraph, the Government should take into account, inter alia, the service life of the service provided at the site, the impact of the constraints on the availability of the service, the severity of the constraints on those wishing to enter the site. Finally, it should be noted that the anchoring of the authority to broadcast the provisions concerning the presentation of a negative test result or the green mark formally in law is done for the sake of order, but does not diminish the existing authority for this purpose (in accordance with the regulations currently in force).

Article 8

It is proposed to amend Art. 10 of the Main Act, to enable the provision of information necessary to directors of educational institutions in order to implement programs to reduce isolation and prevent debtors from entering during the isolation period. It is proposed that the director of the facility should be able to receive information about the person who must be in isolation and about the person who has a certificate of convalescence to draw up isolation reduction plans and information about the person who must be isolated to prevent a person studying or working in the institution.

Article 9-10

It is proposed to amend Art. 22A of the Act and deletion of the requirement that the place of isolation on behalf of the state be financed by the state. This will allow for full or partial financing of the person staying at the hotel, as arranged in many countries. Moreover, it is proposed to add Art. 22A1 and the reservation that the government may stipulate in regulations the cases in which the stay in a place of isolation on behalf of the state referred to in Art. 22C and 22D, will be financed by the state.

Article 11

It is proposed to amend Art. 22p of the Act in such a way that the government can stipulate in the statement on isolation under technological supervision that it will not apply to minors over 14 years of age in order to direct enforcement actions (to complete the picture, it should be noted that in accordance with applicable law. stipulate that, with the consent of the Constitutional Committee, it will be possible to extend the validity of the statement on isolation under technological supervision for additional periods not exceeding 60 days each (and not 28 days, as provided for today). , will have to stay in isolation on behalf of the state (hotel), as referred to in Article 22N (b1), the extension of the declaration will remain unchanged - for additional periods not exceeding 28 days each.

Article 12

It is proposed to amend Art. 22C (b) of the Act, according to which a minor over 14 years of age agrees to the terms of using the technological supervision measures referred to in Art. 22I (a), additionally with the consent of its parent, guardian or foster parent 2016. According to the proposal, if the technological supervision measure specified in the statement was a measure that is not attached to the person's body and is not a measure that constantly monitors the person's whereabouts, only the minor's consent to the terms of use will be required.

Article 13

It is proposed to amend Art. 24 (b) (1) (b) of the Act on Administrative Offenses for which the perpetrator will be fined NIS 10,000, so that in respect of an administrative offense specified in Art. 8 (a) (1) or (2) for the activities of a public place and economic activities, contrary to the prohibition of its activities under such legislation, the government shall rank the fines taking into account, inter alia, the degree of threat or damage that may result from the commission of the crime, the benefit that may be attributed to the perpetrator, and the degree of harm to the perpetrator. It is also proposed to add to the list of offenses that can be specified in regulations for which the penalty is up to NIS 10,000 (and not only NIS 5,000). addition above). Increasing the maximum fine is aimed at stopping the person managing the place of violation of the "green mark" regulations, including effective prevention of their violation.

Article 14

It is proposed to add the proposed clause 28C and to authorize the head of the public health service or the district doctor to close the facility due to the presence of a person with coronary heart disease infected with coronavirus or to conduct an epidemiological inquiry that has so far been established by law and enabling such a closure if there is a suspicion that the person carrying a dangerous strain of the corona virus was present at the scene. Anchoring the authorization to close the place specified in the law itself will allow a response to a targeted outbreak of the disease and prevent the recurrence and outbreak of the disease wave even in a period of lack of regulation in a given field. It is also proposed to add provisions regarding the decision to close the facility: The decision to close the facility may be submitted to the Director General of the Ministry of Health or a person authorized by him in accordance with § 20 para. Public Health Ordinance 24 hours from the time of submission. An administrative application can be submitted to the court for administrative matters.

Article 15

It is proposed to amend Art. 30 of the Act, which concerns administrative offenses that will apply in restricted areas, and adjusting the amount of fines for opening a place to the public in violation of the prohibition to open it - so that they correspond to the amount of fines established for this offense in an unrestricted area. It is proposed that the ranking of fines will depend on the area of the site, and not the number of employees, as follows: if the area of the site does not exceed 100 square meters - NIS 5,000, if the area exceeds 100 m² and does not exceed 500 m² - 7,500 NIS, if the area exceeds 500 m² - NIS 10,000.

NIS - Israeli shekel.

Article 16

It is proposed to add in Art. 32B (a) of the Administrative Closing Order by an authorized person, if the person in charge of the site has seriously breached his obligation to prevent entry without presenting a recent negative finding on a corona inspection or recovery certificate. It is also proposed that the power to issue a closure order for a material breach involving a significant risk of corona virus infection will also be given to a licensed police officer, not just a poviast doctor or office manager.

Article 17

It is proposed to amend Art. 37 of the Act, which provides for a temporary provision amending the Act on Administrative Courts, so that the first appendix also includes the decision to obtain the closure of the place pursuant to Art. 28C proposed in this act.

Article 18

It is proposed to amend Art. 47 of the Act and the removal of details of the list of ministers who will be members of the ministerial committee for the treatment of the corona crisis and its consequences. Instead, it is proposed to stipulate that the number of members of the said Ministerial Committee does not exceed half the number of members of the Government.

Article 19

Section 48A of the Act concerns the monthly report of the government, or the governmental body which authorized it, to the Constitutional Committee. It is proposed to amend it so that the report is submitted on the tenth day of the month, and not on one of them, in order to obtain the necessary time to collect and prepare the required data.

Article 20

It is proposed to amend section 50 so that "7 tevet 5733 (31 December 2022)" appears instead of "26 Kislev 5772 (30 November 2021)". According to the proposal, the law will be extended until the end of 2022. This is in line with the assessment of health professionals and organizations around the world, as mentioned above that the fight against the coronavirus is expected to continue until at least the end of 2022 and to allow the virus and maintaining public health.

Article 21

The Act on Visits to Committees with Detainees, Prisoners and Prisoners During the Spread of the New Corona Virus (Interim Order), 5752-2020, regulates the participation of detainees and inmates in court hearings through visual commissions, replaced by physical presence in court. The spread of the coronavirus in places of detention and in prisons and the rate of morbidity in prisons, taking into account their living conditions. required. Pursuant to Art. 42 (b) of the said Act, it remains in force until the 27th day of Tevet 5772 (December 31, 2021) or until the expiry of the main right, whichever is earlier. Given the current global picture of morbidity, the Ministry of Health assesses the occupational factors related to the continuation of the pandemic and the risk of additional options entering the country, and ensuring the continued existence of legal infrastructure enabling detainees, prisoners and convicts to participate in judicial, military, judicial and judicial committees, visually, their presence in court has expired in whole or in part, depending on the state of the disease and the degree of risk of spreading the virus in places of detention and in prisons, it is proposed to extend the right for a further 12 months within an appropriate period. " C (December 31, 2022), as proposed in section 20 of the Amendment regarding the validity of the principal law.