February 9, 2022

VIA E-MAIL (REGSQNA@health.ny.gov)

Ms. Katherine Ceroalo  
New York State Department of Health  
Bureau of Program Counsel, Regulatory Affairs Unit  
Corning Tower Building, Room 2438  
Empire State Plaza  
Albany, New York 12237

Re:  Investigation, Isolation and Quarantine – I.D. No. HLT-50-21-0002-EP

Dear Ms. Ceroalo:

New Yorkers for Constitutional Freedoms (NYCF) is New York’s statewide evangelical Christian advocacy organization. Please accept this correspondence as a public comment on the above-referenced proposed regulations relating to investigation, isolation, and quarantine in response to an outbreak of a communicable disease.

As drafted, the proposed regulations are unacceptable. They utterly fail to respect the constitutional liberties of New Yorkers. Our specific objections to the proposed regulations include the following:

1. The proposed regulations give state and local health officials the authority to order law-abiding New Yorkers to move out of their homes into congregate quarantine locations simply because they have been exposed to a highly contagious communicable disease. This is a government overreach that unacceptably infringes upon personal freedom.

2. The proposed regulations fail to provide any limits on the duration of isolation and quarantine orders.

3. The proposed regulations appear to apply to persons of all ages, and they are silent as to questions of family separation. Therefore, they could allow a child to be quarantined without notice to a parent. They could also allow a child to be quarantined in a location apart from his or her parents, and could allow the parent of a minor child to be quarantined in a location apart from his or her child. Such occurrences would flagrantly violate parental rights and could endanger the well-being of children.
4. The proposed regulations state that a person who is ordered to isolate or quarantine may “request that the public health authority issuing the order inform a reasonable number of persons of the conditions of the isolation or quarantine order.” They fail to state that the health authority is required to honor the request.

5. The proposed regulations require that isolation or quarantine orders state that a person who is ordered to isolate or quarantine has the right to counsel (including court-appointed counsel, if he or she cannot afford an attorney) and may seek judicial review. They do not require that such orders indicate the court in which a person might seek redress, nor do they require that such orders indicate who a person should call to obtain appointed counsel.

Accordingly, we ask that the Department withdraw the proposed regulations.

Thank you for your consideration.

In His Service,

Jason J. McGuire
Executive Director