NEW YORK STATE

PUBLIC HEALTH LEGAL MANUAL

A GUIDE *for* JUDGES, ATTORNEYS *and* PUBLIC HEALTH PROFESSIONALS

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EDITOR-IN-CHIEF

NEW YORK STATE
Unified Court System

NEW YORK STATE BAR ASSOCIATION

IN COLLABORATION WITH

NEW YORK CITY
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

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FOREWORD

Chief Judge Jonathan Lippman:

In today's world, we face many natural and man-made catastrophic threats, including the very real possibility of a global influenza outbreak or other public health emergency that could infect millions of people. While it is impossible to predict the timing or severity of the next public health emergency, our government has a responsibility to anticipate and prepare for such events. An important element of this planning process is advance coordination between public health authorities and our judicial and legal systems. The major actors in any public health crisis must understand the governing laws ahead of time, and must know what their respective legal roles and responsibilities are. What is the scope of the government's emergency and police powers? When may these be invoked, and by which officials? What are the rights of people who may be quarantined or isolated by government and public health officials?

These questions must be researched and answered now—not in the midst of an emergency—so that the responsible authorities have a ready-made resource to help them make quick, effective decisions that protect the public interest. This *New York State Public Health Legal Manual* is designed to serve this purpose. It will be an absolutely essential tool in guiding us through the effective management of future public health disasters. I am pleased that the New York State Unified Court System was able to play a key role in this historic collaboration along with the New York State Bar Association, the New York State Department of Health, and the New York City Department of Health and Mental Hygiene. I thank each of these organizations for their invaluable cooperation and contributions.

Stephen P. Younger, President, New York State Bar Association

Our vulnerability to public heath threats is more apparent than ever before. Thus, it has become increasingly essential that public health officials, judges and lawyers be prepared to deftly navigate the myriad statutes and rules that govern public health disasters. This *Manual*, which is the product of a collaborative effort, captures information gleaned from past disasters and will serve as a tremendous resource for future needs. The New York State Bar Association is grateful for the excellent work of

the Office of Court Administration in producing this manual, and for the tremendous support from the New York State Department of Health and the New York City Department of Health and Mental Hygiene, without which this *Manual* would not have been possible.

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