



New York City and State Legal Authorities Related to Syndromic Surveillance

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Most of the New York State laws that relate to the control of communicable diseases do not apply to the City of New York. The result is that the legal authority for disease surveillance and control in New York City is found in the City Charter and the City Health Code.

**New York State Public Health Law
Sections 2110, 2125, 2146 and 2153**

The New York City Department of Health and Mental Hygiene (Department) has the jurisdiction to regulate all matters affecting health in NYC.

New York City Charter 556

This includes the authority to supervise the reporting and control of communicable and chronic diseases and conditions hazardous to life and health.

**New York City Charter Section
556(c)(2)**

The NYC Board of Health has the authority to enact the NYC Health Code, which may embrace anything within the jurisdiction of the Department.

Violations of the Health Code may be treated as misdemeanors and may also be the subject of pecuniary penalties.

**New York City Charter Section
558**

An outbreak or suspected outbreak of any disease or condition, of known or unknown etiology, which may be a danger to public health, occurring in three or more persons, or any unusual manifestation of a disease in an individual, shall be reported to the Department immediately... The Department shall conduct such investigation as may be necessary to ascertain the sources or causes of infestation, to discover contacts and unreported cases, and shall take such steps as may be necessary to prevent morbidity and mortality.

**NYC Health Code, 24 RCNY, Section
11.03(b)**

Reports required by Section 11.03 shall be made by a physician, or by a person in charge of a hospital, dispensary, clinic, other institution providing care or treatment, or clinical laboratory.

**NYC Health Code, 24 RCNY,
Section 11.05(a)**

Reports and records made or obtained pursuant to Sections 11.03 and 11.05 of the NYC Health Code shall not be subject to inspection by persons other than authorized personnel of the Department or the City's Law Department. They are subject to subpoena.

**NYC Health Code, 24 RCNY, Section
11.07(b)**

The New York State Sanitary Code, promulgated by the NYS Public Health Council, applies in the entire State, including NYC. Local laws, ordinances or regulations can be stricter than the NYS Sanitary Code.

**New York State Public Health Law
Section 228**

Any unusual disease or unusual disease outbreaks are reportable to the local health officer who, in turn, must report to the State Department of Health. Unusual disease is defined as a newly apparent or emerging disease or syndrome of uncertain etiology that a health care provider or the State Commissioner of Health has reason to believe could possibly be caused by a transmissible infectious agent or microbial toxin.

**New York State Sanitary Code, 10
NYCRR Chapter 1, Section 2.1(c) and
2.10**

An outbreak is defined as an increased incidence of disease above its expected or baseline level. An outbreak may consist of just one case of certain rare and/or serious diseases.

**New York State Sanitary Code,
10 NYCRR Chapter 1, Section
2.2(d)**

Local health officers shall exercise due diligence in ascertaining the existence of outbreaks of illness or the unusual prevalence of diseases, and shall immediately investigate the causes of same.

**New York State Sanitary Code,
10 NYCRR Chapter 1, Section
2.16(a)**