



New York COVID-19 Quarantine Rules Unconstitutional and Illegal: Judge

Description

USA: A New York Supreme Court judge this month quietly ruled that regulations mandating that people infected with or exposed to highly contagious communicable diseases be quarantined are a violation of state law, declaring them null and void.

The Isolation and Quarantine procedures, known as [Rule 2.13](#), were enacted in February.

Under the rule, “whenever appropriate to control the spread of a highly contagious communicable disease, the State Commissioner of Health may issue and/or may direct the local health authority to issue isolation and/or quarantine orders, consistent with due process of law, to all such persons as the State Commissioner of Health shall determine appropriate.”

Isolations may include those at home, or in residential or temporary housing, subject to what the public health authority issuing the order determines is “appropriate.”

However, the rule notes that “where symptoms or conditions indicate that medical care in a general hospital is expected to be required, the isolation location shall be a general hospital.”

Three Republican state legislators, Sen. George Borrello, assemblyman Chris Tague, and assemblyman Michael Lawler, along with Uniting NYS, filed a lawsuit against Democrat Gov. Kathy Hochul, Commissioner of Health Mary Bassett, the state’s health department, and the Public Health and Health Planning Council.

Plaintiffs argued that the Isolation and Quarantine procedures were in violation of the New York State Constitution and a violation of the separation of powers.

“It’s unconstitutional in our eyes, and anything like that should go through the legislature,” Tague [told](#) local media. “It should have an opportunity to be debated. To be able to have facts brought forth by health professionals, and leaders within our communities before we just decide to put something into law.”

‘Lip Service’

In a July 8 [ruling](#), Acting Justice of the Supreme Court of Cattaraugus County Ronald D. Ploetz sided with the plaintiffs, stating that the rule merely gives “lip service” to constitutional due process.

“Involuntary detention is a severe deprivation of individual liberty, far more egregious than other health safety measures, such as requiring mask wearing at certain venues. Involuntary quarantine may have far-reaching consequences such as loss of income (or employment) and isolation from family,” Ploetz wrote.

The judge added that there was “no scientific data or expert testimony” to back up the rule.

“Respondents offered no scientific data or expert testimony why Rule 2.13 was a necessary response to combat [COVID-19](#), but instead contend only that it would provide a quick and nimble approach to combating the pandemic,” wrote the judge. “Nevertheless, during oral argument of this matter, at a time when we hope that the worst of the pandemic is behind us, counsel for the Respondents were unable to cite any instance where the procedure set forth in Rule 2.13 was actually utilized.”

However, the judge noted in his ruling that the rule is null and void “until the New York State Legislation acts otherwise,” potentially paving the way for future appeals.

On Tuesday, Hochul told local media that she would be appealing the court’s decision, stating, “We feel very confident that if we appeal this, we will be successful.”

New York Attorney General Letitia James’s office on Wednesday formally appealed the state Supreme Court ruling, according to local reports.

The Epoch Times has contacted James’s office for comment.

The ruling comes as Hochul’s office on Wednesday reported that the seven-day average of COVID-19 cases in New York has risen from 30.53 per 100,000 people to 35.28, while hospitalizations have increased in recent days to 2,397 patients.

However, 57.5 percent of those people who were hospitalized were admitted for reasons that did not include COVID-19.

by Katabella Roberts

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