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**THE SENATE  
STATE OF NEW YORK**



**GEORGE M. BORRELLO**  
SENATOR  
57TH DISTRICT

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November 27, 2023

The Honorable Kathy Hochul  
Governor, New York State  
Executive Chamber, State Capitol  
Albany, NY 12224

Dear Governor Hochul,

As you know, the Appellate Division of the Fourth Judicial Department recently reversed a lower court decision from July 2022 that had rendered the New York State Department of Health regulation 10 NYCRR 2.13 "Isolation and Quarantine Procedures," void and unenforceable.

Although this reversal opens up the opportunity for you to reissue this regulation, I am respectfully requesting that you refrain from doing so in light of the serious constitutional issues cited by Supreme Court Judge Ronald Ploetz in his ruling and the profound concerns of countless New Yorkers.

Since it was introduced, there has been an outcry from citizens across our state over the provisions of Rule 2.13, which establishes a process whereby the state and/or local health department can order and enforce isolation and quarantine measures for individuals who are ill or suspected of being ill with a communicable disease.

Of particular concern were provisions that permitted the state or local health authority to mandate quarantine sites other than one's own home as well as the lack of due process in the regulation. Those factors were the catalyst for the legal challenge filed by myself and my fellow plaintiffs, Congressman Mike Lawler, Assemblyman Chris Tague and the citizens group, Uniting NYS.

It is important to note that this rule conflicts with existing Public Health Law 2120, which was adopted by the Legislature more than 70 years ago and contains the due process protections that Rule 2.13 lacks.

As the legal process surrounding this case moves forward, I urge you to allow this regulation to remain inactive. While the Appellate Division dismissed this case on a technicality and not on its merits, Supreme Court Judge Ronald Ploetz' opinion thoroughly reviewed the constitutional problems with the rule, which is why it should not be reissued.

I appreciate your consideration of my request.

Sincerely,

A handwritten signature in blue ink that reads "George M. Borrello". The signature is written in a cursive style with a large initial "G".

George M. Borrello  
Senator, 57<sup>th</sup> District

CC: Representative Michael Lawler (NY-17)  
Assemblyman Chris Tague (District 102)  
Uniting NYS