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NY Democrat introduces bill allowing gov to 'order the removal,' detention of people with contagious diseases

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4 minutes

New York's Libertarian Party is speaking out against new legislation that would vastly expand the power of the state's governor, permitting the detainment of individuals deemed to "pose an imminent and significant threat to the public health" by being a "suspected case, contact or carrier of a contagious disease."

What does the bill say?

The legislation, recently introduced by New York Assemblyman Noah Nicholas Perry, a Democrat, calls for amending New York public health law to permit the "removal and detention of cases, contacts and carriers who are or may be a danger to public health" upon the governor declaring a public health emergency.

The bill [states](#):

Upon determining by clear and convincing evidence that the health of others is or may be endangered by a case, contact or carrier, or suspected case, contact or carrier of a contagious disease that, in the opinion of the governor, after consultation with

the commissioner, may pose an imminent and significant threat to the public health resulting in severe morbidity or high mortality, the governor or his or her delegee, including, but not limited to the commissioner or the heads of local health departments, may order the removal and/or detention of such a person or of a group of such persons by issuing a single order, identifying such persons either by name or by a reasonably specific description of the individuals or group being detained.

The bill goes on to call for the detention of such individuals "in a medical facility or other appropriate facility or premises designated by the governor or his or her delegee" until the government determines the person is no longer a contagious threat.

However, the bill states that "in no event shall any person be detained for more than 60 days without a court order authorizing such detention."

"The governor or his or her delegee shall seek further court review of such detention within ninety days following the initial court order authorizing detention and thereafter within ninety days of each subsequent court review," the bill adds.

What was the reaction?

Cody Anderson, chairman of the New York Libertarian Party, [denounced the bill as](#) offering a "clear and direct path to unconstitutional and indefinite detainment."

"Let's put aside for a moment the egregious privacy violation in issuing an order announcing an individual to be a health risk," Anderson said.

"No US state was ever meant to have a single person acting as

judge and jury, without checks or balances; if this bill is allowed to pass, that is exactly what New York will have," he added. "We once again demand that legislative leaders be principled when they claim 'My body, my choice' — they must not pick and choose."

Anything else?

In [a statement released](#) Sunday, Perry said his bill is receiving unfair criticism. He explained that he initially introduced the legislation during the Ebola scare, and that he does not intend to violate anyone's constitutional rights.

"There is no intent, no plan, or provisions in my bill to take away, or violate any rights, or liberties that all Americans are entitled to under our Constitution, either state or federal," Perry said. "A proper reading of the bill would find that significant attention was paid to protect individual rights which could be affected by exercising authority granted in this bill."

My statement on A.416. <https://t.co/0blyGp9xFo>
— N Nick Perry (@N Nick Perry) [1609698072.0](#)