



Enforcement Options for Persons Who Intentionally or Negligently Cause or Promote the Spread of Covid-19 (Coronavirus)

As per the New York City Health Code, severe or novel coronavirus is listed as a contagious disease, which may pose an imminent and significant threat to the public health.

PERSON BELIEVED TO HAVE COVID-19 WHO INTENTIONALLY EXPOSE OTHERS TO THE DISEASE

In the event that a person affirmatively states that he or she is a carrier of Covid-19 (coronavirus) and found to have intentionally or negligently exposed another person to the disease (i.e. by coughing or spitting on him or her), said person is in violation of NYC Health Code §11.31, which prohibits acts likely to spread disease. A violation of the NYC Health Code is an unclassified misdemeanor.

Members of the service may, but are not mandated to, issue a C summons for NYC Health Code §11.31(a)(2), which prohibits a person from unnecessarily exposing himself or herself to other persons, knowing himself or herself to be a carrier, or suspect carrier of a contagious disease.

Sample Narrative for a person violating Health Code §11.31(a)(2): At TPO, the deft. did state that he [or she] has coronavirus and then proceeded to cough (or spit) on a person known to the department, exposing the person to disease.

PERSON BELIEVED TO HAVE COVID-19 WHO INTENTIONALLY EXPOSE A UMOS TO THE DISEASE

In the event that a person affirmatively states to a UMOS that he or she is a carrier of Covid-19 (coronavirus) and intentionally or negligently exposes a UMOS to the disease (i.e. by coughing or spitting on him or her), the person may be arrested and issued a DAT for violation of Health Code §11.31(a)(2) and Penal Law section 195.05, Obstructing Governmental Administration in the Second Degree. Additionally, if said person did spit on the UMOS, the person may also be charged with Penal Law §240.26, Harassment in the Second Degree.

Alternatively, if the UMOS is concerned about further exposure to the disease by making a custodial arrest, a C summons may be issued for violating NYC Health Code §11.31(a)(2), in lieu of arrest.

If a UMOS is exposed to an infectious disease, please be guided by Patrol Guide Procedure 205-10, Exposure of Members of the Service to Infectious Diseases or Hazardous Materials.

Sample Narrative for a person violating Health Code §11.31(a)(2): At TPO, deft. stated to me that he had coronavirus and then proceeded to cough in my face, exposing me to disease.

Questions may be directed to the Legal Bureau at 646-610-5400 from 0700 x 2300 M-F. At all other times, call Operations at 646-610-5580. Operations will contact the on-call attorney.

LAW REFERENCES

NYC HEALTH CODE: 24 RCNY, TITLE II, ARTICLE 11

11.31 Acts likely to spread disease prohibited.

(a) No person shall intentionally or negligently cause or promote the spread of disease:

(1) *By failure to observe, or by improper observance of, applicable requirements of isolation, quarantine, exclusion, treatment or other preventive measures, or by failing to take other precautions in caring for cases or carriers, or suspect cases or carriers of a contagious disease; or*

(2) *By unnecessarily exposing himself or herself to other persons, knowing himself or herself to be a case or carrier, or suspect case or carrier of a contagious disease; or*

NYC CHARTER

§ 558 - Health code

(e) Any violation of the health code shall be treated and punished as a **misdemeanor**.