



Written by [Dennis Behreandt](#) on January 3, 2021

Proposed Legislation in New York Would Empower Governor to Detain Anyone Suspected of Contracting an Illness

A New York State legislator has introduced legislation calling for the detention of those determined by state officials to be carrying a communicable disease.

Measure A00416 is “An act to amend the public health law, in relation to the removal of cases, contacts and carriers of communicable diseases who are potentially dangerous to public health.”

The bill would grant sweeping arrest powers to the governor of New York to detain anyone who might be suspected of carrying a communicable disease. In addition, it would give the governor — or his “delegee” — power to arrest even those merely suspected of having contact with a sick person.



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“Upon determining” that the health of citizens is endangered by “a case, contact or carrier, or suspect case, contact or carrier of a contagious disease ... 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 a single order, identifying such persons either by name or by a reasonably specific description of the individuals or group being detained.”

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The measure [[PDF](#)], which would allow authorities to keep people detained for as much as two months, was introduced by N. Nicholas Perry, a Democrat in the New York State Assembly.

In addition to granting the governor the power to detain anyone deemed to be even marginally associated with a communicable disease, the bill contains language that would appear to grant the governor an alarming set of sweeping, dictatorial powers.

Those powers granted to the governor — or his or her delegee — under the measure, include:

- The power to forcibly quarantine people not otherwise detained for an indeterminate period of time.
- The power to require medical testing and examination for anyone determined to have been “exposed to or infected by a contagious disease or who may have been exposed to or contaminated with dangerous amounts of radioactive materials or toxic chemicals....
- The power to force anyone determined to have been “exposed to or infected by a contagious disease to complete an appropriate, prescribed course of treatment, preventive medication, or vaccination, including directly observed therapy to treat the disease and follow infection control



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provisions for the disease.” ...

The last point, just for emphasis, empowers the governor to forcibly vaccinate citizens, among other things.

This is not the first time this measure has made an appearance. It has been introduced in every legislative session since 2015. Though it was not adopted in previous years, the potential of the measure to attract the favor of statist eager for new powers in the year of COVID is undeniable.

It is likely to find particular favor in Democrat stronghold New York, where state and local government, particularly in Bill DeBlasio’s New York City, has been strongly authoritarian and interventionist, to devastating effect, disrupting and endangering lives and businesses on a massive scale.

As a direct result of disastrous government policy over COVID, New York City has seen a mass exodus of residents as people fled the city in 2020.

“More than 300,000 New Yorkers have bailed from the Big Apple in the last eight months, new stats show,” [the New York Post reported in November](#). “City residents filed 295,103 change of address requests from March 1 through Oct. 31, according to data The Post obtained from the US Postal Service.”

Those figures represent only the proverbial tip of the iceberg. Kathryn Wylde, head of the Partnership for New York City organization, explained to the *Post* the full scale of the economic disaster. “More than half a million city residents who were employed in the retail, restaurant, services sectors have lost their jobs and cannot afford city rents,” Wylde told the paper. “The late decision on reopening public and private schools forced many families to relocate so they could make enrollment deadlines in districts where they were living during the pandemic.”

Even worse was New York State government action that spread coronavirus infections in the state’s nursing homes. In a now infamous order on March 25, 2020, the [state Department of Health ordered nursing homes](#) to “comply with the expedited receipt of residents returning from hospitals.” The order further directed that “No resident shall be denied re-admission or admission to the NH solely based on a confirmed or suspected diagnosis of COVID-19.”

Critics have pointed to this order as evidence that state regulation caused the spread of COVID-19 among vulnerable nursing home populations, directly resulting in the deaths of as many as 6,600 people, a number that could be far higher, [according to the Associated Press](#), because the state “only counts residents who died on nursing home property and not those who were transported to hospitals and died there.”

Now, to this manifestly incompetent government, at least one legislator wants to grant total power to forcibly detain and forcibly examine and medicate anyone a bureaucrat suspects of having a sniffle — or of having been in contact with someone with a sniffle.

The available evidence from the past year plainly indicates that aggressive and coercive government action not only failed to stop the spread of the coronavirus, but actually caused as much or more damage and injury to the nation and its citizens as the virus itself.

Granting additional dictatorial powers to state governors, as this measure would in New York, will not stop the spread of disease, but will further exacerbate political and economic instability, leading to additional dislocation and harm.



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The most extreme danger we face is not from the coronavirus, but from our “progressive” politicians’ rabid addiction to power.



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