



**ORDER OF THE COMMISSIONER OF HEALTH
AND MENTAL HYGIENE REGARDING
REPORTING VACCINATION INFORMATION**

WHEREAS, to address the threat posed by COVID-19 to the health and welfare of New York residents, on March 7, 2020, New York State Governor Andrew Cuomo issued Executive Order No. 202, declaring a State disaster emergency for the entire State of New York; on March 12, 2020, Mayor Bill de Blasio issued Emergency Executive Order No. 98 declaring a state of emergency in the City; and on March 25, 2020, the Commissioner of Health and Mental Hygiene declared the existence of a public health emergency within the City, and such declarations continue; and

WHEREAS, pursuant to Section 558 of the New York City Charter ("Charter"), the Board of Health ("Board") may embrace in the New York City Health Code ("Health Code") all matters and subjects to which the power and authority of the Department of Health and Mental Hygiene ("Department") extends, and pursuant to Section 556 of the Charter and Section 3.01(c) of the Health Code, the Department is authorized to supervise the control of communicable diseases and conditions hazardous to life and health and to take such actions as may be necessary to assure the maintenance of the protection of public health; and

WHEREAS, on December 13, 2020, the Governor issued Executive Order No. 202.82, which included the suspension of Section 2168 of the New York Public Health Law and Section 66-1.2 of title 10 of the New York Codes, Rules and Regulations, which otherwise requires the consent of persons 19 years of age or older to have their immunization information included in the New York State Immunization Information System ("NYSIIS") and the Citywide Immunization Registry ("CIR"); and

WHEREAS, such Executive Order No. 202.82 authorizes the New York State Commissioner of Health and the Commissioner of Health and Mental Hygiene to include adult immunization information in the NYSIIS and CIR, as applicable, without the consent of a person 19 years of age or older who receives a vaccine, subject to guidance issued by the New York State Department of Health; and such Executive Order also requires all influenza and COVID-19 vaccinations for any individual (child or adult) to be reported to the NYSIIS or CIR, as applicable, within 24 hours of administration; and

WHEREAS, nothing in such Executive Order No. 202.82 permits the vaccination of any person without their consent, or the consent of another person legally authorized to provide such consent on their behalf such as a parent or guardian; and

WHEREAS, pursuant to Section 11.07(a)(3) of the Health Code, reports of immunizations administered to persons 19 years of age or older may be submitted to the Department only with the consent of the person who received the immunization; and

WHEREAS, pursuant to Section 11.11(d)(1) of the Health Code, all records of immunization maintained in the CIR are kept confidential and may only be disclosed as provided by law; and


WHEREAS, pursuant to Section 3.01(d) of the Health Code, I am authorized to issue orders and take actions that I deem necessary for the health and safety of the City and its residents when urgent public health action is necessary to protect the public health against an existing threat and a public health emergency has been declared pursuant to such section;

NOW THEREFORE I, Dave A. Chokshi, MD, MSc, Commissioner of Health and Mental Hygiene, finding that a public health emergency within New York City continues, and that it is necessary for the health and safety of the City and its residents, do hereby exercise the power of the Board of Health to prevent, mitigate, control and abate the current emergency, and, consistent with Governor's Executive Order No. 202.82, hereby order that Section 11.07(a)(3) of the Health Code is suspended to the extent necessary to require the reporting without the consent of the vaccinee of: (1) all influenza and COVID-19 vaccinations (for a child or adult) into the CIR within 24 hours of administration of either vaccine, and (2) all other immunizations into the CIR, and in a form and manner directed by the Department.

Nothing in this Order shall be construed to alter or modify Section 11.11(d)(1) of the Health Code or any other provision of law or rule relating to the security and confidentiality of immunization information maintained in the CIR, except as described in the preceding paragraph.

This Order takes effect immediately and shall remain in effect until the end of the public health emergency, or such earlier time as indicated by me upon a determination that this Order no longer serves the public health, subject to the authority of the Board of Health to continue, rescind, alter or modify this Order pursuant to section 3.01(d) of the New York City Health Code.

Dated: December 14, 2020



Dave A. Chokshi MD, MSc
Commissioner