

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

BOARD OF HEALTH

NOTICE OF ADOPTION OF A RESOLUTION TO REPEAL
ARTICLE 23 OF THE NEW YORK CITY HEALTH CODE

In compliance with §1043(b) of the New York City Charter (the “Charter”) and pursuant to the authority granted to the Board of Health by §558 of said Charter, notice of intention to repeal Article 23 (Weight Reducing Groups) of the New York City Health Code (the “Health Code”) was published in the City Record on June 22, 2011 and a public hearing was held on the proposal on July 26, 2011. No written comments or testimony were received. At its meeting on September 13, 2011, the Board of Health adopted the following resolution.

Statement of Basis and Purpose

Statutory Authority

These amendments to the New York City Health Code (the “Health Code”) are issued according to §§556, 558 and 1043 of the New York City Charter (the “Charter”). Section 556 of the Charter provides the Department of Health and Mental Hygiene (the “Department”) with authority to regulate all matters affecting the health in the city of New York. Section 558(b) and (c) of the Charter empower the Board of Health (the “Board”) to amend the Health Code and to include in the Health Code all matters over which the Department has authority. Section 1043 of the Charter gives the Department rulemaking powers.

Basis and purpose of the rule change

As part of a comprehensive review of the Health Code, the Department of Health and Mental Hygiene (the Department or DOHMH) is requesting that the Board of Health repeal Article 23 (Weight Reducing Groups). The Department has not registered weight reducing groups, nor has it enforced Article 23’s provisions for many years. Removing Article 23 from the books would reflect the Department’s non-regulatory practice with regard to weight reducing groups.

Accordingly, the Department requests the Board to repeal Article 23.

The resolution is as follows:

RESOLVED, that Article 23, relating to Weight Reducing Groups, and the list of section headings in Article 23 of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby are, **REPEALED**.