



The following resolution was adopted by the Board of Health on April 17, 2019 and will be published in accordance with §17-148 of the Administrative Code of the City of New York.

Resolution of the Board of Health of the
Department of Health and Mental Hygiene
of the City of New York

At a meeting of the Board of Health of the Department of Health and Mental Hygiene held on April 17, 2019, the following resolution was adopted:

WHEREAS, there is an active outbreak of measles among people residing in the neighborhood of Williamsburg in Brooklyn, New York who live within zip codes 11205, 11206, 11211 and 11249 (the “affected zip codes”); and

WHEREAS, on April 9, 2019 the Commissioner of the Department of Health and Mental Hygiene determined that an urgent public health action was necessary to protect the public from the measles outbreak occurring in the neighborhood of Williamsburg and declared a public health emergency; and

WHEREAS, pursuant to her authority under Health Code §3.01, the Commissioner ordered that anyone who lives, works or resides in the affected zip codes and any child older than six months of age living, residing, or working in any of the affected zip codes be immunized against measles; and

WHEREAS, the Order subjects a person to a civil fine , unless such person or, for a child, such person’s parent or guardian, can demonstrate that such person has immunity to the disease or document to the satisfaction of the Department that such person should be medically exempt from this requirement; and

WHEREAS, pursuant to Health Code §3.01, the Order issued by the Commissioner is only in effect until the Board of Health convenes and either continues or rescinds the Commissioner’s exercise of authority; and

WHEREAS, the Board of Health has taken and filed among its records and reports that since September 2018 more than 300 cases of measles have been documented in the City of New York with the vast majority occurring among people residing in the affected zip codes and that new cases of measles are still occurring at an alarming rate; and

WHEREAS, measles is a highly contagious viral disease that can result in serious health complications such as pneumonia, encephalitis (swelling of the brain) and death. About a third of reported measles cases have at least one complication. Measles can be serious in all age groups. However, infants, young children, pregnant persons, people whose immune systems are weak and adults are more likely to suffer from measles complications; and

WHEREAS, measles is easily transmitted from a sickened person to others who lack immunity to the disease. The virus can live for up to two hours in the air or on surfaces where an infected person coughed or sneezed and people who lack immunity are highly likely to become sick if they are in contact with an infectious person or near where an infectious person recently has been; and

WHEREAS, although measles is highly contagious, the Measles-Mumps-Rubella (MMR) vaccine is a proven safe and effective vaccine that will prevent its transmission. While measles remains one of the leading causes of death among young children in parts of the world where the vaccination is not available, the disease until this outbreak was eliminated in the United States; and

WHEREAS, because a high rate of people living within the affected zip codes in Williamsburg have not been vaccinated against measles, the measles outbreak persists in Williamsburg despite other efforts taken by the Department of Health and Mental Hygiene to stop it, including orders excluding unvaccinated children from attending preschools and daycare programs; and

WHEREAS, the Board of Health regards the aforesaid reports of over 300 cases of measles as sufficient proof to authorize the declaration that an outbreak of measles is occurring in Williamsburg that threatens the health and safety of New Yorkers and is immediately dangerous to human life and health and constitutes a public nuisance; and

WHEREAS, the outbreak is occurring because a large number of people residing in the affected zip codes have not been vaccinated against measles; and

WHEREAS, the only way to end the outbreak is to require that people residing, working or attending school in any of the affected zip codes be vaccinated against or otherwise have immunity against measles; and

WHEREAS, personal service or service pursuant to subdivisions (a) or (b) of §17-148 of the Administrative Code of the City of New York of orders requiring the abatement of such nuisances and conditions in effect dangerous to life and health upon each of the persons who, pursuant to the provisions of Title 17 of the Administrative Code of the City of New York, has a duty or liability to abate such nuisances and conditions, would result in a delay prejudicial to the public health, welfare, and safety; now, therefore, be it

RESOLVED, that the Board of Health hereby declares that an outbreak of measles is ongoing in the neighborhood of Williamsburg and that the outbreak poses a public nuisance because it is immediately dangerous to life and health; and be it further

RESOLVED, that the Board of Health hereby declares that any person who lives or works within the affected zip codes shall be vaccinated against measles unless such person can demonstrate immunity to the disease or document to the satisfaction of the

Department that such person should be medically exempt from this requirement; and be it further

RESOLVED, that the parent or guardian of any child six months of age or older who lives or attends school, preschool or child care within the affected zip codes and who has not received the MMR vaccine shall cause such child to be vaccinated against measles unless such parent or guardian can demonstrate that the child has immunity to the disease or document to the satisfaction of the Department that such child should be medically exempt from this requirement; and be it further

RESOLVED, that any person required by this declaration to be immunized against measles, or any parent or guardian required by it to immunize his or her child, shall be violating this order and be subject to the fines authorized by applicable law, rule and regulations each day that he, she, or such child continues to reside, work or attend school, preschool or child care in any of the affected zip codes without having been vaccinated against measles until such time that this outbreak is declared to be over by the Commissioner of the Department of Health and Mental Hygiene.

RESOLVED further, that this resolution shall take effect immediately and publication shall be in accordance with New York City Administrative Code §17-148.

(As adopted by the Board of Health unanimously on April 17, 2019)