



WILL BARCLAY  
Minority Leader

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

February 8, 2022

Honorable Kathy Hochul  
Governor of New York State  
New York State Capitol Building  
Albany, NY 12224

Dr. Mary T. Bassett, M.D., M.P.H, Commissioner  
New York State Department of Health  
Corning Tower  
Empire State Plaza  
Albany, NY 12237

Dr. Betty A. Rosa, Commissioner  
New York State Education Department  
89 Washington Avenue  
Albany, New York 12234

Dear Governor Hochul, Commissioners Bassett & Rosa:

We write to urge the Department of Health (DOH) to stop its permanent adoption of the following emergency regulations: *Prevention of COVID-19 Transmission by Covered Entities, Face Coverings for COVID-19 Prevention, and Investigation of Communicable Disease; Isolation and Quarantine.*

In addition, we also urge the State Education Department (SED) to stop its permanent adoption of its emergency regulation *Execution by Registered Professional Nurses of Non-Patient Specific Orders to Administer COVID-19 Immunizations.*

The decision to unilaterally declare these emergency regulations as permanent rules circumvents the legislative process that is enshrined in state law. Article III, Section 1 of the New York Constitution, states “[t]he legislative power of this state shall be vested in the Senate and Assembly”. We believe that the power to entrust the DOH and SED to permanently impose such mandates lies with the duly elected members of the state Assembly and Senate, not appointed commissioners.

As you are aware, at the start of the pandemic the former governor requested and received from the Legislature enhanced powers to deal with an unprecedented public health emergency.

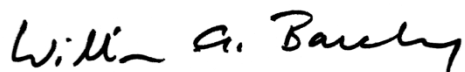
While members of our Conference expressed several concerns with how the Executive used emergency powers, it was clear that the Legislature had granted temporary authority to make determinations he felt were in the best interests of public health. When the original emergency declaration ended last June, those enhanced powers were deemed legally repealed. Absent express authorization by the Legislature, neither the governor, Department of Health nor any other state agency or authority possess such powers.

New Yorkers in every region of the state are demanding a return to normalcy, which includes a return to representative government, rather than endless mandates and heavy-handed regulations. While neighboring states like New Jersey and Pennsylvania are finally relaxing state mandates, New York is fighting in court to keep mask requirements in place while creating new, unilateral statewide orders without legislative approval.

Regardless of one's opinion regarding the effectiveness of mask mandates, vaccine mandates, isolation or quarantine, the people of this state deserve to have a voice in this discussion through their elected representatives. Unfortunately, New Yorkers currently are in the dark as to what data the DOH and SED are relying on in making permanent these mandates, which greatly impact our school children, businesses and communities.

We urge you to reverse course and respect the authority of the state Legislature and local governments as our Constitution intended. Thank you for your consideration of our comments and their inclusion as part of the official public record.

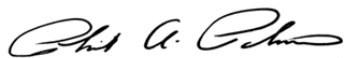
Sincerely,



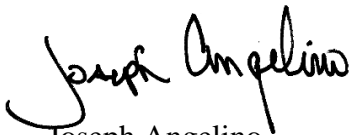
Will Barclay  
Assembly Minority Leader



Edward P. Ra  
19<sup>th</sup> Assembly District



Philip A. Palmesano  
132<sup>nd</sup> Assembly District



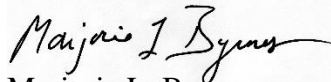
Joseph Angelino  
122<sup>nd</sup> Assembly District



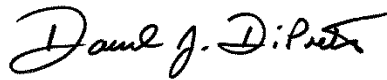
Kenneth D. Blankenbush  
117<sup>th</sup> Assembly District



Keith P. Brown  
12<sup>th</sup> Assembly District



Marjorie L. Byrnes  
133<sup>rd</sup> Assembly District



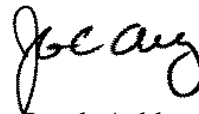
David J. DiPietro  
147<sup>th</sup> Assembly District



Michael J. Fitzpatrick  
8<sup>th</sup> Assembly District




Jeffery Gallahan  
131<sup>st</sup> Assembly District



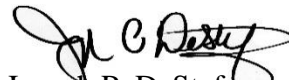
Jacob Ashby  
107<sup>th</sup> Assembly District



Karl Brabenec  
98<sup>th</sup> Assembly District



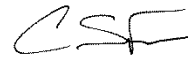
Kevin M. Byrne  
94<sup>th</sup> Assembly District



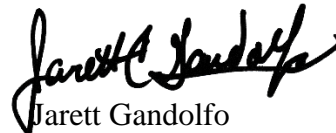
Joseph P. DeStefano  
3<sup>rd</sup> Assembly District



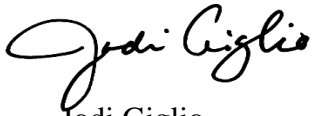
Michael Durso  
9<sup>th</sup> Assembly District



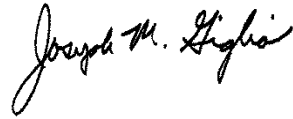
Christopher S. Friend  
124<sup>th</sup> Assembly District



Jarett Gandolfo  
7<sup>th</sup> Assembly District



Jodi Giglio  
2<sup>nd</sup> Assembly District



Joseph M. Giglio  
148<sup>th</sup> Assembly District



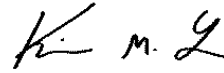
Andrew Goodell  
150<sup>th</sup> Assembly District



Stephen M. Hawley  
139<sup>th</sup> Assembly District



Joshua T. Jensen  
134<sup>th</sup> Assembly District



Kieran Michael Lalor  
105<sup>th</sup> Assembly District



Michael Lawler  
97<sup>th</sup> Assembly District



John Lemondes, Jr.  
126<sup>th</sup> Assembly District



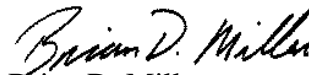
Brian D. Manktelow  
130<sup>th</sup> Assembly District



David G. McDonough  
14<sup>th</sup> Assembly District



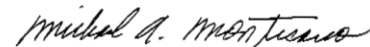
John Mikulin  
17<sup>th</sup> Assembly District




Brian D. Miller  
101<sup>st</sup> Assembly District





Melissa "Missy" Miller  
20<sup>th</sup> Assembly District

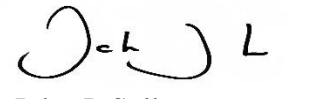



Michael A. Montesano  
15<sup>th</sup> Assembly District


  
Angelo J. Morinello  
145<sup>th</sup> Assembly District


  
Michael J. Norris  
144<sup>th</sup> Assembly District

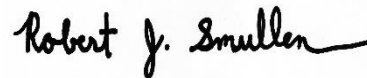
  
Michael W. Reilly, Jr.  
62<sup>nd</sup> Assembly District


  
John J. Salka  
121<sup>st</sup> Assembly District

  
Colin J. Schmitt  
99<sup>th</sup> Assembly District


  
Matthew Simpson  
114<sup>th</sup> Assembly District

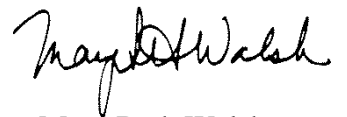
  
Douglas M. Smith  
5<sup>th</sup> Assembly District

  
Robert J. Smullen  
118<sup>th</sup> Assembly District

  
Christopher Tague  
102<sup>nd</sup> Assembly District

  
Michael Tannousis  
64<sup>th</sup> Assembly District

  
Mark C. Walczyk  
116<sup>th</sup> Assembly District

  
Mary Beth Walsh  
112<sup>th</sup> Assembly District