



MEMO

To: Chair and Members
PublicHealth Council

From: Michael F. Lakat, Director
Office of Local Public Health

Date: 06 MAY 2016

Subject: Adoption of Amendment to N.J.A.C. 8:52
Public Health Practice Standards of Performance for Local
Boards of Health in New Jersey

N.J.A.C. 8:52 Public Health Practice Standards of Performance for Local Boards of Health in New Jersey establishes the core regulatory framework establishing mandated activities of all local boards of health and local health agencies in New Jersey. The chapter was readopted on July 10, 2015.

The New Jersey Superior Court, Appellate Division, determined in 1996, and again, in 2003, that a provision in the chapter's Appendix governing public nuisances was unconstitutional (void for vagueness). A leader of the NJ Libertarian Party, Mr. John Paff, has twice petitioned the Department to undertake rulemaking to delete the offending provision.

The Department proposed to delete the unconstitutional provisions, specifically Section II, Nuisances Defined and Prohibited, at 2.1(a) and (b) of the N.J.A.C. 8:52 chapter Appendix on August 17, 2015 at N.J.R. 2036(a).

The Department proposed a technical amendment to correct the name of the Department in the affected section, pursuant to P.L. 2012, c. 17 (approved June 29, 2012), codified in relevant part at N.J.S.A. 26:1A-2.1.

The comment period closed on October 16, 2015. There were no comments on the proposal.

Thank you for your timely consideration in this matter. If you have any questions or comments, feel free to contact me at 2-4993.