

Bond Case Briefs

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Garcia v. New York City Department of Health and Mental Hygiene

Court of Appeals of New York - June 28, 2018 - N.E.3d - 2018 WL 3147611 - 2018 N.Y. Slip Op. 04778

Parents of children enrolled in child care programs brought action against city department of health and mental hygiene, commissioner of department, and city board of health, challenging board's amendments to city health code mandating that children who attended city-regulated child care or school-based programs receive annual influenza vaccinations.

The Supreme Court, New York County, granted parents' motion to permanently enjoin defendants from implementing and enforcing amendments and defendants appealed. The Supreme Court, Appellate Division, affirmed. Defendants appealed.

The Court of Appeals held that:

- Rule was not result of choice between competing public policies;
- Rule was written without benefit of legislative guidance pursuant to board's significant delegated power;
- Legislative inaction did not support finding that rule violated separation of powers doctrine;
- City board of health used special expertise to develop rule;
- Rule did not conflict with state law; and
- State did not preempt field of mandatory school vaccinations.