



**NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE
BOARD OF HEALTH**

**Notice of Public Hearing and Opportunity to Comment on
Proposed Amendment to Article 11 of the New York City Health Code**

What are we proposing? The Department of Health and Mental Hygiene (“Department”) is proposing that the Board of Health (“Board”) amend Article 11 (*Reportable Diseases and Conditions*) of the New York City Health Code (“Health Code”) to add carbapenem-resistant organisms in animals to the list of diseases and conditions of public health interest that are reportable to the Department.

When and where is the hearing? The Department will hold a public hearing on these proposed rules. The public hearing will take place at 10:00AM to 12:00PM on Monday, November 27, 2023. The hearing will be conducted by video conference accessible via internet or telephone:

- **Internet:** To participate in the public hearing, enter to register at this Webex URL: <https://nycdohmh.webex.com/nycdohmh/j.php?MTID=m9d5d5a7926b23c833ef35ff824a597e1>

If prompted to provide an event number or password, enter the following:

Event number: **2345 137 7914**, Password: **Health** (432584 from phones and video systems)

- **Phone:** For access, dial: (408) 418-9388; (646) 992-2010 (New York City) and enter the following Access code: **234 513 77914**, Password: **Health** (432584)

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website:** You can submit comments to the Department through the NYC Rules website at <http://rules.cityofnewyork.us>.
- **Email:** You can email written comments to resolutioncomments@health.nyc.gov.
- **Mail:** You can mail written comments to:

New York City Department of Health and Mental Hygiene
Office of General Counsel
Gotham Center, 42-09 28th Street, CN30
Long Island City, NY 11101-4132
Attn: Svetlana Burdeynik

- **Fax:** You can fax written comments to the Department at 347-396-6087.
- **Speaking at the hearing:** Anyone who wants to comment on the proposed rules at the public hearing must sign up to speak. You can sign up before the hearing by calling Svetlana Burdeynik at 347-396-6078 or by emailing at resolutioncomments@health.nyc.gov before the hearing begins at 10:00AM on November 27, 2023. While you will be given the opportunity during the hearing to indicate that you would like to comment, we prefer that you sign-up in advance. You can speak for up to three minutes.

Is there a deadline to submit written comments? Written comments must be received on or before November 27, 2023 at 5:00 p.m.

Do you need assistance to participate in the hearing? You must tell us if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 347-396-6078. You must tell us by November 13, 2023.

Can I review the comments made regarding the proposed rules? You may review the online comments made on the proposed rules at <https://rules.cityofnewyork.us/proposed-rules/>. All written comments and a summary of the oral comments received by the Department will be made available to the public within a reasonable period of time after the hearing by the Department's Office of General Counsel.

Where can I find the Department's rules? The rules of the Department can be found in Title 24 of the Rules of the City of New York.

What rules govern the rulemaking process? The rulemaking process is governed by the requirements of New York City Charter ("Charter") §1043. The proposed rule regarding carbapenem-resistant organisms reporting was not included in the FY 2024 regulatory agenda because it was not contemplated when the Department published the agenda.

Statement of Basis and Purpose

The Department's Division of Disease Control conducts disease surveillance and control activities for most of the diseases required to be reported pursuant to Article 11 (Reportable Diseases and Conditions) of the Health Code.

To conduct more effective, timely and complete disease surveillance and control, the Department is proposing that the Board amend Article 11 of the New York City Health Code as described below.

Reporting Carbapenem-Resistant Organism (CRO) from Animals

Carbapenems are a class of antibiotics that are effective against many types of bacteria, including bacteria that may be resistant to other types of antibiotics. The Department is requesting that the Board amend Health Code §11.25(a)(2) to add carbapenem-resistant organisms (CRO) to the list of reportable diseases in animals, making it reportable by veterinarians, animal care professionals, and veterinary diagnostic laboratories.

Antimicrobial resistance is a growing threat to humans and animals.ⁱ Like people, animals can be infected with CROs, and like human healthcare facilities, veterinary hospitals can have CRO outbreaks. While the risk of CRO-infected animals to human health is unknown, suspected CRO transmission has occurred between veterinary professionals and animal patients.ⁱⁱ And human and animal bacteria are routinely shared between owners and pets living in the same household, showing the potential for CRO transmission in households.ⁱⁱⁱ

CROs have been detected in animals in the United States. In 2018, a cluster of animals with CRO was identified at a Philadelphia veterinary facility. The facility, in collaboration with the local health department, used multiple interventions to control CRO spread among veterinary patients.^{iv,v} CRO infections are already being detected in NYC pets, as seen by data shared by a high-volume NYC veterinary hospital. A 2017 retrospective analysis from this facility identified 32 CROs cultured from pets over a five-month period. Currently, there are no routine mechanisms for the Department to be notified about CRO infections among animals in real time to enable molecular characterization, infection prevention, and containment in animal care facilities.

One Health is a collaborative, multidisciplinary approach, born from the idea that human health is deeply connected to animal and environmental health. In a 2019 report on Antibiotic Resistant Threats in the United States, CDC emphasized that a One Health approach is critical for combating antibiotic resistance.ⁱ CDC highlighted that to address gaps in the fight against antibiotic resistance, we need state and local tools to detect and respond to antibiotic-resistant threats; improved local antibiotic resistance data to better understand trends and inform outbreak response; and increased collaboration between public health and health care to prevent the spread of resistant organisms.

The proposed Health Code amendment uses a One Health approach to address the needs outlined by CDC and the proposed revision is consistent with recently proposed changes for human CRO reporting in NYC. By making CROs in animals reportable, the Department will be better equipped to monitor CRO trends in animals, identify risk factors for CROs in animals, and guide interventions for CRO prevention and containment.

Statutory Authority

The authority for this proposed amendment is found in Sections 556, 558 and 1043 of the Charter. Section 556 of the Charter provides the Department with jurisdiction to protect and promote the health of all persons in the City of New York. Sections 558(b) and (c) of the Charter empower the Board to amend the Health Code and to include all matters to which the Department's authority extends. Section 1043 grants the Department rule-making authority.

The proposed rule to read as follows:

Note:

Matter in [brackets] is to be [deleted].

Matter underlined is new.

Asterisks (****) indicate unamended text.

“Shall” and “must” denote mandatory requirements and may be used interchangeably unless otherwise specified or unless the context clearly indicates otherwise.

RESOLVED, that paragraph 2 of subdivision (a) of section 11.25 of Article 11 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, be amended to include carbapenem-resistant organisms to the list of reportable animal diseases communicable to humans, in alphabetical order, and for such list to now read as follows:

§11.25 Reports and control of animal diseases communicable to humans.

(a) *Diseases reportable.*

(1) * * *

(2) Animals infected with any of the diseases set forth in this paragraph shall be reported to the Department within 24 hours of confirmed diagnosis by telephone or in writing by submission of a report form via facsimile, mail or in an electronic transmission acceptable to the Department:

Carbapenem-resistant organisms

ⁱ CDC. Antibiotic Resistance Threats in the United States, 2019. Atlanta, GA: U.S. Department of Health and Human Services, CDC; 2019. www.cdc.gov/DrugResistance/Biggest-Threats.html

ⁱⁱ Endimiani A, Brillhante M, Bernasconi OJ, et al. Employees of Swiss veterinary clinics colonized with epidemic clones of carbapenemase-producing *Escherichia coli*. *J Antimicrobial Chemother.* 2020;75(3):766-8.

<https://academic.oup.com/jac/article/75/3/766/5670592?login=true>

ⁱⁱⁱ Song SJ, Lauber C, Costello EK, et al. Cohabiting family members share microbiota with one another and with their dogs. *Elife.* 2013 Apr 16;2:e00458. <https://elifesciences.org/articles/00458.pdf>

^{iv} Gould JM, Cole SD, Ryan MJ, et al. A collaborative public health and veterinary facility approach to an NDM-5 *Escherichia coli* outbreak. *Infection Control & Hospital Epidemiology.* 2020;41(S1):s452-3.

<https://www.cambridge.org/core/journals/infection-control-and-hospital-epidemiology/article/collaborative-public-health-and-veterinary-facility-approach-to-an-ndm5-escherichia-coli-outbreak/B25F0BEA932379CD1B096C318281ED09>

^v Lavigne SH, Cole SD, Daidone C, Rankin SC. Risk factors for the acquisition of a blaNDM-5 carbapenem-resistant *Escherichia coli* in a veterinary hospital. *J Am Anim Hosp Assoc.* 2021;57(3):101-5.

<https://meridian.allenpress.com/jaaha/article-abstract/57/3/101/463229/Risk-Factors-for-the-Acquisition-of-a-blaNDM-5>

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Amendment of List of Reportable Diseases and Conditions (Health Code Article 11)

REFERENCE NUMBER: DOHMH-135

RULEMAKING AGENCY: Department of Health and Mental Hygiene

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

October 16, 2023
Date

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of List of Reportable Diseases and Conditions (Health Code Article 11)

REFERENCE NUMBER: 2023 RG 083

RULEMAKING AGENCY: Department of Health and Mental Hygiene

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Senior Counsel

Date: October 16, 2023