

ADOPTION SECTION

**HEALTH**

**PUBLIC HEALTH SERVICES BRANCH**

**DIVISION OF PUBLIC HEALTH INFRASTRUCTURE, LABORATORIES AND  
EMERGENCY PREPAREDNESS**

**OFFICE OF LOCAL PUBLIC HEALTH**

**Notice of Readoption**

**Public Health Practice Standards of Performance for Local Boards of Health in  
New Jersey**

**Readoption: N.J.A.C. 8:52**

Authority: N.J.S.A. 26:1A-15 and 26:3A2-1 et seq., and Reorganization Plan No. 003-2005 (Governor Codey, June 27, 2005).

Authorized By: Mary E. O'Dowd, Commissioner, Department of Health, in consultation with the Public Health Council.

Effective Date: July 10, 2015.

New Expiration Date: July 10, 2022.

**Take notice** that pursuant to Executive Order No. 66 (1978) and N.J.S.A. 52:14B-5.1, N.J.A.C. 8:52 was to expire on August 11, 2015. N.J.A.C. 8:52 establishes the public health practice standards of performance for local boards of health in New Jersey. The chapter includes rules concerning public health practice, staffing, and nursing; administrative services; public health education and promotion; environmental health; assuring workforce competencies; community public health partnerships; monitoring health status; policy development; diagnosis and investigation of health

problems and hazards; preventive personal health services and access to health care; enforcement of public health laws; health-related research; and evaluation of population-based health services.

The Department is developing a rulemaking that would revise and reorganize existing N.J.A.C. 8:52, and anticipates filing this rulemaking with the Office of Administrative Law for processing in the ordinary course. However, this rulemaking will not be adopted prior to the expiration of existing N.J.A.C. 8:52. The Commissioner, in consultation with the Public Health Council, has reviewed N.J.A.C. 8:52 and has determined that, subject to the discussion below, and pending the finalization of the anticipated rulemaking described above, the existing chapter remains necessary, proper, reasonable, efficient, understandable, and responsive to the purposes for which it was originally promulgated, as amended and supplemented over time, and should be readopted.

Notably, the New Jersey Superior Court, Appellate Division, has determined that a provision of the chapter is unconstitutional. *State v. Golin*, 363 N.J. Super. 474 (App. Div. 2003); *Guidi v. City of Atlantic City*, 286 N.J. Super. 143 (App. Div. 1996). The Department proposes to delete this provision in a notice of proposal that appears elsewhere in this issue of the New Jersey Register.

To guide local health agencies pending the finalization of the required rulemaking, the Office of Local Public Health of the Department issued an “Administrative Advisory” to local health agencies on June 20, 2012. This Administrative Advisory advised local health agencies to “review their ordinances to ensure that they are consistent with [*Golin* and *Guidi*, *supra*] and no longer rely on and

use sections 2.1(a) and (b) of the [Public Health Nuisance Code (1953)].”

<http://www.state.nj.us/health/lh/aa.shtml>.

Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1) and N.J.A.C. 1:30-6.4(h), N.J.A.C. 8:52 is readopted and shall continue in effect for seven years.