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2022 New Jersey Revised Statutes

Title 26 - Health and Vital Statistics

Section 26:13-8 - Powers of commissioner relative to facilities, property; hearing.

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26:13-8 Powers of commissioner relative to facilities, property; hearing.

8. During a state of public health emergency, the commissioner may exercise the following powers over facilities or property:

a. Facilities. To close, direct and compel the evacuation of, or to decontaminate or cause to be decontaminated, any facility of which there is reasonable cause to believe that it may endanger the public health.

(1) Concurrent with or within 24 hours of decontamination or closure of a facility, the commissioner shall provide the facility with a written order notifying the facility of:

- (a) the premises designated for decontamination or closure;
- (b) the date and time at which the decontamination or closure will commence;
- (c) a statement of the terms and conditions of the decontamination or closure;
- (d) a statement of the basis upon which the decontamination or closure is justified; and

(e) the availability of a hearing to contest a closure order of a health care facility, as provided in paragraph (2) of this subsection.

(2) A health care facility subject to a closure order pursuant to this section may request a hearing in the Superior Court to contest the order.

Upon receiving a request for a hearing, the court shall fix a date for a hearing. The hearing shall be held within 72 hours of receipt of the request by the court, excluding Saturdays, Sundays and legal holidays. The court may proceed in a summary manner. At the hearing, the burden of proof shall be on the commissioner to prove by a preponderance of the evidence that the health care facility poses a threat to the public health and the closure order issued by the commissioner is warranted to address the threat.

(3) If, upon a hearing, the court finds that the closure of the health care facility is not warranted, the facility shall be released immediately from the closure order and reopened.

(4) The manner in which the request for a hearing pursuant to this subsection is filed and acted upon shall be in accordance with the Rules of Court.

b. Property. To decontaminate or cause to be decontaminated, or destroy, subject to the payment of reasonable costs as provided for in sections 24 and 25 of this act, any material of which there is reasonable cause to believe that it may endanger the public health.

c. In instances involving an overlap agent or toxin that causes a public health emergency, the department and the Department of Agriculture shall be responsible for their roles under their respective jurisdictions.

L.2005,c.222,s.8.

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