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Media Contact:

Joe Hickerson, Executive Director

New Yorkers for a Modern Health Code

joe@modernhealthcode.org | 646.761.8808 | modernhealthcode.org

Petitions Seeking Repeal of Bathhouse Ban Submitted

Formal petitions to Governor and Department of Health request review of 40-year-old rule that shuttered bathhouses in order to replace ban with modern regulation and licensing

NEW YORK, OCTOBER 13, 2026 — New Yorkers for a Modern Health Code has filed a formal Petition for Rulemaking with the New York State Department of Health and the Public Health & Health Planning Council requesting review and repeal of Part 24 of the State Sanitary Code, an emergency provision from 1985 that was used to shutter gay bathhouses.

“Bathhouses were closed 40 years ago because there were no better options, but that is no longer true,” said Joe Hickerson, Executive Director of New Yorkers for a Modern Health Code.

The scientific advancements since the ban was adopted have been substantial. According to the Centers for Disease Control and Prevention, PrEP reduces the risk of sexually acquired HIV by 99 percent, and large international studies have found no linked HIV transmissions from partners with sustained viral suppression. The Department’s own AIDS Institute formally endorsed Undetectable=Untransmittable back in 2018.

“We are confident a review will lead to the repeal of a ban that conflicts with the Department’s own public health strategies and those of every other state in the country,” said Hickerson.

Los Angeles County has permitted and inspected such venues since 2005, conditioning each permit on condom availability, on-site HIV and STI screening, staff training, and patron education. San Francisco lifted its restrictions in 2020. And on June 25, 2026, the Minneapolis City Council voted 9–2 to repeal that city’s 1988 ban and move toward licensing.

The petition also points out that the ban has escaped the formal review now required for all regulations. Under the State Administrative Procedure Act, agencies must publicly re-examine all rules every five years to justify keeping them, but it only applies to rules adopted since 1997. Because the bathhouse ban was last amended in 1994, it has never been reviewed, even though an identical rule adopted a few years later would have been reviewed five times already.

A second petition submitted to the Governor requests an Executive Order directing the Department of Health to conduct that type of public review of the ban. The Governor recently issued a similar directive, Executive Order 61, requiring state agencies to review regulations that impose significant costs on businesses. The petition asks the Governor to specify that the ban be included among the reviews conducted by the Department of Health.

Both petitions ask the Department to publish notice of the review, hold public hearings, take testimony from experts, and then decide whether to repeal or replace the ban with modern sanitation, education and testing standards.

If successful in spurring a review, the petitions could negate the need for the Public Health Modernization Act introduced in August by State Senator Erik Bottcher and Assemblymember Tony Simone. Even if passed during the next legislative session, that bill would likely be signed into law by the Governor at the end of 2027, and the Department of Health would then have six additional months to repeal the ban and adopt licensing standards.

“40 years is long enough. The Department shouldn’t wait to be forced to modernize a rule that is clearly outdated,” Hickerson said. “The Public Health and Health Planning Council has the power to own this process and replace the ban in a matter of months rather than years.”

The submitted petitions are available at modernhealthcode.org.

About New Yorkers for a Modern Health Code

New Yorkers for a Modern Health Code is a nonprofit working to repeal the State Sanitary Code’s 1985 ban on bathhouses and make safe, licensed adult bathhouses possible in New York City again. Through advocacy, public education, and engagement with policymakers, New Yorkers for a Modern Health Code works to bring the state’s public-health rules in line with contemporary HIV science. Learn more at modernhealthcode.org.

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