

STATE OF NEW YORK

4638

2017-2018 Regular Sessions

IN ASSEMBLY

February 3, 2017

Introduced by M. of A. ORTIZ, SANTABARBARA -- read once and referred to the Committee on Health

AN ACT to amend the mental hygiene law and the civil service law, in relation to requiring drug testing for all potential officers, employees and volunteers of the office of mental health and the office for people with developmental disabilities prior to employment

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 7.23 of the mental hygiene law, as added by chapter
2 978 of the laws of 1977, is amended to read as follows:

3 § 7.23 Education, hiring and training.

4 (a) The commissioner shall have the power to establish such programs
5 of training and education related to mental illness as he or she shall
6 deem desirable.

7 (b) The director of each facility in the office of mental health with
8 the approval of the commissioner of mental health may establish and
9 supervise training and education programs for employees. Directors of
10 such facilities authorized to establish education or training programs
11 may enter into agreements with educational institutions to furnish such
12 education and training in whole or in part.

13 (c) The commissioner may grant leaves of absence to employees of the
14 office of mental health for the purpose of receiving training or educa-
15 tion for the better performance of their duties and, subject to the
16 approval of the director of the budget, may continue the salaries of
17 such employees, in full or in part, in an amount not to exceed
18 reimbursement for the loss of earnings while receiving such training.

19 (d) The commissioner shall require any potential officer and employee
20 of the office and any potential facility officer and employee, including
21 any volunteer thereof, to submit to a drug test as he or she shall
22 determine before such potential officer, employee or volunteer is eligi-
23 ble to commence employment with the office or any facility thereof.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 Should any potential officer, employee or volunteer refuse such drug
2 test, such potential officer, employee or volunteer shall not be eligi-
3 ble for employment with the office or any facility thereof.

4 § 2. Section 13.23 of the mental hygiene law, as added by chapter 978
5 of the laws of 1977 and subdivision (a) as amended by chapter 37 of the
6 laws of 2011, is amended to read as follows:

7 § 13.23 Education, hiring and training programs.

8 (a) The commissioner shall have the power to establish such programs
9 of training and education related to developmental disabilities as he or
10 she shall deem desirable.

11 (b) The director of each facility with the approval of the commission-
12 er may establish and supervise training and education programs for
13 employees. Directors of facilities authorized to establish training and
14 education programs may enter into agreements with educational insti-
15 tutions to furnish such training in whole or in part.

16 (c) The commissioner may grant leaves of absence to employees of the
17 office for the purpose of receiving training or education for the better
18 performance of their duties and, with the approval of the director of
19 the budget, may continue the salaries of such employees, in full or in
20 part, in an amount not to exceed reimbursement for the loss of earnings
21 while receiving such training.

22 (d) The commissioner shall require any potential officer and employee
23 of the office and any potential facility officer and employee, including
24 any volunteer thereof, to submit to a drug test as he or she shall
25 determine before such potential officer, employee or volunteer is eligi-
26 ble to commence employment with the office or any facility thereof.
27 Should any potential officer, employee or volunteer refuse such drug
28 test, such potential officer, employee or volunteer shall not be eligi-
29 ble for employment with the office or any facility thereof.

30 § 3. The civil service law is amended by adding a new section 153 to
31 read as follows:

32 § 153. Drug testing required for certain offices. All potential offi-
33 cers, employees and volunteers at any facility operated by either the
34 office of mental health or the office for people with developmental
35 disabilities shall, prior to the commencement of employment, be required
36 to submit to a drug test as the commissioners of such offices shall
37 determine. Should any potential officer, employee or volunteer refuse
38 such drug test, such potential officer, employee or volunteer shall not
39 be eligible for employment with the office or any facility thereof.

40 § 4. This act shall take effect on the one hundred twentieth day after
41 it shall have become a law; provided, however, that effective immediate-
42 ly, the addition, amendment and/or repeal of any rule or regulation
43 necessary for the implementation of this act on its effective date are
44 authorized and directed to be made and completed on or before such
45 effective date.