

STATE OF NEW YORK

6396

2021-2022 Regular Sessions

IN ASSEMBLY

March 17, 2021

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to providing a police officer or peace officer the ability to request ambulance service

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

1 Section 1. Section 9.45 of the mental hygiene law, as amended by chap-
2 ter 723 of the laws of 1989, the opening paragraph as amended by chapter
3 192 of the laws of 2005, is amended to read as follows:
4 § 9.45 Emergency admissions for immediate observation, care, and treat-
5 ment; powers of directors of community services.
6 The director of community services or the director's designee shall
7 have the power to direct the removal of any person, within his or her
8 jurisdiction, to a hospital approved by the commissioner pursuant to
9 subdivision (a) of section 9.39 of this article, or to a comprehensive
10 psychiatric emergency program pursuant to subdivision (a) of section
11 9.40 of this article, if the parent, adult sibling, spouse or child of
12 the person, the committee or legal guardian of the person, a licensed
13 psychologist, registered professional nurse or certified social worker
14 currently responsible for providing treatment services to the person, a
15 supportive or intensive case manager currently assigned to the person by
16 a case management program which program is approved by the office of
17 mental health for the purpose of reporting under this section, a
18 licensed physician, health officer, peace officer or police officer
19 reports to him or her that such person has a mental illness for which
20 immediate care and treatment in a hospital is appropriate and which is
21 likely to result in serious harm to himself or herself or others. It
22 shall be the duty of peace officers, when acting pursuant to their
23 special duties, or police officers, who are members of an authorized
24 police department or force or of a sheriff's department to assist repre-

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

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1 sentatives of such director to take into custody and transport any such
2 person. Upon the request of a director of community services or the
3 director's designee or the police officer or peace officer on scene an
4 ambulance service, as defined in subdivision two of section three thou-
5 sand one of the public health law, is authorized to transport any such
6 person. Such person may then be retained in a hospital pursuant to the
7 provisions of section 9.39 of this article or in a comprehensive psychi-
8 atric emergency program pursuant to the provisions of section 9.40 of
9 this article.

10 § 2. Section 9.45 of the mental hygiene law, as amended by chapter 343
11 of the laws of 1985 is amended to read as follows:

12 § 9.45 Emergency admissions for immediate observation, care, and treat-
13 ment; powers of directors of community services.

14 The director of community services or his designee shall have the
15 power to direct the removal of any person, within his jurisdiction, to a
16 hospital approved by the commissioner pursuant to subdivision (a) of
17 section 9.39 of this article if the parent, spouse, or child of the
18 person, a licensed physician, health officer, peace officer or police
19 officer reports to him that such person has a mental illness for which
20 immediate care and treatment in a hospital is appropriate and which is
21 likely to result in serious harm to himself or others, as defined in
22 section 9.39 of this article. It shall be the duty of peace officers,
23 when acting pursuant to their special duties, or police officers, who
24 are members of an authorized police department or force or of a sher-
25 iff's department to assist representatives of such director to take into
26 custody and transport any such person. Upon the request of a director of
27 community services or his designee or the police officer or peace offi-
28 cer on scene an ambulance service, as defined in subdivision two of
29 section three thousand one of the public health law, is authorized to
30 transport any such person. Such person may then be retained pursuant to
31 the provisions of section 9.39 of this article.

32 § 3. This act shall take effect immediately, provided, however, that
33 the amendments to section 9.45 of the mental hygiene law made by section
34 one of this act shall be subject to the expiration and reversion of such
35 section pursuant to chapter 723 of the laws of 1989, as amended, when
36 upon such date the provisions of section two of this act shall take
37 effect.