

STATE OF NEW YORK

6396--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law, in relation to providing an authorized 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

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

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1 police department or force or of a sheriff's department to assist repre-
2 sentatives of such director to take into custody and transport any such
3 person. ~~[Upon the request of a director of community services or the~~
4 ~~director's designee an]~~ An ambulance service, as defined in subdivision
5 two of section three thousand one of the public health law, is author-
6 ized to transport any such person upon request of a director of communi-
7 ty services, the director's designee, a peace officer acting pursuant to
8 their special duties or an authorized police officer on behalf of the
9 director of community services or the director's designee. Such person
10 may then be retained in a hospital pursuant to the provisions of section
11 9.39 of this article or in a comprehensive psychiatric emergency program
12 pursuant to the provisions of section 9.40 of this article.

13 § 2. Section 9.45 of the mental hygiene law, as amended by section 6
14 of part AA of chapter 57 of the laws of 2021, is amended to read as
15 follows:

16 § 9.45 Emergency assessment for immediate observation, care, and treat-
17 ment; powers of directors of community services.

18 (a) The director of community services or the director's designee
19 shall have the power to direct the removal of any person, within his or
20 her jurisdiction, to a hospital approved by the commissioner pursuant to
21 subdivision (a) of section 9.39 of this article, or to a comprehensive
22 psychiatric emergency program pursuant to subdivision (a) of section
23 9.40 of this article, if the parent, adult sibling, spouse or child of
24 the person, the committee or legal guardian of the person, a licensed
25 psychologist, registered professional nurse or certified social worker
26 currently responsible for providing treatment services to the person, a
27 supportive or intensive case manager currently assigned to the person by
28 a case management program which program is approved by the office of
29 mental health for the purpose of reporting under this section, a
30 licensed physician, health officer, peace officer or police officer
31 reports to him or her that such person has a mental illness for which
32 immediate care and treatment is appropriate and which is likely to
33 result in serious harm to himself or herself or others. It shall be the
34 duty of peace officers, when acting pursuant to their special duties, or
35 police officers, who are members of an authorized police department or
36 force or of a sheriff's department to assist representatives of such
37 director to take into custody and transport any such person. ~~[Upon the~~
38 ~~request of a director of community services or the director's designee~~
39 ~~an]~~ An ambulance service, as defined in subdivision two of section three
40 thousand one of the public health law, is authorized to transport any
41 such person upon request of a director of community services, the direc-
42 tor's designee, a peace officer acting pursuant to their special duties
43 or an authorized police officer on behalf of the director of community
44 services or the director's designee. Such person may then be retained in
45 a hospital pursuant to the provisions of section 9.39 of this article or
46 in a comprehensive psychiatric emergency program pursuant to the
47 provisions of section 9.40 of this article.

48 (b) A person otherwise determined to meet the criteria for an emergen-
49 cy assessment pursuant to this section may voluntarily agree to be
50 transported to a crisis stabilization center under section 36.01 of this
51 chapter for care and treatment and, in accordance with this article, an
52 assessment by the crisis stabilization center determines that they are
53 able to meet the service needs of the person.

54 § 3. Section 9.45 of the mental hygiene law, as amended by chapter 343
55 of the laws of 1985, is amended to read as follows:

1 § 9.45 Emergency admissions for immediate observation, care, and treat-
2 ment; powers of directors of community services.

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

24 § 4. This act shall take effect immediately, provided, however, that
25 section two of this act shall take effect on the same date and in the
26 same manner as section 6 of part AA of chapter 57 of the laws of 2021.
27 Provided, further, that the amendments to section 9.45 of the mental
28 hygiene law made by section one of this act shall be subject to the
29 expiration and reversion of such section pursuant to chapter 723 of the
30 laws of 1989, as amended, when upon such date the provisions of section
31 two of this act shall take effect. Provided further, that the amend-
32 ments to section 9.45 of the mental hygiene law made by section two of
33 this act shall be subject to the expiration and reversion of such
34 section pursuant to chapter 723 of the laws of 1989, as amended, when
35 upon such date the provisions of section three of this act shall take
36 effect.