

# STATE OF NEW YORK

9871

## IN ASSEMBLY

April 19, 2022

Introduced by M. of A. GONZALEZ-ROJAS -- read once and referred to the  
Committee on Alcoholism and Drug Abuse

AN ACT to amend the mental hygiene law, in relation to providing a  
tobacco use disorder

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

Section 1. The mental hygiene law is amended by adding a new section  
19.46 to read as follows:

§ 19.46 Tobacco use disorder.

(a) A facility regulated by the office as an alcohol or substance use  
disorder facility shall assess each individual for use of all tobacco  
products at the time of such individual's admission to the facility.  
This assessment shall include questions recommended in the most recent  
version of the diagnostic and statistical manual of mental disorders  
under tobacco use disorder, or similar evidence-based guidance as deter-  
mined by the commissioner, for determining that an individual has a  
tobacco use disorder.

(b) For an individual with tobacco use disorder, an alcohol or  
substance use disorder facility shall do all of the following:

1. Provide information to the individual with tobacco use disorder on  
how continued use of tobacco products could affect such individual's  
long-term success in recovery from substance use disorder.

2. Recommend treatment for tobacco use disorder in such individual's  
treatment plan.

3. Offer either treatment, subject to the rules and regulations issued  
by the office, or a referral for treatment for tobacco use disorder.

(c) For purposes of this section, "tobacco products" has the same  
meaning as defined in section thirteen hundred ninety-nine-aa of the  
public health law.

§ 2. Paragraph (iii) of subdivision 39 of section 1.03 of the mental  
hygiene law, as added by chapter 223 of the laws of 1992, is amended to  
read as follows:

(iii) any substance, except alcohol [~~and tobacco~~], as listed in the  
published rules of the office which has been certified to the commis-

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

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1 sioner by the commissioner of health as having the capability of causing  
2 physical and/or psychological dependence. Notice of a proposed rule  
3 listing any such substance shall be given to the speaker of the assembly  
4 and the temporary president of the senate. The commissioner shall  
5 consider the advice and recommendations of the legislature and shall  
6 hold a public hearing prior to listing any substance in its published  
7 rules.

8 § 3. This act shall take effect on the thirtieth day after it shall  
9 have become a law. Effective immediately, the addition, amendment and/or  
10 repeal of any rule or regulation necessary for the implementation of  
11 this act on its effective date are authorized to be made and completed  
12 on or before such effective date.