

STATE OF NEW YORK

4545--A

2021-2022 Regular Sessions

IN SENATE

February 5, 2021

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on 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 requiring certain residential facilities provide free internet access to certain residents

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

1 Section 1. The mental hygiene law is amended by adding a new section
2 16.39 to read as follows:

3 § 16.39 Residential facility internet service.

4 (a) Every provider of services holding an operating certificate for a
5 residential facility for the care and treatment of persons with develop-
6 mental disabilities, including but not limited to family care homes,
7 shall provide uninterrupted access to high quality internet service,
8 including but not limited to providing a wireless network for personal
9 devices, to all residents of the facility receiving services. Such
10 certified residential facility shall not impose any fee related to such
11 internet access, the wireless connectivity, or the use of any device to
12 receive or provide internet access. For the purposes of this section,
13 the term "high quality internet service" means an internet service of
14 the current industry standard or at least ten megabits per second down-
15 load speed and at least ten megabits per second upload speed, whichever
16 is higher, or where such speeds are not available, the commercially
17 available internet service plan with the maximum download and upload
18 speeds. The requirements of this subdivision shall not apply in
19 geographic regions in which there is limited or no access to high quali-
20 ty internet service, upon approval by the commissioner or their delegee,
21 nor shall the requirements of this subdivision apply in cases where a

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

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1 resident's treatment team has determined that such internet access would
2 not be clinically appropriate for that resident.

3 (b) The operator of a residential facility for the care and treatment
4 of persons with developmental disabilities, including but not limited to
5 family care homes, shall take all practicable and reasonable steps to
6 protect the privacy and safety of the residents without impeding or
7 interrupting their access to internet service provided pursuant to this
8 section. Any use of personal information shall be limited to use of
9 only such personally identifiable information as shall be necessary to
10 satisfy the requirements of this section.

11 § 2. This act shall take effect on the one hundred eightieth day after
12 it shall have become a law. Effective immediately, the addition, amend-
13 ment and/or repeal of any rule or regulation necessary for the implemen-
14 tation of this act on its effective date are authorized to be made and
15 completed on or before such effective date.