

STATE OF NEW YORK

10781

IN ASSEMBLY

April 1, 2026

Introduced by M. of A. STECK, K. BROWN -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the judiciary law, the mental hygiene law, the public health law, the county law, the general city law, the education law, the penal law, the railroad law, the social services law, the emergency housing rent control law, the emergency tenant protection act of nineteen seventy-four and the general construction law, in relation to replacing certain appearances of the words addict, addicts, and addiction with the words person with a substance use disorder, person with a mental health disorder, person with co-occurring disorder, person in recovery, or variation thereof

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

Section 1. Paragraph a of subdivision 1 of section 35 of the judiciary law, as amended by chapter 511 of the laws of 2025, is amended to read as follows:

a. When a court orders a hearing in a proceeding upon a writ of habeas corpus to inquire into the cause of detention of a person in custody in a state institution, or when it orders a hearing in a civil proceeding to commit or transfer a person to or retain a person in a state institution when such person is alleged to be [~~mentally ill, mentally defective or~~] a person with substance use disorder, a person with a mental health disorder, a person with co-occurring disorder, or a person in recovery, or when it orders a hearing for the commitment of the guardianship and custody of a child to an authorized agency by reason of the mental illness or developmental disability of a parent, or when it orders a hearing to determine whether consent to the adoption of a child shall be required of a parent who is alleged to be mentally ill or developmentally disabled, or when it orders a hearing to determine the best interests of a child when the parent of the child revokes a consent to the adoption of such child and such revocation is opposed or in any adoption or custody proceeding if it determines that assignment of counsel in such cases is mandated by the constitution of this state or of the United States, the court may assign counsel to represent such person

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

LBD09004-02-6

1 if it is satisfied that such person is financially unable to obtain
2 counsel. Upon an appeal taken from an order entered in any such proceed-
3 ing, the appellate court may assign counsel to represent such person
4 upon the appeal if it is satisfied that such person is financially
5 unable to obtain counsel.

6 § 2. Subdivision 4 of section 35 of the judiciary law, as amended by
7 chapter 511 of the laws of 2025, is amended to read as follows:

8 4. In any proceeding described in paragraph a of subdivision one of
9 this section, when a person is alleged to be [~~mentally ill, mentally~~
10 ~~defective or~~] a person with substance use disorder, a person with a
11 mental health disorder, a person with co-occurring disorder, or a person
12 in recovery, the court which ordered the hearing may appoint no more
13 than two psychiatrists, certified psychologists or physicians to examine
14 and testify at the hearing upon the condition of such person. A psychia-
15 trist, psychologist or physician so appointed shall, upon completion of
16 their services, receive reimbursement for expenses reasonably incurred
17 and reasonable compensation for such services, to be fixed by the court.
18 Such compensation shall not exceed three thousand dollars, except that
19 in extraordinary circumstances the court may provide for compensation in
20 excess of the foregoing limits.

21 § 3. Paragraph (i) of subdivision (b) of section 32.05 of the mental
22 hygiene law, as amended by chapter 511 of the laws of 2025, is amended
23 to read as follows:

24 (i) Methadone, or such other controlled substance designated by the
25 commissioner of health as appropriate for such use, may be administered
26 to a person with substance use disorder, a person with a mental health
27 disorder, a person with co-occurring disorder, or a person in recovery,
28 as defined in section thirty-three hundred two of the public health law,
29 by individual physicians, groups of physicians and public or private
30 medical facilities certified pursuant to article twenty-eight or thir-
31 ty-three of the public health law as part of a chemical dependence
32 program which has been issued an operating certificate by the commis-
33 sioner pursuant to subdivision (b) of section 32.09 of this article,
34 provided, however, that such administration must be done in accordance
35 with all applicable federal and state laws and regulations. Individual
36 physicians or groups of physicians who have obtained authorization from
37 the federal government to administer buprenorphine to people with
38 substance use disorder, a person with a mental health disorder, a person
39 with co-occurring disorder, or a person in recovery may do so without
40 obtaining an operating certificate from the commissioner.

41 § 4. Paragraph 5 of subdivision (b) of section 32.09 of the mental
42 hygiene law, as amended by chapter 511 of the laws of 2025, is amended
43 to read as follows:

44 5. the applicant will establish procedures to effectively implement a
45 detoxification program to further relieve people with substance use
46 disorder, people with a mental health disorder, people with co-occurring
47 disorder, or people in recovery from dependence upon methadone or such
48 other controlled substances prescribed for treatment in subject mainte-
49 nance programs.

50 § 5. Subdivision 1 of section 3302 of the public health law, as
51 amended by chapter 511 of the laws of 2025, is amended to read as
52 follows:

53 1. "Person with substance use disorder, person with a mental health
54 disorder, person with co-occurring disorder, or person in recovery"
55 means a person who habitually uses a controlled substance for a non-leg-

1 itimate or unlawful use, and who by reason of such use is dependent
2 thereon.

3 § 6. Subdivision 1 of section 3331 of the public health law, as
4 amended by chapter 511 of the laws of 2025, is amended to read as
5 follows:

6 1. Except as provided in titles III or V of this article, no substance
7 in schedules II, III, IV, or V may be prescribed for or dispensed or
8 administered to a person with substance use disorder, a person with a
9 mental health disorder, a person with co-occurring disorder, or a person
10 in recovery or habitual user.

11 § 7. The title heading of title V of article 33 of the public health
12 law, as amended by chapter 511 of the laws of 2025, is amended to read
13 as follows:

14 DISPENSING TO PERSONS WITH SUBSTANCE USE DISORDER, PERSONS WITH A MENTAL
15 HEALTH DISORDER, PERSONS WITH CO-OCCURRING DISORDER, PERSONS IN RECOVERY
16 AND HABITUAL USERS

17 § 8. Section 3350 of the public health law, as amended by chapter 511
18 of the laws of 2025, is amended to read as follows:

19 § 3350. Dispensing prohibition. Controlled substances may not be
20 prescribed for, or administered or dispensed to persons with substance
21 use disorder, persons with a mental health disorder, persons with co-oc-
22 curring disorder, or persons in recovery or habitual users of controlled
23 substances, except as provided by this title or title III of this arti-
24 cle.

25 § 9. Section 3351 of the public health law, as separately amended by
26 chapters 511 and 546 of the laws of 2025 and subdivision 3 as separately
27 amended by chapter 511 of the laws of 2025 and chapter 42 of the laws of
28 2026, is amended to read as follows:

29 § 3351. Dispensing for medical use. 1. Controlled substances may be
30 prescribed for, or administered or dispensed to a person with substance
31 use disorder, a person with a mental health disorder, a person with
32 co-occurring disorder, a person in recovery, or habitual user:

33 (a) during emergency medical treatment unrelated to [~~abuse~~] the use of
34 controlled substances;

35 (b) who is a bona fide patient suffering from an incurable and fatal
36 disease such as cancer or advanced tuberculosis; or

37 (c) who is aged, infirm, or suffering from serious injury or illness
38 and the withdrawal from controlled substances would endanger the life or
39 impede or inhibit the recovery of such person.

40 2. Controlled substances may be ordered for use by a person with
41 substance use disorder, a person with a mental health disorder, a person
42 with co-occurring disorder, a person in recovery, or habitual user by a
43 practitioner and administered by a practitioner or registered nurse to
44 relieve acute withdrawal symptoms.

45 3. A practitioner may prescribe, administer, and dispense any schedule
46 III, IV, or V narcotic drug approved by the federal food and drug admin-
47 istration specifically for use in maintenance or detoxification treat-
48 ment to a person with substance use disorder, a person with a mental
49 health disorder, a person with co-occurring disorder, a person in recov-
50 ery, or habitual user.

51 4. Methadone, or such other controlled substance designated by the
52 commissioner as appropriate for such use, may be ordered for use of a
53 person with substance use disorder, a person with a mental health disor-
54 der, a person with co-occurring disorder, or a person in recovery by a

1 practitioner and dispensed or administered by a practitioner or a such
2 practitioner's designated agent as interim treatment for a person with
3 substance use disorder, a person with a mental health disorder, a person
4 with co-occurring disorder, or a person in recovery, while arrangements
5 are being made for referral to treatment for such addiction to
6 controlled substances.

7 5. Methadone, or such other controlled substance designated by the
8 commissioner as appropriate for such use, may be administered to a
9 person with substance use disorder, a person with a mental health disor-
10 der, a person with co-occurring disorder, or a person in recovery by a
11 practitioner or by a such practitioner's designated agent acting under
12 the direction and supervision of a practitioner, as part of a regimen
13 designed and intended to withdraw a patient from addiction to controlled
14 substances.

15 6. Notwithstanding any other law and consistent with federal require-
16 ments, methadone, or such other controlled substance designated by the
17 commissioner as appropriate for such use, may be administered or
18 dispensed directly to a person with substance use disorder, a person
19 with a mental health disorder, a person with co-occurring disorder, or a
20 person in recovery by a practitioner or by a such practitioner's desig-
21 nated agent acting under the direction and supervision of a practition-
22 er, as part of a substance use or chemical dependence program approved
23 pursuant to article thirty-two of the mental hygiene law.

24 § 10. Subdivisions 2 and 3 of section 396-h of the county law, as
25 amended by chapter 511 of the laws of 2025, are amended to read as
26 follows:

27 2. To establish in-patient and out-patient treatment facilities for
28 persons with substance use disorders, persons with a mental health
29 disorder, persons with co-occurring disorder, and persons in recovery.
30 Such facilities shall include, but shall not be limited to:

31 a. detoxification centers and clinics for the out-patient treatment of
32 persons with substance use disorders, persons with a mental health
33 disorder, persons with co-occurring disorder, and persons in recovery;

34 b. a treatment center where persons with substance use disorders,
35 persons with a mental health disorder, persons with co-occurring disor-
36 der, and persons in recovery may obtain professional counseling from
37 physicians, psychologists, psychiatrists and where possible, other
38 persons with substance use disorders, persons with a mental health
39 disorder, persons with co-occurring disorder, and persons in recovery;

40 c. half-way houses to provide continuing treatment for persons with
41 substance use disorders, persons with a mental health disorder, persons
42 with co-occurring disorder, and persons in recovery.

43 3. To create a referral program whereby persons with substance use
44 disorders, persons with a mental health disorder, persons with co-occur-
45 ring disorder, and persons in recovery and persons and agencies
46 concerned with their treatment will make use of the aforementioned
47 treatment facilities;

48 § 11. Subdivisions 2, 3, 6 and 10 of section 121 of the general city
49 law, subdivisions 2 and 3 as amended by chapter 511 of the laws of 2025
50 and subdivisions 6 and 10 as added by chapter 820 of the laws of 1971,
51 are amended to read as follows:

52 2. To establish in-patient and out-patient treatment facilities for
53 persons with substance use disorders, persons with a mental health
54 disorder, persons with co-occurring disorder, and persons in recovery.
55 Such facilities shall include, but shall not be limited to:

1 a. detoxification centers and clinics for the out-patient treatment of
2 persons with substance use disorders, persons with a mental health
3 disorder, persons with co-occurring disorder, and persons in recovery;

4 b. a treatment center where persons with substance use disorders,
5 persons with a mental health disorder, persons with co-occurring disor-
6 der, and persons in recovery may obtain professional counseling from
7 physicians, psychologists, psychiatrists and where possible, other
8 persons with substance use disorders, persons with a mental health
9 disorder, persons with co-occurring disorder, and persons in recovery;

10 c. half-way houses to provide continuing treatment for persons with
11 substance use disorders, persons with a mental health disorder, persons
12 with co-occurring disorder, and persons in recovery.

13 3. To create a referral program whereby persons with substance use
14 disorders, persons with a mental health disorder, persons with co-occur-
15 ring disorder, and persons in recovery and persons and agencies
16 concerned with their treatment will make use of the aforementioned
17 treatment facilities;

18 6. To encourage and foster, if possible, the use of [~~former drug abus-~~
19 ~~ers and persons formerly addicted to drugs~~] persons with a substance use
20 disorder, persons with a mental health disorder, persons with co-occur-
21 ring disorder, and persons in recovery who are no longer using drugs as
22 staff personnel;

23 10. To utilize [~~former drug abusers and ex-addicts~~] persons with a
24 substance use disorder, persons with a mental health disorder, persons
25 with co-occurring disorder, and persons in recovery who are no longer
26 using drugs in educational counseling and make periodic evaluations of
27 their effectiveness;

28 § 12. Section 3028-a of the education law, as amended by chapter 19 of
29 the laws of 1987, is amended to read as follows:

30 § 3028-a. Students under twenty-one years of age suspected of [~~alcohol~~
31 ~~abuse or narcotic addiction~~] being a person with a substance use
32 disorder, a person with a mental health disorder, a person with co-oc-
33 curing disorder, or a person in recovery. Any teacher, school adminis-
34 trator, school guidance counselor, school psychologist, school drug
35 counselor, school nurse, supervisor of attendance, attendance teacher or
36 attendance officer having reasonable cause to suspect that a secondary
37 or elementary student under twenty-one years of age is a [~~substance or~~
38 ~~alcohol abuser or substance dependent~~] person with a substance use
39 disorder, a person with a mental health disorder, a person with co-oc-
40 curing disorder, or a person in recovery, who report such information
41 to the appropriate secondary or elementary school officials pursuant to
42 the school's drug policy or if the school has no drug policy to the
43 school's principal or the parents or legal guardians of such student
44 under twenty-one years of age shall have immunity from any civil liabil-
45 ity that might otherwise be incurred or imposed as a result of the
46 making of such a report.

47 § 13. The fifth undesignated paragraph of section 19.01 of the mental
48 hygiene law, as added by chapter 223 of the laws of 1992, is amended to
49 read as follows:

50 Substantial benefits can be gained through [~~alcoholism~~] alcohol use
51 and substance [~~abuse~~] use treatment for both [~~addicted individuals~~]
52 persons with a substance use disorder, persons with a mental health
53 disorder, persons with co-occurring disorder, and persons in recovery
54 and their families. Positive treatment outcomes that may be generated
55 through a complete continuum of care offer a cost effective and compre-
56 hensive approach to rehabilitating such individuals. The primary goals

1 of the rehabilitation and recovery process are to restore social, fami-
2 ly, lifestyle, vocational and economic supports by stabilizing an indi-
3 vidual's physical and psychological functioning. The legislature recog-
4 nizes the importance of varying treatment approaches and levels of care
5 designed to meet each client's needs. Relapse prevention and aftercare
6 are two primary components of treatment that serve to promote and main-
7 tain recovery.

8 § 14. Paragraph (c) of subdivision 1 of section 2897 of the public
9 health law, as amended by chapter 550 of the laws of 1978, is amended to
10 read as follows:

11 (c) [~~he~~] such administrator is or has been [~~an alcohol abuser or is or~~
12 ~~has been addicted~~] a person with a substance use disorder, a person
13 with a mental health disorder, a person with co-occurring disorder, or a
14 person in recovery related to the use of morphine, cocaine or other
15 drugs having similar effect[, ~~or has become mentally ill~~];

16 § 15. Paragraph (h) of subdivision 1 of section 3450 of the public
17 health law, as amended by chapter 534 of the laws of 1983, is amended to
18 read as follows:

19 (h) is [~~addicted~~] a person with a substance use disorder, a person
20 with a mental health disorder, a person with co-occurring disorder, or a
21 person in recovery related to the use of morphine, opium, cocaine or
22 other drugs having a similar effect;

23 § 16. Paragraph (e) of subdivision 1 of section 400.00 of the penal
24 law, as separately amended by chapters 371 and 669 of the laws of 2022,
25 is amended to read as follows:

26 (e) who is not an unlawful user of or [~~addicted~~] a person with a
27 substance use disorder, a person with a mental health disorder, a
28 person with co-occurring disorder, or a person in recovery related to
29 any controlled substance as defined in section 21 U.S.C. 802;

30 § 17. Section 63 of the railroad law is amended to read as follows:

31 § 63. Persons employed as drivers, conductors, [~~motormen~~] engineers or
32 [~~gripmen~~] grip operators. Any railroad corporation may employ any
33 inhabitant of the state, of the age of twenty-one years, [~~not addicted~~]
34 who is not a person with a substance use disorder, a person with a
35 mental health disorder, a person with co-occurring disorder, or a person
36 in recovery related to the use of intoxicating liquors, as a car driver,
37 conductor, [~~motorman~~] engineer or [~~gripman~~] grip operator, or in any
38 other capacity, if fit and competent therefor. All applicants for posi-
39 tions as [~~motormen~~] engineers or [~~gripmen~~] grip operators on any street
40 surface railroad in this state shall be subjected to a thorough examina-
41 tion by the officers of the corporation as to their habits, physical
42 ability and intelligence. If this examination is satisfactory, the
43 applicant shall be placed in the shop or power house where [~~he~~] they can
44 be made familiar with the power and machinery [~~he is~~] they are about to
45 control. [~~He~~] They shall then be placed on a car with an instructor, and
46 when the latter is satisfied as to the applicant's capability for the
47 position of [~~motorman~~] engineer or [~~gripman~~] grip operator, [~~he~~] they
48 shall so certify to the officers of the company, and, if appointed, the
49 applicant shall first serve on the lines of least travel. Any violation
50 of the provisions of this section shall be a misdemeanor.

51 § 18. Paragraph (c) of subdivision 1 of section 303 of the social
52 services law, as amended by chapter 198 of the laws of 1975, is amended
53 to read as follows:

54 (c) Replacement of lost or mismanaged cash by a person who by reason
55 of advanced age, illness, infirmity, mental weakness, physical handicap,
56 intemperance, [~~addiction to drugs~~] being a person with a substance use

1 disorder, a person with a mental health disorder, a person with co-oc-
2 curing disorder, or a person in recovery, or other cause, has suffered
3 substantial impairment of [~~his~~] their ability to care for [~~his~~] their
4 property;

5 § 19. Paragraph (a) of subdivision 2 of section 5 of chapter 274 of
6 the laws of 1946, constituting the emergency housing rent control law,
7 as amended by section 16 of part Q of chapter 39 of the laws of 2019, is
8 amended to read as follows:

9 (a) the landlord seeks in good faith to recover possession of a hous-
10 ing accommodation because of immediate and compelling necessity for [~~his~~
11 ~~or her~~] their own personal use and occupancy as [~~his or her~~] their
12 primary residence or for the use and occupancy of [~~his or her~~] their
13 immediate family as their primary residence; provided, however, this
14 subdivision shall permit recovery of only one housing accommodation and
15 shall not apply where a member of the household lawfully occupying the
16 housing accommodation is sixty-two years of age or older, has been a
17 tenant in a housing accommodation in that building for fifteen years or
18 more, or has an impairment which results from anatomical, physiological
19 or psychological conditions, other than [~~addiction~~] being a person with
20 substance use disorder, a person with a mental health disorder, a person
21 with co-occurring disorder, or a person in recovery related to alcohol,
22 gambling, or any controlled substance, which are demonstrable by
23 medically acceptable clinical and laboratory diagnostic techniques, and
24 which are expected to be permanent and which prevent the tenant from
25 engaging in any substantial gainful employment; provided, however, that
26 a tenant required to surrender a housing accommodation under this para-
27 graph shall have a cause of action in any court of competent jurisdic-
28 tion for damages, declaratory, and injunctive relief against a landlord
29 or purchaser of the premises who makes a fraudulent statement regarding
30 a proposed use of the housing accommodation. In any action or proceeding
31 brought pursuant to this paragraph a prevailing tenant shall be entitled
32 to recovery of actual damages, and reasonable attorneys' fees; or

33 § 20. Subdivision a of section 10 of section 4 of chapter 576 of the
34 laws of 1974, constituting the emergency tenant protection act of nine-
35 teen seventy-four, as amended by section 15 of part Q of chapter 39 of
36 the laws of 2019, is amended to read as follows:

37 a. For cities having a population of less than one million and towns
38 and villages, the state division of housing and community renewal shall
39 be empowered to implement this act by appropriate regulations. Such
40 regulations may encompass such speculative or manipulative practices or
41 renting or leasing practices as the state division of housing and commu-
42 nity renewal determines constitute or are likely to cause circumvention
43 of this act. Such regulations shall prohibit practices which are likely
44 to prevent any person from asserting any right or remedy granted by this
45 act, including but not limited to retaliatory termination of periodic
46 tenancies and shall require owners to grant a new one or two year vacan-
47 cy or renewal lease at the option of the tenant, except where a mortgage
48 or mortgage commitment existing as of the local effective date of this
49 act provides that the owner shall not grant a one-year lease; and shall
50 prescribe standards with respect to the terms and conditions of new and
51 renewal leases, additional rent and such related matters as security
52 deposits, advance rental payments, the use of escalator clauses in leas-
53 es and provision for increase in rentals for garages and other ancillary
54 facilities, so as to ensure that the level of rent adjustments author-
55 ized under this law will not be subverted and made ineffective. Any
56 provision of the regulations permitting an owner to refuse to renew a

1 lease on grounds that the owner seeks to recover possession of a housing
2 accommodation for ~~[his or her]~~ their own use and occupancy or for the
3 use and occupancy of ~~[his or her]~~ their immediate family shall permit
4 recovery of only one housing accommodation, shall require that an owner
5 demonstrate immediate and compelling need and that the housing accommo-
6 dation will be the proposed occupants' primary residence and shall not
7 apply where a member of the housing accommodation is sixty-two years of
8 age or older, has been a tenant in a housing accommodation in that
9 building for fifteen years or more, or has an impairment which results
10 from anatomical, physiological or psychological conditions, other than
11 ~~[addiction]~~ being a person with a substance use disorder, a person with
12 a mental health disorder, a person with co-occurring disorder, or a
13 person in recovery related to alcohol, gambling, or any controlled
14 substance, which are demonstrable by medically acceptable clinical and
15 laboratory diagnostic techniques, and which are expected to be permanent
16 and which prevent the tenant from engaging in any substantial gainful
17 employment; provided, however, that a tenant required to surrender a
18 housing accommodation under this subdivision shall have a cause of
19 action in any court of competent jurisdiction for damages, declaratory,
20 and injunctive relief against a landlord or purchaser of the premises
21 who makes a fraudulent statement regarding a proposed use of the housing
22 accommodation. In any action or proceeding brought pursuant to this
23 subdivision a prevailing tenant shall be entitled to recovery of actual
24 damages, and reasonable attorneys' fees.

25 § 21. Section 28 of the general construction law, as added by chapter
26 351 of the laws of 2021, is amended to read as follows:

27 § 28. Mental disability, mental illness, developmental disability,
28 addictive disorder and addiction disorder. The terms mental disability,
29 mental illness, developmental disability, addictive disorder and
30 addiction disorder shall have the same meaning as they are defined
31 pursuant to section 1.03 of the mental hygiene law. Hereafter, in any
32 law, rule, regulation, ordinance or resolution, person-first terms,
33 including but not limited to "a person with a substance use disorder",
34 "a person with a mental health disorder", "a person with co-occurring
35 disorder", or "a person in recovery", shall be used in substitution
36 therefor and with the same force and effect.

37 § 22. This act shall take effect immediately.