

STATE OF NEW YORK

3926

2025-2026 Regular Sessions

IN ASSEMBLY

January 30, 2025

Introduced by M. of A. FORREST -- read once and referred to the Committee on Codes

AN ACT to amend the civil rights law, in relation to enacting the medical civil rights act

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "medical civil rights act".

3 § 2. Section 28 of the civil rights law, as added by chapter 103 of
4 the laws of 2020, is amended to read as follows:

5 § 28. Medical attention for persons under arrest. 1. When a person is
6 ~~[under arrest or otherwise]~~ in contact with or in the custody or under
7 the control of a police officer, peace officer or other law enforcement
8 representative or entity, such officer, representative or entity shall
9 have a duty to provide attention to the medical and mental health needs
10 of such person, and immediately obtain ~~[assistance and treatment of such~~
11 ~~needs]~~ emergency medical services for such person~~[, which are reasonable~~
12 ~~and provided in good faith under the circumstances]~~ when such person has
13 communicated that such person is experiencing an emergency medical
14 condition or is medically unstable; or who reasonably appears to a law
15 enforcement officer to be experiencing an emergency medical condition or
16 is deteriorating such that such person is medically unstable. Any person
17 who has not received such ~~[reasonable and good faith attention, assist-~~
18 ~~ance or]~~ emergency medical treatment and who, as a result, suffers seri-
19 ous physical injury or significant exacerbation of an injury or condi-
20 tion shall have a cause of action against such officer, representative,
21 and/or entity. In any such civil action, the court, in addition to
22 awarding actual damages and costs, ~~[may]~~ shall award reasonable attor-
23 neys' fees to a successful plaintiff. The provisions of this section
24 are in addition to, but shall not supersede, any other rights or reme-
25 dies available in law or equity.

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

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1 2. For the purposes of this section, the following terms shall have
2 the following meanings:

3 (a) "Emergency medical condition" shall mean a medical condition,
4 whether physical, behavioral, or related to a substance use or mental
5 health disorder, that is manifesting itself by symptoms of sufficient
6 severity, including but not limited to severe pain, so that the absence
7 of prompt medical attention could reasonably be expected by a prudent
8 layperson who possesses an average knowledge of health and medicine to
9 result in placing the health of the person experiencing the medical
10 condition or another person in serious jeopardy, serious impairment to
11 bodily function, or serious dysfunction of any organ or body part.

12 (b) "Medically unstable" shall mean any condition, whether physical,
13 behavioral, or related to substance use or mental health disorders, that
14 manifests in an unstable medical or mental health status, which could
15 reasonably be understood by a layperson to lead to an emergency medical
16 condition.

17 § 3. This act shall take effect immediately.