STATE OF NEW YORK

5764

2025-2026 Regular Sessions

IN ASSEMBLY

February 20, 2025

Introduced by M. of A. 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 479 of the laws of 2022, 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 [~~him~~] such person in a state institution when such person is alleged to be [~~mentally ill, mentally defective or a narcotic addict~~] a person with a 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

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

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represent such person if it is satisfied that [~~he~~] **such person** is financially unable to obtain counsel. Upon an appeal taken from an order entered in any such proceeding, the appellate court may assign counsel to represent such person upon the appeal if it is satisfied that [~~he~~] **such person** is financially unable to obtain counsel.

§ 2. Subdivision 4 of section 35 of the judiciary law, as amended by section 3 of part GG of chapter 56 of the laws of 2023, is amended to read as follows:

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

§ 3. Paragraph (i) of subdivision (b) of section 32.05 of the mental hygiene law, as amended by section 3 of part Z of chapter 57 of the laws of 2019, is amended to read as follows:

(i) Methadone, or such other controlled substance designated by the commissioner of health as appropriate for such use, may be administered to [~~an addict~~] **a person with a substance use disorder, a person with a mental health disorder, a person with co-occurring disorder, or a person in recovery**, as defined in section thirty-three hundred two of the public health law, by individual physicians, groups of physicians and public or private medical facilities certified pursuant to article twenty-eight or thirty-three of the public health law as part of a chemical dependence program which has been issued an operating certificate by the commissioner pursuant to subdivision (b) of section 32.09 of this article, provided, however, that such administration must be done in accordance with all applicable federal and state laws and regulations. Individual physicians or groups of physicians who have obtained authorization from the federal government to administer buprenorphine to [~~addicts~~] **people with a substance use disorder, people with a mental health disorder, people with co-occurring disorder, or people in recovery** may do so without obtaining an operating certificate from the commissioner.

§ 4. Paragraph 5 of subdivision (b) of section 32.09 of the mental hygiene law, as added by chapter 558 of the laws of 1999, is amended to read as follows:

5. the applicant will establish procedures to effectively implement a detoxification program to further relieve [~~addicts~~] **people with a substance use disorder, people with a mental health disorder, people with co-occurring disorder, or people in recovery** from dependence upon methadone or such other controlled substances prescribed for treatment in subject maintenance programs.

§ 5. Subdivision 1 of section 3302 of the public health law, as amended by chapter 92 of the laws of 2021, is amended to read as follows:

1. [~~"Addict"~~] **"Person with a substance use disorder, person with a mental health disorder, person with co-occurring disorder, or person in**

recovery" means a person who habitually uses a controlled substance for a non-legitimate or unlawful use, and who by reason of such use is dependent thereon.

§ 6. Subdivision 1 of section 3331 of the public health law, as added by chapter 878 of the laws of 1972, is amended to read as follows:

1. Except as provided in titles III or V of this article, no substance in schedules II, III, IV, or V may be prescribed for or dispensed or administered to [~~an addict~~] a person with a substance use disorder, a person with a mental health disorder, a person with co-occurring disorder, or a person in recovery or habitual user.

§ 7. The title heading of title V of article 33 of the public health law, as added by chapter 878 of the laws of 1972, is amended to read as follows:

DISPENSING TO [~~ADDICTS~~] PERSONS WITH A SUBSTANCE USE DISORDER, PERSONS WITH A MENTAL HEALTH DISORDER, PERSONS WITH CO-OCCURRING DISORDER, PERSONS IN RECOVERY AND HABITUAL USERS

§ 8. Section 3350 of the public health law, as added by chapter 878 of the laws of 1972, is amended to read as follows:

§ 3350. Dispensing prohibition. Controlled substances may not be prescribed for, or administered or dispensed to [~~addicts~~] persons with a substance use disorder, persons with a mental health disorder, persons with co-occurring disorder, or persons in recovery, or habitual users of controlled substances, except as provided by this title or title III of this article.

§ 9. Section 3351 of the public health law, as added by chapter 878 of the laws of 1972, subdivision 5 as amended by chapter 558 of the laws of 1999, is amended to read as follows:

§ 3351. Dispensing for medical use. 1. Controlled substances may be prescribed for, or administered or dispensed to [~~an addict~~] a person with a substance use disorder, a person with a mental health disorder, a person with co-occurring disorder, a person in recovery, or habitual user:

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

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

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

2. Controlled substances may be ordered for use by [~~an addict~~] a person with a substance use disorder, a person with a mental health disorder, a person with co-occurring disorder, a person in recovery, or habitual user by a practitioner and administered by a practitioner or registered nurse to relieve acute withdrawal symptoms.

3. Methadone, or such other controlled substance designated by the commissioner as appropriate for such use, may be ordered for use of [~~an addict~~] a person with a substance use disorder, a person with a mental health disorder, a person with co-occurring disorder, or a person in recovery, by a practitioner and dispensed or administered by a practitioner or [~~his~~] their designated agent as interim treatment for [~~an addict~~] a person with a substance use disorder, a person with a mental health disorder, a person with co-occurring disorder, or a person in recovery on a waiting list for admission to an authorized maintenance program.

4. Methadone, or such other controlled substance designated by the commissioner as appropriate for such use, may be administered to [~~an addict~~] a person with a substance use disorder, a person with a mental health disorder, a person with co-occurring disorder, or a person in recovery by a practitioner or by [~~his~~] their designated agent acting under the direction and supervision of a practitioner, as part of a regime designed and intended to withdraw a patient from addiction to controlled substances.

5. Methadone, or such other controlled substance designated by the commissioner as appropriate for such use, may be administered to [~~an addict~~] a person with a substance use disorder, a person with a mental health disorder, a person with co-occurring disorder, or a person in recovery by a practitioner or by [~~his~~] their designated agent acting under the direction and supervision of a practitioner, as part of a substance [~~abuse~~] use or chemical dependence program approved pursuant to article [~~twenty-three or~~] thirty-two of the mental hygiene law.

§ 10. Section 3372 of the public health law, as amended by chapter 195 of the laws of 1973, is amended to read as follows:

§ 3372. Practitioner patient reporting. It shall be the duty of every attending practitioner and every consulting practitioner to report promptly to the commissioner, or [~~his~~] the commissioner's duly designated agent, the name and, if possible, the address of, and such other data as may be required by the commissioner with respect to, any person under treatment if [~~he finds~~] they find that such person is [~~an addict~~] a person with a substance use disorder, a person with a mental health disorder, a person with co-occurring disorder, a person in recovery, or a habitual user of any narcotic drug. Such report shall be kept confidential and may be utilized only for statistical, epidemiological or research purposes, except that those reports which originate in the course of a criminal proceeding other than under section 81.25 of the mental hygiene law shall be subject only to the confidentiality requirements of section thirty-three hundred seventy-one of this article.

§ 11. Subdivisions 2 and 3 of section 396-h of the county law, as added by chapter 818 of the laws of 1971, are amended to read as follows:

2. To establish in-patient and out-patient treatment facilities for persons [~~addicted to the use of drugs and drug abusers~~] with a substance use disorder, persons with a mental health disorder, persons with co-occurring disorder, and persons in recovery. Such facilities shall include, but shall not be limited to:

a. detoxification centers and clinics for the out-patient treatment of [~~drug abusers and addicts~~] persons with a substance use disorder, persons with a mental health disorder, persons with co-occurring disorder, and persons in recovery;

b. a treatment center where [~~drug abusers and addicts~~] persons with a substance use disorder, persons with a mental health disorder, persons with co-occurring disorder, and persons in recovery may obtain professional counseling from physicians, psychologists, psychiatrists and where possible, [~~former drug abusers and addicts~~] other persons with a substance use disorder, persons with a mental health disorder, persons with co-occurring disorder, and persons in recovery;

c. half-way houses to provide continuing treatment for [~~drug abusers and addicts~~] persons with a substance use disorder, persons with a mental health disorder, persons with co-occurring disorder, and persons in recovery.

3. To create a referral program whereby [~~drug abusers, addicts~~] persons with a substance use disorder, persons with a mental health disorder, persons with co-occurring disorder, and persons in recovery and persons and agencies concerned with their treatment will make use of the aforementioned treatment facilities;

§ 12. Subdivisions 2, 3, 6 and 10 of section 121 of the general city law, as added by chapter 820 of the laws of 1971, are amended to read as follows:

2. To establish in-patient and out-patient treatment facilities for persons [~~addicted to the use of drugs and drug abusers~~] with a substance use disorder, persons with a mental health disorder, persons with co-occurring disorder, and persons in recovery. Such facilities shall include, but shall not be limited to:

a. detoxification centers and clinics for the out-patient treatment of [~~drug abusers and addicts~~] persons with a substance use disorder, persons with a mental health disorder, persons with co-occurring disorder, and persons in recovery;

b. a treatment center where [~~addicts~~] persons with a substance use disorder, persons with a mental health disorder, persons with co-occurring disorder, and persons in recovery may obtain professional counseling from physicians, psychologists, psychiatrists and where possible, [~~former drug abusers and addicts~~] other persons with a substance use disorder, persons with a mental health disorder, persons with co-occurring disorder, and persons in recovery;

c. half-way houses to provide continuing treatment for [~~drug abusers and addicts~~] persons with a substance use disorder, persons with a mental health disorder, persons with co-occurring disorder, and persons in recovery.

3. To create a referral program whereby [~~drug abusers, addicts~~] persons with a substance use disorder, persons with a mental health disorder, persons with co-occurring disorder, and persons in recovery and persons and agencies concerned with their treatment will make use of the aforementioned treatment facilities;

6. To encourage and foster, if possible, the use of [~~former drug abusers and persons formerly addicted to drugs~~] persons with a substance use disorder, persons with a mental health disorder, persons with co-occurring disorder, and persons in recovery who are no longer using drugs as staff personnel;

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

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

§ 3028-a. Students under twenty-one years of age suspected of [~~alcohol abuse or narcotic addiction~~] being a person with a substance use disorder, a person with a mental health disorder, a person with co-occurring disorder, or a person in recovery. Any teacher, school administrator, school guidance counselor, school psychologist, school drug counselor, school nurse, supervisor of attendance, attendance teacher or attendance officer having reasonable cause to suspect that a secondary or elementary student under twenty-one years of age is a [~~substance or alcohol abuser or substance dependent~~] person with a substance use disorder, a person with a mental health disorder, a person with co-occurring disorder, or a person in recovery, who report such information

to the appropriate secondary or elementary school officials pursuant to the school's drug policy or if the school has no drug policy to the school's principal or the parents or legal guardians of such student under twenty-one years of age shall have immunity from any civil liability that might otherwise be incurred or imposed as a result of the making of such a report.

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

Substantial benefits can be gained through [~~alcoholism~~] alcohol use and substance [~~abuse~~] use treatment for both [~~addicted individuals~~] persons with a substance use disorder, persons with a mental health disorder, persons with co-occurring disorder, and persons in recovery and their families. Positive treatment outcomes that may be generated through a complete continuum of care offer a cost effective and comprehensive approach to rehabilitating such individuals. The primary goals of the rehabilitation and recovery process are to restore social, family, lifestyle, vocational and economic supports by stabilizing an individual's physical and psychological functioning. The legislature recognizes the importance of varying treatment approaches and levels of care designed to meet each client's needs. Relapse prevention and aftercare are two primary components of treatment that serve to promote and maintain recovery.

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

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

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

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

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

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

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

§ 63. Persons employed as drivers, conductors, [~~motormen~~] engineers or [~~gripmen~~] grip operators. Any railroad corporation may employ any inhabitant of the state, of the age of twenty-one years, [~~not addicted~~] who is not a person with a substance use disorder, a person with a mental health disorder, a person with co-occurring disorder, or a person in recovery related to the use of intoxicating liquors, as a car driver, conductor, [~~motorman~~] engineer or [~~gripman~~] grip operator, or in any other capacity, if fit and competent therefor. All applicants for positions as [~~motormen~~] engineers or [~~gripmen~~] grip operators on any street surface railroad in this state shall be subjected to a thorough examina-

tion by the officers of the corporation as to their habits, physical ability and intelligence. If this examination is satisfactory, the applicant shall be placed in the shop or power house where [~~he~~] they can be made familiar with the power and machinery [~~he is~~] they are about to control. [~~He~~] They shall then be placed on a car with an instructor, and when the latter is satisfied as to the applicant's capability for the position of [~~motorman~~] engineer or [~~gripman~~] grip operator, [~~he~~] they shall so certify to the officers of the company, and, if appointed, the applicant shall first serve on the lines of least travel. Any violation of the provisions of this section shall be a misdemeanor.

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

(c) Replacement of lost or mismanaged cash by a person who by reason of advanced age, illness, infirmity, mental weakness, physical handicap, intemperance, [~~addiction to drugs~~] being a person with a substance use disorder, a person with a mental health disorder, a person with co-occurring disorder, or a person in recovery, or other cause, has suffered substantial impairment of [~~his~~] their ability to care for [~~his~~] their property;

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

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

§ 21. Subdivision a of section 10 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by section 15 of part Q of chapter 39 of the laws of 2019, is amended to read as follows:

a. For cities having a population of less than one million and towns and villages, the state division of housing and community renewal shall be empowered to implement this act by appropriate regulations. Such regulations may encompass such speculative or manipulative practices or

renting or leasing practices as the state division of housing and community renewal determines constitute or are likely to cause circumvention of this act. Such regulations shall prohibit practices which are likely to prevent any person from asserting any right or remedy granted by this act, including but not limited to retaliatory termination of periodic tenancies and shall require owners to grant a new one or two year vacancy or renewal lease at the option of the tenant, except where a mortgage or mortgage commitment existing as of the local effective date of this act provides that the owner shall not grant a one-year lease; and shall prescribe standards with respect to the terms and conditions of new and renewal leases, additional rent and such related matters as security deposits, advance rental payments, the use of escalator clauses in leases and provision for increase in rentals for garages and other ancillary facilities, so as to ensure that the level of rent adjustments authorized under this law will not be subverted and made ineffective. Any provision of the regulations permitting an owner to refuse to renew a lease on grounds that the owner seeks to recover possession of a housing accommodation for [~~his or her~~] **their** own use and occupancy or for the use and occupancy of [~~his or her~~] **their** immediate family shall permit recovery of only one housing accommodation, shall require that an owner demonstrate immediate and compelling need and that the housing accommodation will be the proposed occupants' primary residence and shall not apply where a member of the housing accommodation is sixty-two years of age or older, has been a tenant in a housing accommodation in that building for fifteen years or more, or has an impairment which results from anatomical, physiological or psychological conditions, other than [~~addiction~~] **being a person with a substance use disorder, a person with a mental health disorder, a person with co-occurring disorder, or a person in recovery related** to alcohol, gambling, or any controlled substance, which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques, and which are expected to be permanent and which prevent the tenant from engaging in any substantial gainful employment; provided, however, that a tenant required to surrender a housing accommodation under this subdivision shall have a cause of action in any court of competent jurisdiction for damages, declaratory, and injunctive relief against a landlord or purchaser of the premises who makes a fraudulent statement regarding a proposed use of the housing accommodation. In any action or proceeding brought pursuant to this subdivision a prevailing tenant shall be entitled to recovery of actual damages, and reasonable attorneys' fees.

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

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

§ 23. This act shall take effect immediately.