

STATE OF NEW YORK

7363--A

2025-2026 Regular Sessions

IN ASSEMBLY

March 25, 2025

Introduced by M. of A. SANTABARBARA, SHIMSKY -- read once and referred to the Committee on People with Disabilities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law, in relation to protecting the communication rights of individuals with disabilities

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 13.45 to read as follows:

3 § 13.45 New York state communication bill of rights for individuals with
4 disabilities.

5 (a) Each person with a disability has the right to communicate in
6 their preferred manner and no state agency, school, community residence,
7 or service provider shall restrict or deny access to a validated commu-
8 nication method. For the purposes of this section, "validated" shall
9 mean that the communication method used is recognized as an appropriate
10 technique that is accepted by authoritative professional organizations,
11 such as the American Speech-Language-Hearing Association (ASHA) and
12 empirical support demonstrating that the method results in independent
13 (not facilitator influenced or cued) communication on the part of the
14 person communicating. The methods described in this section shall
15 specifically exclude scientifically unproven or discredited techniques
16 such as facilitated communication, and all its forms, whereby an
17 external person may influence the content of communication by physical,
18 auditory, or visual means including, but not limited to, holding the
19 person's arm while they type or holding a letterboard while the person
20 points to letters. Independent typing or spelling, that is not dependent
21 on external cuing or influence, and reflects the person's own thoughts
22 and opinions shall be considered an acceptable form of communication.

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

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1 (b) In order to ensure that each person with a disability is able to
2 lead a life of dignity, the commissioner shall include in rules and
3 regulations a statement of the rights of such persons to communicate in
4 their preferred manner and the obligations of all staff and providers
5 under this section, which shall include, but not be limited to:

6 (1) the right to utilize any validated communication method that meets
7 the needs of individuals with disabilities, including but not limited
8 to:

9 (i) augmentative and alternative communication (AAC) techniques and
10 devices;

11 (ii) independent use of letterboards and independent typing-based
12 communication;

13 (iii) sign language and non-verbal gestural systems; and

14 (iv) speech-generating devices or any other validated assistive tech-
15 nology;

16 (2) the right to have such individual's communication method recog-
17 nized and supported in schools, community residences, and public insti-
18 tutions;

19 (3) the right to speech therapy and communication support by duly
20 licensed professionals without arbitrary restrictions;

21 (4) the right to have at least one trained staff member available in
22 every facility or program to support individuals who require specialized
23 communication assistance;

24 (5) the right to receive appropriate communication supports from
25 trained staff, including direct support professionals (DSPs), educators,
26 and healthcare providers; and

27 (6) the right to experience no restrictions or bans on an individual
28 with disabilities' validated communication method.

29 § 2. This act shall take effect on the one hundred eightieth day after
30 it shall have become a law.