

STATE OF NEW YORK

788

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public health law, in relation to health care agents and proxies, decisions under the family health care decisions act, and nonhospital orders not to resuscitate; and to repeal certain provisions of the public health law relating thereto

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

1 Section 1. The opening paragraph of section 2992 of the public health
2 law, as amended by a chapter of the laws of 2024 amending the public
3 health law relating to making technical, minor and coordinating amend-
4 ments regarding health care agents and proxies, decisions under the
5 family health care decisions act, and nonhospital orders not to resusci-
6 tate, as proposed in legislative bills numbers S. 3283-A and A. 7184-A,
7 is amended to read as follows:

8 The health care provider or guardian of the principal under article
9 eighty-one of the mental hygiene law or article seventeen-A of the
10 surrogate's court procedure act, members of the principal's family, a
11 close friend of the principal as defined in subdivision four of section
12 twenty-nine hundred ninety-four-a of this chapter, or the commissioner,
13 the commissioner of mental health, or the commissioner of developmental
14 disabilities may commence a special proceeding pursuant to article four
15 of the civil practice law and rules, in a court of competent jurisdic-
16 tion, with respect to any dispute arising under this article, including,
17 but not limited to, a proceeding to:

18 § 2. Paragraph (b) of subdivision 3 of section 2994-e of the public
19 health law, as amended by a chapter of the laws of 2024 amending the
20 public health law relating to making technical, minor and coordinating
21 amendments regarding health care agents and proxies, decisions under the
22 family health care decisions act, and nonhospital orders not to resusci-

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

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1 tate, as proposed in legislative bills numbers S. 3283-A and A. 7184-A,
2 is amended to read as follows:

3 (b) If the hospital can with reasonable efforts ascertain the identity
4 of the parents or guardian of an emancipated minor patient and obtain
5 such parents' or guardian's contact information, the hospital shall
6 ~~[make diligent efforts to]~~ notify such persons, and ~~[documents]~~ document
7 such ~~[diligent efforts]~~ notification in the patient's medical record,
8 prior to withholding or withdrawing life-sustaining treatment pursuant
9 to this subdivision.

10 § 3. Subdivision 12 of section 2994-aa of the public health law is
11 REPEALED.

12 § 4. Subdivisions 2 and 6 of section 2994-dd of the public health law,
13 as amended by a chapter of the laws of 2024 amending the public health
14 law relating to making technical, minor and coordinating amendments
15 regarding health care agents and proxies, decisions under the family
16 health care decisions act, and nonhospital orders not to resuscitate, as
17 proposed in legislative bills numbers S. 3283-A and A. 7184-A, are
18 amended to read as follows:

19 2. A nonhospital order not to resuscitate shall be issued upon a stan-
20 dard form prescribed by the commissioner. A standard bracelet or other
21 article ~~[that]~~ may be worn by a patient with a nonhospital order not to
22 resuscitate to identify that status; provided, however, that no person
23 may require a patient to wear such ~~[a bracelet]~~ an article and that no
24 person may require a patient to wear such ~~[a bracelet]~~ an article as a
25 condition for honoring a nonhospital order not to resuscitate or for
26 providing health care services.

27 6. The commissioner may authorize the use of one or more alternative
28 forms for issuing a nonhospital order not to resuscitate (in place of
29 the standard form prescribed by the commissioner under subdivision two
30 of this section). Such alternative form or forms may also be used to
31 issue a non-hospital do not intubate order. Any such alternative forms
32 intended for use for persons with developmental disabilities or persons
33 with mental illness who are incapable of making their own health care
34 decisions or who have a guardian of the person appointed pursuant to
35 article eighty-one of the mental hygiene law or article seventeen-A of
36 the surrogate's court procedure act must also be approved by the commis-
37 sioner of developmental disabilities or the commissioner of mental
38 health, as appropriate. An alternative form under this subdivision shall
39 otherwise conform with applicable federal and state law. This subdivi-
40 sion does not limit, restrict or impair the use of an alternative form
41 for issuing an order not to resuscitate in a general hospital or resi-
42 dential health care facility under article twenty-eight of this chapter
43 or a hospital under subdivision ten of section 1.03 of the mental
44 hygiene law ~~[or a developmental disabilities services office under~~
45 ~~section 13.17 of the mental hygiene law]~~ or a facility certified or
46 operated by the office for people with developmental disabilities.

47 § 5. This act shall take effect on the same date and in the same
48 manner as a chapter of the laws of 2024 amending the public health law
49 relating to making technical, minor and coordinating amendments regard-
50 ing health care agents and proxies, decisions under the family health
51 care decisions act, and nonhospital orders not to resuscitate, as
52 proposed in legislative bills numbers S. 3283-A and A. 7184-A, takes
53 effect.