S T A T E O F N E W Y O R K

8808

2009-2010 Regular Sessions

I N A S S E M B L Y

June 10, 2009

Introduced by M. of A. ESPAILLAT -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to requiring that any municipality having a police department or police district shall provide substance abuse and alcohol abuse counseling and treatment for its police officers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general municipal law is amended by adding a new section 209-ff to read as follows:

S 209-FF. SUBSTANCE AND ALCOHOL ABUSE COUNSELING AND TREATMENT FOR POLICE OFFICERS. 1. NOTWITHSTANDING ANY LAW, RULE, REGULATION OR CHARTER TO THE CONTRARY, EVERY MUNICIPALITY WHICH HAS A POLICE DEPARTMENT OR POLICE DISTRICT SHALL PROVIDE SUBSTANCE ABUSE AND ALCOHOL ABUSE COUNSELING AND TREATMENT FOR POLICE OFFICERS EMPLOYED BY SUCH MUNICIPALITY UPON APPLICATION BY ANY SUCH OFFICER FOR SUCH TREATMENT. IF SUCH COUNSELING OR TREATMENT IS PROVIDED BY A PERSON OR ORGANIZATION WHICH IS NOT PART OF THE MUNICIPAL GOVERNMENT, THE APPLYING POLICE OFFICER MUST USE ANY HEALTH INSURANCE WHICH HE OR SHE HAS TO COVER THE COST OF SUCH COUNSELING OR TREATMENT SO FAR AS IS POSSIBLE. ANY COSTS NOT COVERED BY SUCH INSURANCE SHALL BE PAID BY THE MUNICIPALITY.

2. EMPLOYERS, LABORATORIES AND THE AGENTS THEREOF WHO RECEIVE OR HAVE ACCESS TO INFORMATION CONCERNING COUNSELING OR TREATMENT OF A POLICE OFFICER FOR SUBSTANCE ABUSE OR ALCOHOL ABUSE SHALL KEEP SUCH INFORMATION CONFIDENTIAL. EXCEPT WHERE THE RELEASE OF SUCH INFORMATION IS COMPELLED BY SUBPOENA OR COURT ORDER, AND SUCH INFORMATION SHALL BE RELEASED ONLY UPON WRITTEN CONSENT VOLUNTARILY EXECUTED BY THE EMPLOYEE.

3. NOTHING IN THIS SUBDIVISION SHALL SUPERCEDE ANY COLLECTIVE BARGAINING AGREEMENT IN EFFECT ON THE EFFECTIVE DATE OF THIS SECTION. NO COLLECTIVE BARGAINING AGREEMENT MADE AFTER THE EFFECTIVE DATE OF THIS SECTION SHALL NEGATE THE PROVISIONS OF THIS SUBDIVISION, NOR SHALL

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

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ANYTHING IN THIS SECTION PROHIBIT, AS A SUBJECT OF COLLECTIVE BARGAINING, THE ESTABLISHMENT OF A PROGRAM WHICH COMPLIES WITH THE TERMS OF THIS SUBDIVISION.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.