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

11273--A

I N A S S E M B L Y

May 25, 2010

Introduced by M. of A. LAVINE -- read once and referred to the Committee on Insurance -- reference changed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the family court act, in relation to youth drug and alcohol detoxification; to amend the mental hygiene law, in relation to reports on chemical dependence; to amend the insurance law, in relation to providing benefits for treatment of chemical dependency in certain health insurance plans; and to amend the judiciary law, in relation to adopting rules for independent alcoholism and substance abuse counselors

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

Section 1. This act shall be known and may be cited as "Denise's law".

S 2. Subdivisions 3 and 4 of section 720 of the family court act, subdivision 3 as amended and subdivision 4 as added by chapter 419 of the laws of 1987, are amended and a new subdivision 6 is added to read as follows:

3. Detention of a person alleged to be or adjudicated as a person in need of supervision shall be authorized only in a detention facility certified by the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES except as provided in [subdivision] SUBDIVISIONS four AND SIX of this section.

4. Whenever detention is authorized and ordered pursuant to this article, OTHER THAN IN ACCORDANCE WITH SUBDIVISION SIX OF THIS SECTION, for a person alleged to be or adjudicated as a person in need of supervision, a family court in a city having a population of one million or more shall, notwithstanding any other provision of law, direct detention in a foster care facility established and maintained pursuant to the social services law. In all other respects, the detention of such a person in a foster care facility shall be subject to the identical terms and conditions for detention as are set forth in this article and in section two hundred thirty-five of this act.

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

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6. WHERE THE COURT ISSUES AN EMERGENCY ORDER FOR IN-PATIENT DETOXIFICATION SERVICES FOR CHEMICAL DEPENDENCE PURSUANT TO SECTION SEVEN HUNDRED THIRTY-NINE OF THIS ARTICLE, SUCH SERVICES SHALL BE PROVIDED IN A NON-SECURE FACILITY CERTIFIED OR LICENSED BY THE STATE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES TO PROVIDE SUCH SERVICES TO CHEMICALLY DEPENDENT JUVENILES UNDER THE AGE OF EIGHTEEN IN ACCORDANCE WITH ARTICLE NINETEEN OF THE MENTAL HYGIENE LAW.

S 3. Section 732 of the family court act is amended by adding a new closing paragraph to read as follows:

A PETITION HEREUNDER MAY INCLUDE A REQUEST THAT THE COURT ISSUE AN EMERGENCY ORDER FOR THE RESPONDENT TO RECEIVE IMMEDIATE IN-PATIENT DETOXIFICATION SERVICES FOR CHEMICAL DEPENDENCE PURSUANT TO SECTION SEVEN HUNDRED THIRTY-NINE OF THIS PART.

S 4. Subdivisions (d) and (e) of section 733 of the family court act, subdivision (d) as amended by chapter 920 of the laws of 1982 and subdivision (e) as amended by chapter 398 of the laws of 1983, are amended and a new subdivision (f) is added to read as follows:

(d) the recognized agents of any duly authorized agency, association, society or institution; [or]

(e) the presentment agency that consented to substitute a petition alleging the person is in need of supervision for a petition alleging, that the person is a juvenile delinquent pursuant to section 311.4[.]; OR

(F) IN A PROCEEDING THAT SEEKS A DETERMINATION THAT THE RESPONDENT IS IN NEED OF TREATMENT FOR CHEMICAL DEPENDENCE, ONLY A PARENT OR OTHER PERSON LEGALLY RESPONSIBLE FOR THE CARE OF SUCH RESPONDENT.

S 5. Subdivision (g) of section 735 of the family court act, as added by section 7 of part E of chapter 57 of the laws of 2005, is amended to read as follows:

(g) (i) The designated lead agency shall promptly give written notice to the potential petitioner whenever attempts to prevent the filing of a petition have terminated, and shall indicate in such notice whether efforts were successful. The notice shall also detail the diligent attempts made to divert the case if a determination has been made that there is no substantial likelihood that the youth will benefit from further attempts. No persons in need of supervision petition may be filed pursuant to this article during the period the designated lead agency is providing diversion services. A finding by the designated lead agency that the case has been successfully diverted shall constitute presumptive evidence that the underlying allegations have been successfully resolved in any petition based upon the same factual allegations. No petition may be filed pursuant to this article by the parent or other person legally responsible for the youth where diversion services have been terminated because of the failure of the parent or other person legally responsible for the youth to consent to or actively participate.

(ii) [The] EXCEPT AS PROVIDED IN PARAGRAPH (III) OF THIS SUBDIVISION, THE clerk of the court shall accept a petition for filing only if it has attached thereto the following NOTICES:

(A) if the potential petitioner is the parent or other person legally responsible for the youth, a notice from the designated lead agency indicating there is no bar to the filing of the petition as the potential petitioner consented to and actively participated in diversion services; and

(B) a notice from the designated lead agency stating that it has terminated diversion services because it has determined that there is no substantial likelihood that the youth and his or her family will benefit

from further attempts, and that the case has not been successfully diverted.

(III) THE CLERK OF THE COURT SHALL ACCEPT A PETITION FOR FILING IF IT INCLUDES A REQUEST THAT THE COURT ISSUE AN EMERGENCY ORDER FOR THE POTENTIAL RESPONDENT TO RECEIVE IMMEDIATE IN-PATIENT DETOXIFICATION SERVICES FOR CHEMICAL DEPENDENCE PURSUANT TO SECTION SEVEN HUNDRED THIRTY-NINE OF THIS PART.

S 6. Section 739 of the family court act is amended by adding a new subdivision (d) to read as follows:

(D)(I) WHERE A PETITION HAS BEEN FILED UNDER SECTION SEVEN HUNDRED THIRTY-TWO OF THIS PART AND SUCH PETITION REQUESTS ISSUANCE OF AN EMERGENCY ORDER FOR THE POTENTIAL RESPONDENT TO RECEIVE IMMEDIATE IN-PATIENT DETOXIFICATION SERVICES FOR CHEMICAL DEPENDENCE, THE COURT, IF IT FINDS ON THE BASIS OF SWORN TESTIMONY BY THE RESPONDENT'S PARENT OR OTHER PERSON LEGALLY RESPONSIBLE FOR HIS OR HER CARE AND/OR ANY OTHER EVIDENCE THAT THE RESPONDENT MAY BE INCAPACITATED BY A CHEMICAL SUBSTANCE OR SUBSTANCES TO THE DEGREE THAT THERE IS A LIKELIHOOD OF HARM TO HIM OR HER, OR TO OTHERS, SHALL REFER THE RESPONDENT FOR AN IMMEDIATE ASSESSMENT BY AN INDEPENDENT CERTIFIED ALCOHOLISM OR SUBSTANCE ABUSE COUNSELOR, AS DEFINED BY SUBDIVISION (D) OF SECTION 19.07 OF THE MENTAL HYGIENE LAW, WHO HAS HAD TRAINING OR EXPERIENCE IN TREATMENT AND DIAGNOSIS OF CHEMICAL DEPENDENCE IN JUVENILES UNDER THE AGE OF EIGHTEEN. SUCH COUNSELOR SHALL BE AN EMPLOYEE OF STATE OR LOCAL GOVERNMENT AND MAY NOT BE EMPLOYED BY, OR HAVE FINANCIAL OR OTHER INTERESTS IN, ANY CHEMICAL DEPENDENCE DETOXIFICATION OR TREATMENT PROGRAM THAT PROVIDES CARE OR SERVICES TO JUVENILES UNDER THIS ARTICLE; EXCEPT THAT A COUNSELOR MAY BE EMPLOYED BY SUCH A PROGRAM, PROVIDED THAT HE OR SHE HAS NO OTHER FINANCIAL INTEREST THEREIN, WHERE THE COURT DETERMINES IN A MANNER NOT INCONSISTENT WITH RULES OF THE CHIEF ADMINISTRATOR OF THE COURTS, PROMULGATED PURSUANT TO PARAGRAPH (S) OF SUBDIVISION TWO OF SECTION TWO HUNDRED TWELVE OF THE JUDICIARY LAW, THAT THERE IS NO OTHERWISE AVAILABLE COUNSELOR WHO DOES NOT HAVE ANY FINANCIAL INTEREST IN SUCH PROGRAM.

(II) UPON THE COMPLETION OF SUCH ASSESSMENT, THE COURT SHALL HOLD A HEARING AT WHICH THE INDEPENDENT CERTIFIED ALCOHOLISM OR SUBSTANCE ABUSE COUNSELOR SHALL TESTIFY AND MAKE HIS OR HER REPORT TO THE COURT, WHICH SHALL INCLUDE A DETERMINATION AS TO THE FOLLOWING:

(A) WHETHER THE RESPONDENT APPEARED TO BE INCAPACITATED AT THE TIME OF THE ASSESSMENT BY REASON OF A DEPENDENCE UPON A NAMED CHEMICAL SUBSTANCE OR SUBSTANCES;

(B) WHETHER, ON ACCOUNT OF SUCH INCAPACITATION, THERE IS A LIKELIHOOD OF HARM TO THE RESPONDENT OR TO OTHERS UNLESS THE RESPONDENT RECEIVES EMERGENCY DETOXIFICATION SERVICES FOR SUCH CHEMICAL DEPENDENCE; AND, IF HE OR SHE DETERMINES THERE IS SUCH A LIKELIHOOD, THE COUNSELOR SHALL RECOMMEND THE LEVEL OF CARE REQUIRED FOR SUCH SERVICES, WHETHER OR NOT SUCH SERVICES MUST BE PROVIDED IN AN IN-PATIENT FACILITY PROVIDING FULL-TIME MEDICAL SUPERVISION AND ANY OTHER FACTORS OF WHICH THE COURT SHOULD TAKE ACCOUNT IN MAKING ITS ORDER HEREUNDER;

(C) IF THE COUNSELOR RECOMMENDS THAT SERVICES BE PROVIDED IN AN IN-PATIENT FACILITY, WHETHER THERE IS SUCH A FACILITY IN THE COUNTY IN WHICH THE COURT IS LOCATED THAT MEETS THE CRITERIA SPECIFIED IN SUBDIVISION SIX OF SECTION SEVEN HUNDRED TWENTY OF THIS ARTICLE AND THAT IS AVAILABLE AND WILLING TO ACCEPT THE RESPONDENT FOR IMMEDIATE SERVICES; PROVIDED THAT FOR PURPOSES OF SUBPARAGRAPH (D) OF THIS PARAGRAPH, COUNTIES COMPRISING A CITY WITH A POPULATION OF ONE MILLION OR MORE SHALL BE TREATED AS A SINGLE COUNTY; AND

(D) IF THE COUNSELOR RECOMMENDS THAT SERVICES BE PROVIDED IN AN IN-PATIENT FACILITY, AND REPORTS THAT THERE IS NO FACILITY IN THE COUNTY IN WHICH THE COURT IS LOCATED THAT MEETS THE CRITERIA SPECIFIED IN SUBDIVISION SIX OF SECTION SEVEN HUNDRED TWENTY OF THIS ARTICLE AND THAT IS AVAILABLE AND WILLING TO ACCEPT THE RESPONDENT FOR IMMEDIATE SERVICES, THE COUNSELOR SHALL REPORT TO THE COURT ON WHETHER A FACILITY IS AVAILABLE AND WILLING TO ACCEPT THE RESPONDENT WITHIN THIS STATE IN THE FOLLOWING ORDER OF PRECEDENCE:

(1) A FACILITY IN ANOTHER COUNTY CONTIGUOUS TO SUCH COUNTY;

(2) A FACILITY IN ANOTHER COUNTY SERVED BY THE FIELD OFFICE OF THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES SERVING SUCH COUNTY; OR

(3) A FACILITY IN ANY OTHER COUNTY.

(III) THE COUNSELOR SHALL BE SUBJECT TO CROSS EXAMINATION AT THE HEARING HELD PURSUANT TO PARAGRAPH (II) OF THIS SUBDIVISION.

(IV) FOLLOWING THE HEARING HELD PURSUANT TO PARAGRAPH (II) OF THIS SUBDIVISION AND UPON A FINDING OF FACTS AND REASONS THAT RESPONDENT REQUIRES EMERGENCY DETOXIFICATION SERVICES FOR A CHEMICAL DEPENDENCE ON AN IN-PATIENT BASIS, THE COURT SHALL ORDER SUCH SERVICES, UNLESS THE RESPONDENT, UPON CONSULTATION WITH HIS OR HER ATTORNEY, AGREES TO ACCEPT SUCH SERVICES VOLUNTARILY IN ACCORDANCE WITH SECTION 22.11 OF THE MENTAL HYGIENE LAW. WHETHER EMERGENCY DETOXIFICATION SERVICES ARE ORDERED BY THE COURT OR ACCEPTED VOLUNTARILY BY THE RESPONDENT, AND REGARDLESS OF THE BASIS UPON WHICH SUCH SERVICES ARE TO BE PROVIDED, THE COURT SHALL ADJOURN THE PROCEEDING FOR NOT MORE THAN THREE DAYS. THE COURT MAY ADVANCE THE MATTER UPON APPLICATION BY THE FACILITY OR PROGRAM PROVIDING SUCH SERVICES OR BY ANY PARTY.

(V) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (IV) OF THIS SUBDIVISION, A COURT SHALL NOT ORDER EMERGENCY DETOXIFICATION SERVICES HEREUNDER UNLESS, IN ITS FINDING OF FACTS AND REASONS, IT COMPLIES WITH SUBDIVISIONS (A) AND (C) OF THIS SECTION.

S 7. Subdivision (b) of section 742 of the family court act, as amended by section 9 of part E of chapter 57 of the laws of 2005, is amended to read as follows:

(b) At the initial appearance of the respondent, the court shall review any termination of diversion services pursuant to such section, and the documentation of diligent attempts to provide appropriate services and determine whether such efforts or services provided are sufficient [and]. THE COURT may, AT ANY TIME, subject to the provisions of section seven hundred forty-eight of this [article] PART, order that additional diversion attempts be undertaken by the designated lead agency, INCLUDING, BUT NOT LIMITED TO, UPON THE RESPONDENT'S APPEARANCE IN COURT FOLLOWING THE PROVISION OF EMERGENCY IN-PATIENT OR OUT-PATIENT DETOXIFICATION SERVICES FOR CHEMICAL DEPENDENCE IN ACCORDANCE WITH SECTION SEVEN HUNDRED THIRTY-NINE OF THIS ARTICLE. The court may order the youth and the parent or other person legally responsible for the youth to participate in diversion services. If the designated lead agency thereafter determines that [the] A case REFERRED FOR DIVERSION EFFORTS UNDER THIS SECTION has been successfully resolved, it shall so notify the court, and the court shall dismiss the petition.

S 8. Section 746 of the family court act, as amended by chapter 920 of the laws of 1982, is amended to read as follows:

S 746. Sequence of hearings. Upon completion of the fact-finding hearing the dispositional hearing may commence immediately after the required findings are made, PROVIDED, HOWEVER, THAT IN ANY CASE IN WHICH (I) THE DISCHARGE PLAN FROM ANY PROGRAM OR FACILITY IN WHICH THE

RESPONDENT RECEIVED EMERGENCY DETOXIFICATION SERVICES PURSUANT TO SECTION SEVEN HUNDRED THIRTY-NINE OF THIS ARTICLE RECOMMENDS TREATMENT FOR CHEMICAL DEPENDENCE, AND (II) THE FACT-FINDING INCLUDES A DETERMINATION BY THE COURT THAT THE RESPONDENT IS BEYOND THE CONTROL OF THE PARENT OR GUARDIAN BY REASON OF SUCH CHEMICAL DEPENDENCE, THE DISPOSITIONAL HEARING SHALL BE ADJOURNED PENDING COMPLETION OF A PROBATION INVESTIGATION, DIAGNOSTIC ASSESSMENT AND CHEMICAL DEPENDENCE EVALUATION.

S 9. Subdivisions (a) and (b) of section 749 of the family court act, subdivision (a) as amended by chapter 237 of the laws of 1991 and subdivision (b) as amended by chapter 806 of the laws of 1973, are amended to read as follows:

(a) Upon or after a fact-finding hearing, the court may, upon its own motion or upon a motion of a party to the proceeding, order that the proceeding be "adjourned in contemplation of dismissal".

(I) An adjournment in contemplation of dismissal is an adjournment of the proceeding, for a period not to exceed six months with a view to ultimate dismissal of the petition in furtherance of justice. Upon issuing such an order, upon such permissible terms and conditions as the rules of court shall define, the court must release the [individual] RESPONDENT, EXCEPT AS PROVIDED BY PARAGRAPH (II) OF THIS SUBDIVISION.

(II) THE COURT MAY, AS A CONDITION OF AN ADJOURNMENT IN CONTEMPLATION OF DISMISSAL ORDER, IN CASES WHERE THE RECORD, INCLUDING, BUT NOT LIMITED TO, THE DISCHARGE PLAN FROM A DETOXIFICATION PROGRAM OR FACILITY IN WHICH THE RESPONDENT RECEIVED SERVICES IN ACCORDANCE WITH SECTION SEVEN HUNDRED THIRTY-NINE OF THIS ARTICLE, ESTABLISHES THAT THE RESPONDENT IS IN NEED OF TREATMENT FOR CHEMICAL DEPENDENCE, REQUIRE THE RESPONDENT TO COOPERATE WITH A TREATMENT PROGRAM FOR CHEMICAL DEPENDENCE LICENSED OR APPROVED BY THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES FOR THE TREATMENT OF JUVENILES UNDER THE AGE OF EIGHTEEN IN ACCORDANCE WITH ARTICLE NINETEEN OF THE MENTAL HYGIENE LAW.

(III) The court may, as a condition of an adjournment in contemplation of dismissal order, in cases where the record indicates that the consumption of alcohol may have been a contributing factor, require the respondent to attend and complete an alcohol awareness program established pursuant to [paragraph six-a of subdivision (a) of] section [19.07] 19.15 of the mental hygiene law.

(IV) Upon application of the petitioner, or upon the court's own motion, made at any time during the duration of the order, the court may restore the matter to the calendar. If the proceeding is not so restored, the petition is at the expiration of the order, deemed to have been dismissed by the court in furtherance of justice.

(b) On its own motion, the court may adjourn the proceedings on conclusion of a fact-finding hearing or during a dispositional hearing to enable it to make inquiry into the surroundings, conditions and capacities of the respondent.

(I) WHERE THE ESTABLISHMENT OF THE ALLEGATIONS IN THE PETITION, EITHER UPON A FACT-FINDING HEARING OR UPON ENTRY OF AN ADMISSION OF A RESPONDENT, INCLUDES A DETERMINATION THAT THE RESPONDENT IS IN NEED OF TREATMENT FOR CHEMICAL DEPENDENCE, THE COURT SHALL ADJOURN THE PROCEEDINGS FOR A DIAGNOSTIC ASSESSMENT AND EVALUATION BY AN INDEPENDENT CERTIFIED ALCOHOLISM AND SUBSTANCE ABUSE COUNSELOR AS DEFINED IN SUBDIVISION (D) OF SECTION 19.07 OF THE MENTAL HYGIENE LAW, WHO HAS HAD TRAINING OR EXPERIENCE IN TREATMENT AND DIAGNOSIS OF CHEMICAL DEPENDENCE IN JUVENILES UNDER THE AGE OF EIGHTEEN. SUCH COUNSELOR SHALL BE AN EMPLOYEE OF STATE OR LOCAL GOVERNMENT AND MAY NOT BE EMPLOYED BY, OR HAVE ANY OTHER FINANCIAL INTEREST IN, ANY CHEMICAL DEPENDENCY DETOXIFICATION OR TREAT-

MENT PROGRAM THAT PROVIDES CARE OF SERVICES TO JUVENILES UNDER THIS ARTICLE; EXCEPT THAT A COUNSELOR MAY BE EMPLOYED BY SUCH A PROGRAM, PROVIDED THAT HE OR SHE HAS NO OTHER FINANCIAL INTEREST THEREIN, WHERE THE COURT DETERMINES IN A MANNER NOT INCONSISTENT WITH RULES OF THE CHIEF ADMINISTRATOR OF THE COURTS, PROMULGATED PURSUANT TO PARAGRAPH (S) OF SUBDIVISION TWO OF SECTION TWO HUNDRED TWELVE OF THE JUDICIARY LAW, THAT THERE IS NO OTHERWISE AVAILABLE COUNSELOR WHO DOES NOT HAVE ANY FINANCIAL INTEREST IN SUCH PROGRAM.

(A) SUCH COUNSELOR SHALL MAKE A REPORT, INCLUDING RECOMMENDATIONS AND THE FACTS IN SUPPORT THEREOF, REGARDING WHETHER THE RESPONDENT IS IN NEED OF TREATMENT FOR CHEMICAL DEPENDENCE; IF SO, FOR WHAT SUBSTANCE OR SUBSTANCES AND UNDER WHAT LEVEL OF CARE; WHETHER OUT-PATIENT OR IN-PATIENT; AND IF TREATMENT IS RECOMMENDED, WHETHER THERE IS A PROGRAM OR FACILITY IN THE COUNTY IN WHICH THE COURT IS LOCATED THAT IS AVAILABLE, THAT IS WILLING TO ACCEPT THE RESPONDENT AND IS CERTIFIED OR LICENSED BY THE STATE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES TO PROVIDE SUCH SERVICES TO CHEMICALLY DEPENDENT JUVENILES UNDER THE AGE OF EIGHTEEN IN ACCORDANCE WITH ARTICLE NINETEEN OF THE MENTAL HYGIENE LAW; PROVIDED, THAT FOR THE PURPOSES OF THIS SUBPARAGRAPH AND SUBPARAGRAPH (B) OF THIS PARAGRAPH, COUNTIES COMPRISING A CITY WITH A POPULATION OF ONE MILLION OR MORE SHALL BE TREATED AS A SINGLE COUNTY.

(B) IF THE COUNSELOR REPORTS THAT THERE IS NO FACILITY WITHIN THE COUNTY IN WHICH THE COURT SPECIFIED IN SUBPARAGRAPH (A) OF THIS PARAGRAPH THAT IS AVAILABLE AND WILLING TO ACCEPT THE RESPONDENT, THEN THE COUNSELOR SHALL REPORT TO THE COURT ON WHETHER A FACILITY IS AVAILABLE AND WILLING TO ACCEPT THE RESPONDENT WITHIN THIS STATE IN THE FOLLOWING ORDER OF PRECEDENCE:

(1) A FACILITY IN ANOTHER COUNTY CONTIGUOUS TO SUCH COUNTY;

(2) A FACILITY IN ANOTHER COUNTY SERVED BY THE FIELD OFFICE OF THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES SERVING SUCH COUNTY; OR

(3) A FACILITY IN ANY OTHER COUNTY.

(II) An adjournment [on the court's motion] may not be for a period of more than ten days if the respondent is detained, in which case not more than a total of two such adjournments may be granted in the absence of special circumstances. If the respondent is not detained, an adjournment may be for a reasonable time, but the total number of adjourned days may not exceed two months.

S 10. The section heading and subdivision 2 of section 750 of the family court act, the section heading as added by chapter 878 of the laws of 1976 and subdivision 2 as amended by chapter 41 of the laws of 2010, are amended to read as follows:

Probation reports; probation investigation [and], diagnostic assessment AND CHEMICAL DEPENDENCE EVALUATION.

2. After the completion of the fact-finding hearing and the making of the required findings and prior to the dispositional hearing, the reports or memoranda prepared or obtained by the probation service and furnished to the court shall be made available by the court for examination and copying by the child's counsel or by the respondent if he or she is not represented by counsel. All diagnostic assessments, CHEMICAL DEPENDENCE EVALUATIONS and probation investigation reports shall be submitted to the court at least five court days prior to the commencement of the dispositional hearing. In its discretion the court may except from disclosure a part or parts of the reports or memoranda which are not relevant to a proper disposition, or sources of information which have been obtained on a promise of confidentiality, or any other

portion thereof, disclosure of which would not be in the interest of justice. In all cases where a part or parts of the reports or memoranda are not disclosed, the court shall state for the record that a part or parts of the reports or memoranda have been excepted and the reasons for its action. The action of the court excepting information from disclosure shall be subject to review on any appeal from the order of disposition. If such reports or memoranda are made available to the respondent or his or her counsel, they shall also be made available to the counsel presenting the petition pursuant to section two hundred fifty-four OF THIS CHAPTER and, in the court's discretion, to any other attorney representing the petitioner.

S 11. Section 754 of the family court act is amended by adding a new subdivision 3 to read as follows:

3. (A) WHERE THE COURT HAS DETERMINED, BASED UPON THE TESTIMONY AND REPORT OF THE CERTIFIED ALCOHOLISM AND SUBSTANCE ABUSE COUNSELOR WHO EVALUATED THE RESPONDENT IN ACCORDANCE WITH SUBDIVISION (B) OF SECTION SEVEN HUNDRED FORTY-NINE OF THIS ARTICLE AND OTHER EVIDENCE ADDUCED, THAT RESPONDENT IS IN NEED OF TREATMENT FOR CHEMICAL DEPENDENCE, THE COURT MAY DIRECT, AS A CONDITION OF AN ORDER UNDER PARAGRAPH (B), (C) OR (D) OF SUBDIVISION ONE OF THIS SECTION, THAT THE RESPONDENT COOPERATE WITH A PROGRAM OF TREATMENT FOR CHEMICAL DEPENDENCE. SUCH PROGRAM, WHICH MAY INCLUDE IN-PATIENT, AS WELL AS OUT-PATIENT, CARE, DEPENDING UPON THE LEVEL OF CARE DETERMINED TO BE REQUIRED BY RESPONDENT, MUST BE CERTIFIED OR LICENSED BY THE STATE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES TO PROVIDE SUCH SERVICES TO CHEMICALLY DEPENDENT JUVENILES UNDER THE AGE OF EIGHTEEN IN ACCORDANCE WITH ARTICLE NINETEEN OF THE MENTAL HYGIENE LAW.

(B)(I) IN SELECTING A PROGRAM FOR CHEMICAL DEPENDENCE PURSUANT TO THIS SECTION, THE COURT SHALL CONSIDER THE REPORT OF THE INDEPENDENT ALCOHOLISM AND SUBSTANCE ABUSE COUNSELOR PURSUANT TO PARAGRAPH (B) OF SECTION SEVEN HUNDRED FORTY-NINE OF THIS ARTICLE. EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, THE COURT SHALL SELECT A PROGRAM WITHIN THE COUNTY IN WHICH THE COURT IS LOCATED; PROVIDED THAT FOR PURPOSES OF THIS SUBPARAGRAPH, COUNTIES COMPRISING A CITY WITH A POPULATION OF ONE MILLION OR MORE SHALL BE TREATED AS A SINGLE COUNTY.

(II) IF SUCH REPORT FINDS THAT THERE IS NO FACILITY WITHIN THE COUNTY SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT IS AVAILABLE AND WILLING TO ACCEPT THE RESPONDENT, THEN THE COURT MAY SELECT ANOTHER FACILITY WITHIN THIS STATE IN THE FOLLOWING ORDER OF PRECEDENCE:

(A) A FACILITY IN ANOTHER COUNTY CONTIGUOUS TO SUCH COUNTY;

(B) A FACILITY IN ANOTHER COUNTY SERVED BY THE FIELD OFFICE OF THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES SERVING SUCH COUNTY; OR

(C) A FACILITY IN ANY OTHER COUNTY.

(III) NOTWITHSTANDING ANY CONTRARY PROVISION OF THIS PARAGRAPH, IF THE REPORT DETERMINES THAT THE RESPONDENT MAY HAVE ONE OR MORE CO-OCCURRING DISORDERS, INCLUDING BUT NOT LIMITED TO A MENTAL HEALTH DISORDER, AND THAT THERE IS A FACILITY DUALLY LICENSED BY THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES AND ANOTHER STATE OFFICE OR AGENCY, WHICH FACILITY IS AVAILABLE AND WILLING TO ACCEPT THE RESPONDENT AND CAN PROVIDE BOTH CHEMICAL DEPENDENCE TREATMENT SERVICES AND SERVICES APPROPRIATE TO SUCH CO-OCCURRING DISORDER OR DISORDERS, THEN THE COURT MAY SELECT SUCH PROGRAM; PROVIDED, THAT THE COURT SHALL MAKE REASONABLE EFFORTS TO SELECT THE PROGRAM LOCATED MOST PROXIMATE TO THE COUNTY IN WHICH SUCH COURT IS LOCATED.

(C) WHERE AN ORDER FOR CHEMICAL DEPENDENCE TREATMENT HAS BEEN ENTERED PURSUANT TO THIS PARAGRAPH, THE PROGRAM SHALL SUBMIT A WRITTEN REPORT ON THE RESPONDENT'S PROGRESS NOT MORE THAN EVERY SIXTY DAYS DURING THE PERIOD OF DISPOSITION TO THE COURT, THE RESPONDENT'S ATTORNEY AND PETITIONER.

S 12. Paragraph 2 of subdivision (f) of section 19.15 of the mental hygiene law, as amended by chapter 524 of the laws of 2005, is amended to read as follows:

(2) The office shall on or before the first day of April in each year file a written report with the governor, the temporary president of the senate and the speaker of the assembly summarizing the results of any special system or program directed at the special needs of women and children affected by alcoholism, alcohol abuse, substance abuse, substance dependence, or chemical dependence, INCLUDING CHILDREN WHO ARE THE SUBJECTS OF PROCEEDINGS UNDER ARTICLE SEVEN OF THE FAMILY COURT ACT AND WHO ARE ORDERED INTO DETOXIFICATION AND TREATMENT PROGRAMS FOR CHEMICAL DEPENDENCE. Such report shall include but not be limited to a statistical analysis of the effectiveness of such programs initiated by the office together with suggested legislation deemed necessary or proper for the implementation of new programs or future success and development of existing programs.

S 13. Paragraphs 1 and 2 of subdivision (d) of section 19.07 of the mental hygiene law, as amended by section 5 of part I of chapter 58 of the laws of 2005, are amended to read as follows:

(1) The office shall establish minimum qualifications for counselors in all phases of delivery of services to persons and their families who are suffering from alcohol and/or substance abuse and/or chemical dependence and/or compulsive gambling that shall include, but not be limited to, completion of approved courses of study or equivalent on-the-job experience in alcoholism and substance abuse counseling and/or counseling of compulsive gambling. SUCH COURSES OR EXPERIENCES SHALL INCLUDE TRAINING IN THE TREATMENT AND DIAGNOSIS OF YOUTH SUFFERING FROM ALCOHOL AND/OR SUBSTANCE ABUSE AND/OR CHEMICAL DEPENDENCE.

(i) The office shall establish procedures for issuing, directly or through contract, credentials to counselors who meet minimum qualifications, including the establishment of appropriate fees, and shall further establish procedures to suspend, revoke, or annul such credentials for good cause. Such procedures shall be promulgated by the commissioner by rule or regulation.

(ii) The commissioner shall establish a credentialing board which shall provide advice concerning the credentialing process.

(2) The establishment, with the advice of the advisory council on alcoholism and substance abuse services, of minimum qualifications for counselors in all phases of delivery of services to those suffering from alcoholism, substance and/or chemical abuse and/or dependence and/or compulsive gambling and their families that shall include, but not be limited to, completion of approved courses of study or equivalent on-the-job experience in counseling for alcoholism, substance and/or chemical abuse and/or dependence and/or compulsive gambling, SUCH COURSES OR EXPERIENCES SHALL INCLUDE TRAINING IN THE TREATMENT AND DIAGNOSIS OF YOUTH SUFFERING FROM ALCOHOL AND/OR SUBSTANCE ABUSE AND/OR CHEMICAL DEPENDENCE and issue credentials to counselors who meet minimum qualifications and suspend, revoke, or annul such credentials for good cause in accordance with procedures promulgated by the commissioner by rule or regulation.

S 14. Paragraphs 6 and 7 of subsection (l) of section 3221 of the insurance law, paragraph 6 as amended by chapter 558 of the laws of 1999 and paragraph 7 as amended by chapter 565 of the laws of 2000, are amended and a new paragraph 7-a is added to read as follows:

(6) (A) Every insurer delivering a group or school blanket policy or issuing a group or school blanket policy for delivery, in this state, which provides coverage for inpatient hospital care must make available and, if requested by the policyholder, provide coverage for the diagnosis and treatment of chemical abuse and chemical dependence, however defined in such policy, provided, however, that the term chemical abuse shall mean and include alcohol and substance abuse and chemical dependence shall mean and include alcoholism and substance dependence, however defined in such policy. Written notice of the availability of such coverage shall be delivered to the policyholder prior to inception of such group policy and annually thereafter, except that this notice shall not be required where a policy covers two hundred or more employees or where the benefit structure was the subject of collective bargaining affecting persons who are employed in more than one state.

(B) Such coverage shall be at least equal to the following:

(i) with respect to benefits for detoxification as a consequence of chemical dependence, inpatient benefits in a hospital or a detoxification facility may not be limited to less than seven days of active treatment in any calendar year; and

(ii) with respect to benefits for rehabilitation services, such benefits may not be limited to less than thirty days of inpatient care in any calendar year.

(C) Such coverage may be limited to facilities in New York state which are certified by the office of alcoholism and substance abuse services and, in other states, to those which are accredited by the joint commission on accreditation of hospitals as alcoholism, substance abuse or chemical dependence treatment programs.

(D) Such coverage shall be [made available] PROVIDED at the inception of all new policies and with respect to all other policies at any anniversary date of the policy [subject to evidence of insurability].

(E) Such coverage may be subject to annual deductibles and co-insurance as may be deemed appropriate by the superintendent and are consistent with those imposed on other benefits within a given policy. [Further, each insurer shall report to the superintendent each year the number of contract holders to whom it has issued policies for the inpatient treatment of chemical dependence, and the approximate number of persons covered by such policies.]

(F) Such coverage shall not replace, restrict or eliminate existing coverage provided by the policy.

(7) Every insurer delivering a group or school blanket policy or issuing a group or school blanket policy for delivery in this state which provides coverage for inpatient hospital care must provide coverage for at least sixty outpatient visits in any calendar year AND CARE for the diagnosis and treatment of chemical dependence [of which up to twenty may be for family members, except that this]. THIS provision shall not apply to a policy which covers persons employed in more than one state or the benefit structure of which was the subject of collective bargaining affecting persons who are employed in more than one state. Such coverage may be limited to facilities in New York state certified by the office of alcoholism and substance abuse services or licensed by such office as outpatient clinics or medically supervised ambulatory substance abuse programs and, in other states, to those which are

accredited by the joint commission on accreditation of hospitals as alcoholism or chemical dependence treatment programs. Such coverage may be subject to annual deductibles and co-insurance as may be deemed appropriate by the superintendent and are consistent with those imposed on other benefits within a given policy. Such coverage shall not replace, restrict, or eliminate existing coverage provided by the policy. Except as otherwise provided in the applicable policy or contract, no insurer delivering a group or school blanket policy or issuing a group or school blanket policy providing coverage for alcoholism or substance abuse services pursuant to this section shall deny coverage to a family member who identifies themself as a family member of a person suffering from the disease of alcoholism, substance abuse or chemical dependency and who seeks treatment as a family member who is otherwise covered by the applicable policy or contract pursuant to this section. The coverage required by this paragraph shall include treatment as a family member pursuant to such family members' own policy or contract provided such family member [(i) does not exceed the allowable number of family visits provided by the applicable policy or contract pursuant to this section, and (ii)] is otherwise entitled to coverage pursuant to this section and such family members' applicable policy or contract.

(7-A) EVERY INSURER DELIVERING A GROUP OR SCHOOL BLANKET POLICY OR ISSUING A GROUP OR SCHOOL BLANKET POLICY FOR DELIVERY IN THIS STATE, WHICH PROVIDES COVERAGE FOR INPATIENT HOSPITAL CARE, SHALL PROVIDE AS PART OF SUCH POLICY COVERAGE FOR THE ASSESSMENT, DIAGNOSIS, AND TREATMENT OF CHEMICAL ABUSE AND CHEMICAL DEPENDENCE PURSUANT TO A FAMILY COURT REFERRAL FOR ASSESSMENT, ORDER OR CONDITION IN CONTEMPLATION OF DISMISSAL REQUIRING SUCH ASSESSMENT, DIAGNOSIS OR TREATMENT, IN A PROCEEDING DESCRIBED BY SUBDIVISION (F) OF SECTION SEVEN HUNDRED THIRTY-THREE OF THE FAMILY COURT ACT. THE TERM CHEMICAL ABUSE SHALL MEAN AND INCLUDE ALCOHOL AND SUBSTANCE ABUSE AND CHEMICAL DEPENDENCE SHALL MEAN AND INCLUDE ALCOHOLISM AND SUBSTANCE DEPENDENCE, HOWEVER DEFINED IN SUCH POLICY.

(A) SUCH COVERAGE SHALL BE AT LEAST EQUAL TO THE FOLLOWING:

(I) WITH RESPECT TO BENEFITS FOR DETOXIFICATION AS A CONSEQUENCE OF CHEMICAL DEPENDENCE, INPATIENT BENEFITS IN A HOSPITAL OR A DETOXIFICATION FACILITY MAY NOT BE LIMITED TO LESS THAN SEVEN DAYS OF ACTIVE TREATMENT IN ANY CALENDAR YEAR; AND

(II) WITH RESPECT TO BENEFITS FOR REHABILITATION SERVICES, SUCH BENEFITS MAY NOT BE LIMITED TO LESS THAN THIRTY DAYS OF INPATIENT CARE IN ANY CALENDAR YEAR.

(B) SUCH COVERAGE MAY BE LIMITED TO FACILITIES IN NEW YORK STATE WHICH ARE CERTIFIED BY THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES AND, IN OTHER STATES, TO THOSE WHICH ARE ACCREDITED BY THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS AND ALCOHOLISM, SUBSTANCE ABUSE OR CHEMICAL DEPENDENCE TREATMENT PROGRAMS.

(C) SUCH COVERAGE MAY NOT BE SUBJECT TO THE PROVIDER NETWORK REQUIREMENTS OF THE POLICY, IF ANY, WHERE APPLICABLE. AFTER SEVEN CALENDAR DAYS, COVERAGE FOR THE TREATMENT OF CHEMICAL ABUSE AND CHEMICAL DEPENDENCE MAY BE SUBJECT TO UTILIZATION REVIEW OF HEALTH CARE SERVICES, INCLUDING THE REVIEW OF MEDICAL NECESSITY, CASE MANAGEMENT AND OTHER MANAGED CARE PROVISIONS.

(D) SUCH COVERAGE MAY NOT BE SUBJECT TO ANNUAL DEDUCTIBLES BUT MAY BE SUBJECT TO CO-PAYMENTS AND CO-INSURANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND ARE CONSISTENT WITH THOSE IMPOSED ON OTHER BENEFITS WITHIN A GIVEN POLICY.

S 15. Paragraphs 17, 18 and 19 of subsection (b) of section 4322 of the insurance law, as added by chapter 504 of the laws of 1995, are amended to read as follows:

(17) Inpatient diagnosis and treatment of mental, nervous or emotional disorders or ailments up to thirty days per calendar year combined with inpatient treatment of alcoholism [and], substance abuse OR CHEMICAL DEPENDENCE.

(18) Inpatient diagnosis and treatment of alcoholism and alcohol abuse and substance abuse and [substance] CHEMICAL dependence [up to thirty days per calendar year] AND for detoxification [combined with inpatient treatment of mental, nervous or emotional disorders or ailments].

(19) Outpatient diagnosis and treatment of mental, nervous or emotional disorders or ailments [up to thirty non-emergency and three emergency visits per calendar year] AND DISORDERS OF ALCOHOLISM AND ALCOHOL ABUSE AND SUBSTANCE ABUSE AND CHEMICAL DEPENDENCE.

S 16. Subsections (k) and (l) of section 4303 of the insurance law, subsection (k) as amended by chapter 558 of the laws of 1999 and subsection (l) as amended by chapter 565 of the laws of 2000, are amended and a new subsection (l-1) is added to read as follows:

(k) A hospital service corporation or a health service corporation which provides group, group remittance or school blanket coverage for inpatient hospital care [must make available and if requested by the contract holder] SHALL provide AS PART OF SUCH POLICY coverage for the diagnosis and treatment of chemical abuse and chemical dependence, however defined in such policy, provided, however, that the term chemical abuse shall mean and include alcohol and substance abuse and chemical dependence shall mean and include alcoholism and substance dependence, however defined in such policy, except that this provision shall not apply to a policy which covers persons employed in more than one state or the benefit structure of which was the subject of collective bargaining affecting persons who are employed in more than one state. Such coverage shall be at least equal to [the following] COVERAGE PROVIDED FOR OTHER HEALTH CONDITIONS AND SHALL INCLUDE: (1) [with respect to] benefits for detoxification as a consequence of chemical dependence, inpatient benefits for care in a hospital or detoxification facility [may not be limited to less than seven days of active treatment in any calendar year]; and (2) [with respect to] benefits for inpatient rehabilitation services[, such benefits may not be limited to less than thirty days of] AND inpatient rehabilitation in a hospital based or free standing chemical dependence facility in [any calendar year] A HOSPITAL OR REHABILITATION FACILITY. Such coverage may be limited to facilities in New York state which are certified by the office of alcoholism and substance abuse services and, in other states, to those which are accredited by the joint commission on accreditation of hospitals as alcoholism, substance abuse, or chemical dependence treatment programs. Such coverage shall be [made available] PROVIDED at the inception of all new policies and with respect to policies issued before the effective date of this subsection at the first annual anniversary date thereafter, without evidence of insurability [and at any subsequent annual anniversary date subject to evidence of insurability]. Such coverage may be subject to annual deductibles and co-insurance as may be deemed appropriate by the superintendent and are consistent with those imposed on other benefits within a given policy. [Further, each hospital service corporation or health service corporation shall report to the superintendent each year the number of contract holders to whom it has issued policies for the inpatient treatment of chemical dependence, and the

approximate number of persons covered by such policies.] Such coverage shall not replace, restrict or eliminate existing coverage provided by the policy. Written notice of the availability of such coverage shall be delivered to the group remitting agent or group contract holder prior to inception of such contract and annually thereafter, except that this notice shall not be required where a policy covers two hundred or more employees or where the benefit structure was the subject of collective bargaining affecting persons who are employed in more than one state.

(l) A hospital service corporation or a health service corporation which provides group, group remittance or school blanket coverage for inpatient hospital care must provide coverage for at least sixty outpatient visits in any calendar year CARE for the diagnosis and treatment of chemical dependence [of which up to twenty may be for family members, except that this]. THIS provision shall not apply to a contract issued pursuant to section four thousand three hundred five of this article which covers persons employed in more than one state or the benefit structure of which was the subject of collective bargaining affecting persons who are employed in more than one state. Such coverage may be limited to facilities in New York state certified by the office of alcoholism and substance abuse services or licensed by such office as outpatient clinics or medically supervised ambulatory substance abuse programs and, in other states, to those which are accredited by the joint commission on accreditation of hospitals as alcoholism or chemical dependence substance abuse treatment programs. Such coverage may be subject to annual deductibles and co-insurance as may be deemed appropriate by the superintendent and are consistent with those imposed on other benefits within a given policy. Such coverage shall not replace, restrict or eliminate existing coverage provided by the policy. Except as otherwise provided in the applicable policy or contract, no hospital service corporation or health service corporation providing coverage for alcoholism or substance abuse services pursuant to this section shall deny coverage to a family member who identifies themself as a family member of a person suffering from the disease of alcoholism, substance abuse or chemical dependency and who seeks treatment as a family member who is otherwise covered by the applicable policy or contract pursuant to this section. The coverage required by this subsection shall include treatment as a family member pursuant to such family members' own policy or contract provided such family member [(i) does not exceed the allowable number of family visits provided by the applicable policy or contract pursuant to this section, and (ii)] is otherwise entitled to coverage pursuant to this section and such family members' applicable policy or contract.

(L-1) EVERY INSURER DELIVERING A GROUP OR SCHOOL BLANKET POLICY OR ISSUING A GROUP OR SCHOOL BLANKET POLICY FOR DELIVERY IN THIS STATE, WHICH PROVIDES COVERAGE FOR INPATIENT HOSPITAL CARE, SHALL PROVIDE AS PART OF SUCH POLICY COVERAGE FOR THE ASSESSMENT, DIAGNOSIS, AND TREATMENT OF CHEMICAL ABUSE AND CHEMICAL DEPENDENCE PURSUANT TO A FAMILY COURT REFERRAL FOR ASSESSMENT, ORDER OR CONDITION IN CONTEMPLATION OF DISMISSAL REQUIRING SUCH ASSESSMENT, DIAGNOSIS OR TREATMENT, IN A PROCEEDING DESCRIBED BY SUBDIVISION (F) OF SECTION SEVEN HUNDRED THIRTY-THREE OF THE FAMILY COURT ACT. THE TERM CHEMICAL ABUSE SHALL MEAN AND INCLUDE ALCOHOL AND SUBSTANCE ABUSE AND CHEMICAL DEPENDENCE SHALL MEAN AND INCLUDE ALCOHOLISM AND SUBSTANCE DEPENDENCE, HOWEVER DEFINED IN SUCH POLICY.

(1) SUCH COVERAGE SHALL BE AT LEAST EQUAL TO THE FOLLOWING:

(A) WITH RESPECT TO BENEFITS FOR DETOXIFICATION AS A CONSEQUENCE OF CHEMICAL DEPENDENCE, IN PATIENT BENEFITS IN A HOSPITAL OR A DETOXIFICATION FACILITY MAY NOT BE LIMITED TO LESS THAN SEVEN DAYS OF ACTIVE TREATMENT IN ANY CALENDAR YEAR; AND

(B) WITH RESPECT TO BENEFITS FOR REHABILITATION SERVICES, SUCH BENEFITS MAY NOT BE LIMITED TO LESS THAN THIRTY DAYS OF INPATIENT CARE IN ANY CALENDAR YEAR.

(2) SUCH COVERAGE MAY BE LIMITED TO FACILITIES IN NEW YORK STATE WHICH ARE CERTIFIED BY THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES AND, IN OTHER STATES, TO THOSE WHICH ARE ACCREDITED BY THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS AS ALCOHOLISM, SUBSTANCE ABUSE OR CHEMICAL DEPENDENCE TREATMENT PROGRAMS.

(3) SUCH COVERAGE MAY NOT BE SUBJECT TO THE PROVIDER NETWORK REQUIREMENTS OF THE POLICY, IF ANY, WHERE APPLICABLE. AFTER SEVEN CALENDAR DAYS, COVERAGE FOR THE TREATMENT OF CHEMICAL ABUSE AND CHEMICAL DEPENDENCE MAY BE SUBJECT TO UTILIZATION REVIEW OF HEALTH CARE SERVICES, INCLUDING THE REVIEW OF MEDICAL NECESSITY, CASE MANAGEMENT AND OTHER MANAGED CARE PROVISIONS.

(4) SUCH COVERAGE MAY NOT BE SUBJECT TO ANNUAL DEDUCTIBLES BUT MAY BE SUBJECT TO CO-PAYMENTS AND CO-INSURANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND ARE CONSISTENT WITH THOSE IMPOSED ON OTHER BENEFITS WITHIN A GIVEN POLICY.

S 17. Subdivision 2 of section 212 of the judiciary law is amended by adding a new paragraph (s) to read as follows:

(S) ADOPT RULES IN RELATION TO INDEPENDENT ALCOHOLISM AND SUBSTANCE ABUSE COUNSELORS PURSUANT TO SUBDIVISION (D) OF SECTION SEVEN HUNDRED THIRTY-NINE OF THE FAMILY COURT ACT.

S 18. Severability. If any clause, sentence, paragraph, section or part of any provision of this act be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of the provision directly involved in the controversy in which such judgment shall have been rendered.

S 19. This act shall take effect on the one hundred twentieth day after it shall have become a law and shall apply to petitions filed on or after such date; provided, however that the amendments to sections 3221, 4322 and 4303 of the insurance law, made by sections fourteen, fifteen and sixteen of this act, shall apply to policies or contracts issued, renewed, modified, altered or amended on and after such date.