

3125

2009-2010 Regular Sessions

I N   S E N A T E

March 11, 2009

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Introduced by Sen. DIAZ -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

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:

1     Section 1. The general municipal law is amended by adding a new  
2     section 209-ff to read as follows:  
3     S 209-FF. SUBSTANCE AND ALCOHOL ABUSE COUNSELING AND TREATMENT FOR  
4     POLICE OFFICERS. 1. NOTWITHSTANDING ANY LAW, RULE, REGULATION OR CHARTER  
5     TO THE CONTRARY, EVERY MUNICIPALITY WHICH HAS A POLICE DEPARTMENT OR  
6     POLICE DISTRICT SHALL PROVIDE SUBSTANCE ABUSE AND ALCOHOL ABUSE COUN-  
7     SELING AND TREATMENT FOR POLICE OFFICERS EMPLOYED BY SUCH MUNICIPALITY  
8     UPON APPLICATION BY ANY SUCH OFFICER FOR SUCH TREATMENT. IF SUCH COUN-  
9     SELING OR TREATMENT IS PROVIDED BY A PERSON OR ORGANIZATION WHICH IS NOT  
10    PART OF THE MUNICIPAL GOVERNMENT, THE APPLYING POLICE OFFICER MUST USE  
11    ANY HEALTH INSURANCE WHICH HE OR SHE HAS TO COVER THE COST OF SUCH COUN-  
12    SELING OR TREATMENT SO FAR AS IS POSSIBLE. ANY COSTS NOT COVERED BY SUCH  
13    INSURANCE SHALL BE PAID BY THE MUNICIPALITY.  
14    2. EMPLOYERS, LABORATORIES AND THE AGENTS THEREOF WHO RECEIVE OR HAVE  
15    ACCESS TO INFORMATION CONCERNING COUNSELING OR TREATMENT OF A POLICE  
16    OFFICER FOR SUBSTANCE ABUSE OR ALCOHOL ABUSE SHALL KEEP SUCH INFORMATION  
17    CONFIDENTIAL. EXCEPT WHERE THE RELEASE OF SUCH INFORMATION IS COMPELLED  
18    BY SUBPOENA OR COURT ORDER, AND SUCH INFORMATION SHALL BE RELEASED ONLY  
19    UPON WRITTEN CONSENT VOLUNTARILY EXECUTED BY THE EMPLOYEE.  
20    3. NOTHING IN THIS SUBDIVISION SHALL SUPERCEDE ANY COLLECTIVE BARGAIN-  
21    ING AGREEMENT IN EFFECT ON THE EFFECTIVE DATE OF THIS SECTION. NO  
22    COLLECTIVE BARGAINING AGREEMENT MADE AFTER THE EFFECTIVE DATE OF THIS  
23    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.

LBD04858-02-9

1 ANYTHING IN THIS SECTION PROHIBIT, AS A SUBJECT OF COLLECTIVE BARGAIN-  
2 ING, THE ESTABLISHMENT OF A PROGRAM WHICH COMPLIES WITH THE TERMS OF  
3 THIS SUBDIVISION.  
4 S 2. This act shall take effect on the first of January next succeed-  
5 ing the date on which it shall have become a law.