

7998

2011-2012 Regular Sessions

I N A S S E M B L Y

May 25, 2011

Introduced by M. of A. DenDEKKER -- read once and referred to the
Committee on Governmental Operations

AN ACT to amend the executive law, in relation to unlawful discriminatory practices by government agencies relating to persons with attention deficit disorders

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

1 Section 1. The executive law is amended by adding a new section 296-c
2 to read as follows:
3 S 296-C. UNLAWFUL DISCRIMINATORY PRACTICES BY GOVERNMENT AGENCIES
4 RELATING TO PERSONS WITH ATTENTION DEFICIT DISORDERS. 1. FOR THE
5 PURPOSES OF THIS SECTION:
6 (A) "GOVERNMENT AGENCY" SHALL MEAN ANY DEPARTMENT, DIVISION, BOARD,
7 BUREAU, COMMISSION, OFFICE, AGENCY, CORRECTIONAL FACILITY, AUTHORITY OR
8 PUBLIC CORPORATION OF THE STATE OR A COUNTY, CITY, TOWN OR VILLAGE
9 GOVERNMENT OR ANY OTHER INSTRUMENTALITY OF LOCAL GOVERNMENT OR PUBLIC
10 EDUCATIONAL INSTITUTION.
11 (B) "ATTENTION DEFICIT DISORDERS" SHALL MEAN AND INCLUDE ATTENTION
12 DEFICIT DISORDER AND ATTENTION DEFICIT HYPERACTIVITY DISORDER.
13 2. IT SHALL BE AN UNLAWFUL DISCRIMINATORY PRACTICE FOR A GOVERNMENT
14 AGENCY EMPLOYER TO DENY EMPLOYMENT TO A PROSPECTIVE EMPLOYEE SOLELY ON
15 THE BASIS THAT SUCH PROSPECTIVE EMPLOYEE HAS PREVIOUSLY BEEN DIAGNOSED
16 AS HAVING AN ATTENTION DEFICIT DISORDER AND HAS BEEN TREATED FOR SUCH
17 DISORDER WITH PSYCHO-STIMULANTS, SELECTIVE SEROTONIN REUPTAKE INHIBI-
18 TORS, ANTIDEPRESSANTS AND/OR OTHER DRUGS PRESCRIBED FOR SUCH DISORDERS,
19 PROVIDED THAT SUCH PERSON HAS NOT TAKEN SUCH MEDICATION FOR A PERIOD OF
20 ONE YEAR PRIOR TO THE START DATE OF SUCH EMPLOYMENT.
21 S 2. This act shall take effect immediately.

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

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