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I N   A S S E M B L Y

February 25, 2014

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Introduced by M. of A. MAGEE -- read once and referred to the Committee  
on Environmental Conservation

AN ACT to amend the mental hygiene law and the environmental conserva-  
tion law, in relation to the provision of recreational activities for  
individual's with mental illness or a developmental disability

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

1     Section 1. Subdivision (a) of section 7.07 of the mental hygiene law,  
2     as amended by section 1 of part I of chapter 58 of the laws of 2005, is  
3     amended to read as follows:

4     (a) The office of mental health is charged with the responsibility for  
5     assuring the development of comprehensive plans, programs, and services  
6     in the areas of research, prevention, and care, treatment, rehabili-  
7     tation, education, *FOSTERING ENJOYMENT OF RECREATIONAL ACTIVITIES* and  
8     training of the mentally ill. Such plans, programs, and services shall  
9     be developed by the cooperation of the office, the other offices of the  
10    department where appropriate, local governments, consumers and community  
11    organizations and agencies. The office shall provide appropriate facili-  
12    ties and encourage the provision of facilities by local government and  
13    community organizations and agencies.

14    S 2. Subdivision (a) of section 7.15 of the mental hygiene law, as  
15    amended by section 3 of part I of chapter 58 of the laws of 2005, is  
16    amended to read as follows:

17    (a) The commissioner shall plan, promote, establish, develop, coordi-  
18    nate, evaluate, and conduct programs and services of prevention, diagno-  
19    sis, examination, care, treatment, rehabilitation, training, *ENHANCEMENT*  
20    *OF QUALITY OF LIFE* and research for the benefit of the mentally ill.  
21    Such programs shall include but not be limited to in-patient, out-pa-  
22    tient, partial hospitalization, day care, emergency, rehabilitative, and  
23    other appropriate treatments and services. He or she shall take all  
24    actions that are necessary, desirable, or proper to implement the  
25    purposes of this chapter and to carry out the purposes and objectives of  
26    the department within the amounts made available therefor by appropri-  
27    ation, grant, gift, devise, bequest, or allocation from the mental

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

LBD13862-01-4

1 health services fund established under section ninety-seven-f of the  
2 state finance law.

3 S 3. Subdivision (a) of section 13.07 of the mental hygiene law, as  
4 amended by chapter 168 of the laws of 2010, is amended to read as  
5 follows:

6 (a) The office for people with developmental disabilities shall assure  
7 the development of comprehensive plans, programs, and services in the  
8 areas of research, prevention, and care, treatment, habilitation, reha-  
9 bilitation, FOSTERING ENJOYMENT OF RECREATIONAL ACTIVITIES, vocational  
10 and other education, and training of individuals with developmental  
11 disabilities. Such plans, programs, and services shall be developed by  
12 the cooperation of the office, other offices of the department where  
13 appropriate, other state departments and agencies, local governments,  
14 community organizations and agencies providing services to individuals  
15 with developmental disabilities, their families and representatives. It  
16 shall provide appropriate facilities, programs, supports and services  
17 and encourage the provision of facilities, programs, supports and  
18 services by local government and community organizations and agencies.

19 S 4. Subdivision (a) of section 13.15 of the mental hygiene law, as  
20 amended by chapter 37 of the laws of 2011, is amended to read as  
21 follows:

22 (a) The commissioner shall plan, promote, establish, develop, coordi-  
23 nate, evaluate, and conduct programs and services of prevention, diagno-  
24 sis, examination, care, treatment, rehabilitation, training, ENHANCEMENT  
25 OF LIFE and research for the benefit of individuals with developmental  
26 disabilities. Such programs shall include but not be limited to in-pa-  
27 tient, out-patient, partial hospitalization, day care, emergency, reha-  
28 bilitative, and other appropriate treatments and services. He shall take  
29 all actions that are necessary, desirable, or proper to implement the  
30 purposes of this chapter and to carry out the purposes and objectives of  
31 the office within the amounts made available therefor by appropriation,  
32 grant, gift, devise, bequest, or allocation from the mental health  
33 services fund established under section ninety-seven-f of the state  
34 finance law.

35 S 5. Section 11-0707 of the environmental conservation law is amended  
36 by adding a new subdivision 3-a to read as follows:

37 3-A. ANY PERSON WHO HAS A MENTAL ILLNESS OR DEVELOPMENTAL DISABILITY,  
38 AS SUCH TERMS ARE DEFINED IN SECTION 1.03 OF THE MENTAL HYGIENE LAW, MAY  
39 TAKE FISH AS IF HE OR SHE HELD A FISHING LICENSE, EXCEPT THAT HE OR SHE  
40 MAY NOT TAKE BAIT FISH BY NET OR TRAP. SUCH PERSON SHALL BE AUTHORIZED  
41 TO TAKE FISH UPON POSSESSING SOME FORM OF IDENTIFYING INFORMATION THAT  
42 INDICATES SUCH PERSON HAS A MENTAL ILLNESS OR DEVELOPMENTAL DISABILITY.

43 S 6. This act shall take effect on the one hundred twentieth day after  
44 it shall have become a law; provided, however, that effective immediate-  
45 ly, the commissioners of mental health, developmental disabilities and  
46 environmental conservation are authorized and directed to add, amend,  
47 and/or repeal any rule or regulation necessary for the timely implemen-  
48 tation of this act on such effective date.