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

10627

I N A S S E M B L Y

June 8, 2016

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Cusick) -- read once and referred to the Committee on Alcoholism and Drug Abuse

AN ACT to amend the mental hygiene law, in relation to the amount of time persons who are incapacitated by alcohol and/or substances, to the degree that there is a likelihood it will result in harm to the person or others, may be retained without giving consent

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

Section 1. Subdivision (e) of section 22.09 of the mental hygiene law, as added by chapter 558 of the laws of 1999, is amended to read as follows:

(e) A person who is brought with his or her objection to any facility or treatment program in accordance with subdivision (c) of this section shall be examined as soon as possible by an examining physician. If such examining physician determines that such person is incapacitated by alcohol and/or substances to the degree that there is a likelihood to result in harm to the person or others, he or she [may] SHALL be retained for emergency treatment. If the examining physician determines that such person is not incapacitated by alcohol and/or substances to the degree that there is a likelihood to result in harm to the person or others, he or she [must] MAY be released. Notwithstanding any other law, in no event may such person be retained against his or her objection [beyond whichever is the shorter of the following: (i) the time that he or she is no longer incapacitated by alcohol and/or substances to the degree that there is a likelihood to result in harm to the person or others or (ii)] FOR a period longer than [forty-eight] SEVENTY-TWO hours.

1. Every reasonable effort must be made to obtain the person's consent to give prompt notification of a person's retention in a facility or program pursuant to this section to his or her closest relative or friend, and, if requested by such person, to his or her attorney and personal physician, in accordance with federal confidentiality regulations.

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

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2. A person may not be retained pursuant to this section beyond a period of [forty-eight] SEVENTY-TWO hours without his or her consent. Persons suitable therefor may be voluntarily admitted to a chemical dependence program or facility pursuant to this article.

S 2. This act shall take effect immediately.