

1394

2015-2016 Regular Sessions

I N A S S E M B L Y

January 12, 2015

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 conservation 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 ASSEMBLY, 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

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

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1 purposes of this chapter and to carry out the purposes and objectives of  
2 the department within the amounts made available therefor by appropri-  
3 ation, grant, gift, devise, bequest, or allocation from the mental  
4 health services fund established under section ninety-seven-f of the  
5 state finance law.

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

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

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

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

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

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

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