

STATE OF NEW YORK

4113

2017-2018 Regular Sessions

IN ASSEMBLY

February 1, 2017

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 individuals 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 § 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 § 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 § 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 § 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 § 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.