STATE OF NEW YORK

5750

2019-2020 Regular Sessions

IN SENATE

May 14, 2019

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the executive law, in relation to requiring counties to maintain a confidential registry of people of all ages with disabilities for evacuation and sheltering during disasters

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 23-a of the executive law, as added by chapter 658 of the laws of 1996, is amended to read as follows:

§ 23-a. [~~County~~] **Confidential county** registry of [~~disabled persons~~] **people of all ages with disabilities, as that term is defined in subdivision twenty-one of section two hundred ninety-two of this chapter**; notice. 1. In each county having a local [~~disaster preparedness~~] **comprehensive emergency management** plan pursuant to section twenty-three of this article, in order to meet the special needs of persons **of all ages with disabilities** who would need assistance during evacuations and sheltering because of physical or mental [~~handicaps~~] **disabilities**, it [~~is recommended~~] **shall be required** that each chief executive maintain a **confidential** registry of [~~disabled persons~~] **people of all ages with disabilities** located within the county. **People of all ages with disabilities shall be given the option to be included in the registry.** The [~~registration~~] **registry** shall identify those persons in need of assistance and plan for resource allocation to meet those identified needs. To assist the chief executive in identifying such persons, the county department of health, [~~or~~] **and the county department of social services, the county department of mental health,** such other county department or agency as designated by the chief executive, shall provide [~~voluntary~~] **information about the registry and the** registration [~~information~~] **process** to all of its [~~special needs clients~~] **consumers of all ages with disabilities** and to all incoming [~~clients~~] **consumers** as part of the

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

LBD07689-01-9

intake process. The registry shall be updated annually. The registration program shall give [~~disabled persons~~] **such people of all ages with disabilities** the option of pre-authorizing emergency response personnel to enter their homes during search and rescue operations if necessary to assure their safety and welfare during disasters.

2. Upon the establishment of a [~~voluntary~~] **confidential** registry of [~~disabled persons~~] **people of all ages with disabilities** as provided in subdivision one of this section, the chief executive shall make such registry available to the appropriate county, state and federal agencies for their use in delivering services in the event of a local or state disaster. The chief executive shall, upon [~~the~~] request [~~of the state emergency management office~~], provide such registry information to [~~such~~] **the state emergency management** office**, provided that the confidentiality of such information is preserved**. The chief executive may, at his **or her** discretion, use the registry information for local disaster preparedness [~~only~~] in coordination with other political subdivisions of the state**, provided that the confidentiality of such information is preserved**.

3. Upon the establishment of a [~~voluntary~~] **confidential** registry of [~~disabled persons~~] **people of all ages with disabilities** as provided in subdivision one of this section, [~~at least semi-annually,~~] each chief executive shall **annually** cause to be published in a newspaper of general circulation within the county a notice of the availability of the [~~voluntary~~] registration program **and each chief executive shall, in his or her discretion, also provide information about the registry and the registration process to other forms of media, and shall further ensure that information about the registry and the registration process is available on the website of such county**.

4. All records, data, information, correspondence and communications relating to the registration of [~~disabled persons~~] **people of all ages with disabilities** as provided in subdivision one of this section are confidential, except that such information shall be available to other county chief executives for local disaster preparedness only as the chief executive of the county maintaining such registry deems necessary. Provided, however, the individual file of a person having registered with the **confidential** registry of [~~disabled persons~~] **people of all ages with disabilities** shall be made available to that person upon request.

5. All community-based services providers, including home health care providers, shall assist the chief executive by collecting **confidential** registration information for people [~~with special needs~~] **of all ages with disabilities who choose to provide such information** as part of program intake processes, establishing programs to increase the awareness of the registration process, and educating [~~clients~~] **consumers** about the procedures that may be necessary for their safety during disasters.

6. A county shall not be liable for any claim based upon the **reasonable,** good faith exercise or performance or the **reasonable,** good faith failure to exercise or perform a function or duty on the part of any officer or employee in carrying out a local disaster preparedness plan.

§ 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.