STATE OF NEW YORK

6396--B

2021-2022 Regular Sessions

IN ASSEMBLY

March 17, 2021

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Mental Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the mental hygiene law, in relation to providing an authorized police officer or peace officer the ability to request ambulance service

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

Section 1. Section 9.45 of the mental hygiene law, as amended by chapter 723 of the laws of 1989, the opening paragraph as amended by chapter 192 of the laws of 2005, is amended to read as follows:

§ 9.45 Emergency admissions for immediate observation, care, and treatment; powers of directors of community services.

The director of community services or the director's designee shall have the power to direct the removal of any person, within his or her jurisdiction, to a hospital approved by the commissioner pursuant to subdivision (a) of section 9.39 of this article, or to a comprehensive psychiatric emergency program pursuant to subdivision (a) of section 9.40 of this article, if the parent, adult sibling, spouse or child of the person, the committee or legal guardian of the person, a licensed psychologist, registered professional nurse or certified social worker currently responsible for providing treatment services to the person, a supportive or intensive case manager currently assigned to the person by a case management program which program is approved by the office of mental health for the purpose of reporting under this section, a licensed physician, health officer, peace officer or police officer reports to him or her that such person has a mental illness for which immediate care and treatment in a hospital is appropriate and which is

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

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likely to result in serious harm to himself or herself or others. It shall be the duty of peace officers, when acting pursuant to their special duties, or police officers, who are members of an authorized police department or force or of a sheriff's department to assist representatives of such director to take into custody and transport any such person. [~~Upon the request of a director of community services or the director's designee an~~] An ambulance service, as defined in subdivision two of section three thousand one of the public health law, is authorized to transport any such person upon request of a director of community services, the director's designee, a peace officer acting pursuant to their special duties or an authorized police officer on behalf of the director of community services or the director's designee. Such person may then be retained in a hospital pursuant to the provisions of section 9.39 of this article or in a comprehensive psychiatric emergency program pursuant to the provisions of section 9.40 of this article.

§ 2. Section 9.45 of the mental hygiene law, as amended by section 6 of part AA of chapter 57 of the laws of 2021, is amended to read as follows:

§ 9.45 Emergency assessment for immediate observation, care, and treatment; powers of directors of community services.

(a) The director of community services or the director's designee shall have the power to direct the removal of any person, within his or her jurisdiction, to a hospital approved by the commissioner pursuant to subdivision (a) of section 9.39 of this article, or to a comprehensive psychiatric emergency program pursuant to subdivision (a) of section 9.40 of this article, if the parent, adult sibling, spouse or child of the person, the committee or legal guardian of the person, a licensed psychologist, registered professional nurse or certified social worker currently responsible for providing treatment services to the person, a supportive or intensive case manager currently assigned to the person by a case management program which program is approved by the office of mental health for the purpose of reporting under this section, a licensed physician, health officer, peace officer or police officer reports to him or her that such person has a mental illness for which immediate care and treatment is appropriate and which is likely to result in serious harm to himself or herself or others. It shall be the duty of peace officers, when acting pursuant to their special duties, or police officers, who are members of an authorized police department or force or of a sheriff's department to assist representatives of such director to take into custody and transport any such person. [~~Upon the request of a director of community services or the director's designee an~~] An ambulance service, as defined in subdivision two of section three thousand one of the public health law, is authorized to transport any such person upon request of a director of community services, the director's designee, a peace officer acting pursuant to their special duties or an authorized police officer on behalf of the director of community services or the director's designee. Such person may then be retained in a hospital pursuant to the provisions of section 9.39 of this article or in a comprehensive psychiatric emergency program pursuant to the provisions of section 9.40 of this article.

(b) A person otherwise determined to meet the criteria for an emergency assessment pursuant to this section may voluntarily agree to be transported to a crisis stabilization center under section 36.01 of this chapter for care and treatment and, in accordance with this article, an assessment by the crisis stabilization center determines that they are able to meet the service needs of the person.

§ 3. Section 9.45 of the mental hygiene law, as amended by chapter 343 of the laws of 1985, is amended to read as follows:

§ 9.45 Emergency admissions for immediate observation, care, and treatment; powers of directors of community services.

The director of community services or his designee shall have the power to direct the removal of any person, within his jurisdiction, to a hospital approved by the commissioner pursuant to subdivision (a) of section 9.39 of this article if the parent, spouse, or child of the person, a licensed physician, health officer, peace officer or police officer reports to him that such person has a mental illness for which immediate care and treatment in a hospital is appropriate and which is likely to result in serious harm to himself or others, as defined in section 9.39 of this article. It shall be the duty of peace officers, when acting pursuant to their special duties, or police officers, who are members of an authorized police department or force or of a sheriff's department to assist representatives of such director to take into custody and transport any such person. [~~Upon the request of a director of community services or his designee an~~] **An** ambulance service, as defined in subdivision two of section three thousand one of the public health law, is authorized to transport any such person **upon request of a director of community services, the director's designee, a peace officer acting pursuant to their special duties or an authorized police officer on behalf of the director of community services or the director's designee**. Such person may then be retained pursuant to the provisions of section 9.39 of this article.

§ 4. This act shall take effect immediately, provided, however, that section two of this act shall take effect on the same date and in the same manner as section 6 of part AA of chapter 57 of the laws of 2021. Provided further, that the amendments to section 9.45 of the mental hygiene law made by section two of this act shall be subject to the expiration and reversion of such section pursuant to chapter 723 of the laws of 1989, as amended, when upon such date the provisions of section three of this act shall take effect.