STATE OF NEW YORK

8444--A

2021-2022 Regular Sessions

IN ASSEMBLY

November 17, 2021

Introduced by M. of A. GALLAGHER, DICKENS, SIMON, MAMDANI, GOTTFRIED, STIRPE, FORREST -- read once and referred to the Committee on Alcoholism and Drug Abuse -- recommitted to the Committee on Alcoholism and Drug Abuse in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law, in relation to the office of addiction services and supports and tobacco-limited and tobacco-free facilities for treatment

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

Section 1. Subdivision (b) of section 19.21 of the mental hygiene law, as separately amended by chapters 558 and 596 of the laws of 1999, is amended to read as follows:

(b) The office shall redefine and develop, establish, promulgate, and enforce certification, inspection, licensing, and treatment standards for chemical dependence facilities and staff, which shall be applied in addition to any other standards for any other services provided by such facilities, and which shall be applicable to any facility providing or purporting to provide as part or all of a program of services, any services for the alleviation of the conditions of alcoholism, alcohol abuse, substance abuse, substance dependence, chemical abuse, or chemical dependence.

(1) Such standards shall not prohibit any chemical dependence facility from choosing to be a tobacco-limited environment; provided, however, this prohibition shall not apply to prevention, treatment, or recovery services for children, youth and/or young adults, which must remain tobacco-free.

(i) "Tobacco-limited" means prohibiting the use of all tobacco products and nicotine delivery systems in facilities and vehicles owned or operated by the office, while allowing for limited use of certain

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

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tobacco products by patients in designated areas on facility grounds at designated times, in accordance with rules, regulations, and guidance issued by the office.

(ii) "Tobacco-free" means prohibiting the use of all tobacco products in facilities, on grounds, and in vehicles owned or operated by the office.

(2) Where appropriate, such standards shall provide for priority of admission for persons whose children have been placed in foster care or are in jeopardy of being so placed pursuant to article ten of the family court act or article six of the social services law.

§ 2. This act shall take effect immediately.