

# STATE OF NEW YORK

679--A

Cal. No. 90

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. HARCKHAM, HINCHEY, MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Substance Abuse -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

AN ACT to amend the mental hygiene law, in relation to establishing a council for treatment equity within the office of addiction services and supports

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

1 Section 1. The mental hygiene law is amended by adding a new section  
2 19.45 to read as follows:

3 § 19.45 The council for treatment equity.

4 1. Definitions. As used in this section:

5 (a) "Council" shall mean the council for treatment equity created  
6 pursuant to this section which shall consist of a full time director and  
7 any additional full or part-time staff the commissioner deems necessary  
8 to effectuate the provisions of this section.

9 (b) "Treatment equity advisory board" shall mean the advisory board to  
10 the council, created pursuant to subdivision three of this section.

11 (c) "Vulnerable populations" shall mean those who have experienced  
12 injustices and disadvantages as a result of their race, ethnicity, sexu-  
13 al orientation, gender identity, disability status, age, socioeconomic  
14 status and/or any other status which has caused a person to experience  
15 injustices and disadvantages.

16 (d) "Racially and ethnically diverse areas" shall mean counties where  
17 the non-white population is forty percent or more or the service area of  
18 an agency, corporation, facility or individual providing substance use

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

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1 disorder services where the non-white population of said area is forty  
2 percent or more.

3 (e) "Provider of services" shall mean any agency, corporation, facili-  
4 ty or individual providing substance use disorder services to vulnerable  
5 populations.

6 (f) "Treatment disparities" shall mean measurable differences in  
7 access to and quality of substance use disorder services as determined  
8 by race, ethnicity, sexual orientation, gender identity, disability  
9 status, age and socioeconomic status.

10 (g) "Treatment equity" shall mean achieving the highest level of  
11 substance use disorder services for all people and shall entail focused  
12 efforts to address avoidable inequalities by equalizing those conditions  
13 for substance use disorder services for those that have experienced  
14 injustices and socioeconomic disadvantages.

15 2. The council for treatment equity. There is hereby created a council  
16 for treatment equity. The council, in conjunction with the treatment  
17 equity advisory board, shall have the following powers and duties:

18 (a) Work collaboratively with the office, other relevant state agen-  
19 cies, the local governmental unit as defined in article forty-one of  
20 this chapter and other affected stakeholders, including, but not limited  
21 to, providers to and representatives of vulnerable populations, in order  
22 to set priorities to achieve treatment equity in both racial and  
23 ethnically diverse areas and for vulnerable populations throughout the  
24 state;

25 (b) Analyze collected data to determine the causes of treatment  
26 disparities in both racially and ethnically diverse areas and for  
27 vulnerable populations throughout the state, including any economic,  
28 physical, social or cultural barriers;

29 (c) Develop and implement strategies aimed at achieving treatment  
30 equity in racially and ethnically diverse areas and among vulnerable  
31 populations;

32 (d) Promote community involvement by conducting promotional and educa-  
33 tional outreach programs regarding substance use disorders and available  
34 services; and

35 (e) Review the impact of current laws, rules, regulations, policies  
36 and programs that may be affecting the ability to achieve treatment  
37 equity.

38 3. The treatment equity advisory board. (a) The treatment equity advi-  
39 sory board shall consist of thirteen members. Six members shall be  
40 appointed by the governor, three members appointed by the temporary  
41 president of the senate, three members appointed by the speaker of the  
42 assembly and the final member shall be the chairperson of the conference  
43 of local mental hygiene directors, or his or her designee. The chair-  
44 person of the board shall be the commissioner or their designee.

45 (b) The members of the board shall be from the community with exper-  
46 tise in conducting substance use disorder services. In making such  
47 appointments, due consideration shall be given to ensuring adequate  
48 geographic representation.

49 (c) The term of office for each member of the treatment equity advi-  
50 sory board shall be two years. Vacancies in the treatment equity advi-  
51 sory board, other than by expiration of a term, shall be filled for the  
52 remainder of the unexpired term in the same manner as original appoint-  
53 ments.

54 (d) The members of the treatment equity advisory board shall receive  
55 no compensation for their services, but shall be reimbursed for all  
56 expenses actually and necessarily incurred by them in the performance of

1 their duties under this section within the amount made available by  
2 appropriation therefor.

3 4. Report. The council shall submit a written report to the governor,  
4 the temporary president of the senate and the speaker of the assembly no  
5 later than one year succeeding the effective date of this section and  
6 annually thereafter, setting forth the findings, recommendations and  
7 activities of the council on matters within the scope of its powers and  
8 duties as set forth in this section.

9 § 2. This act shall take effect on the one hundred eightieth day after  
10 it shall have become a law.