STATE OF NEW YORK

4545--B

2021-2022 Regular Sessions

IN SENATE

February 5, 2021

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged and said bill committed to the Committee on Disabilities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law, in relation to requiring certain residential facilities provide free internet access to certain residents

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

Section 1. The mental hygiene law is amended by adding a new section 16.39 to read as follows:

§ 16.39 Residential facility internet service.

(a) Every provider of services holding an operating certificate for a residential facility for the care and treatment of persons with developmental disabilities, including but not limited to family care homes, shall provide uninterrupted access to high quality internet service, including but not limited to providing a wireless network for personal devices, to all residents of the facility receiving services. Such certified residential facility shall not impose any fee related to such internet access, the wireless connectivity, or the use of any device to receive or provide internet access. For the purposes of this section, the term "high quality internet service" means an internet service of the current industry standard or at least one hundred megabits per second download speed and at least ten megabits per second upload speed, whichever is higher, or where such speeds are not available, the commercially available internet service plan with the maximum download and upload speeds. The requirements of this subdivision shall not apply in geographic regions in which there is limited or no access to high quality internet service, upon approval by the commissioner or their delegee,

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

LBD08586-03-1

nor shall the requirements of this subdivision apply in cases where a resident's treatment team has determined that such internet access would not be clinically appropriate for that resident.

(b) The operator of a residential facility for the care and treatment of persons with developmental disabilities, including but not limited to family care homes, shall take all practicable and reasonable steps to protect the privacy and safety of the residents without impeding or interrupting their access to internet service provided pursuant to this section. Any use of personal information shall be limited to use of only such personally identifiable information as shall be necessary to satisfy the requirements of this section.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.