

# STATE OF NEW YORK

5970

2023-2024 Regular Sessions

## IN SENATE

March 23, 2023

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Substance Use Disorders

AN ACT to amend the mental hygiene law, in relation to the construction of facilities for chemical dependence services that promote the privacy of individuals

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

1 Section 1. The opening paragraph of subdivision (b) of section 32.29  
2 of the mental hygiene law, as added by chapter 558 of the laws of 1999,  
3 is amended and a new paragraph 4 is added to read as follows:

4 The construction of a facility shall require the prior approval of  
5 such commissioner if the provider of services seeking to engage in such  
6 construction receives funding from the office of [~~alcoholism and~~  
7 ~~substance abuse~~] addiction services and supports pursuant to this chap-  
8 ter and/or seeks a funding source for such construction project other  
9 than from the mental health services facilities improvement program, or  
10 its successor agency, directly or indirectly through a closely related  
11 entity; provided, however, that such facilities shall be designed and  
12 constructed in a manner that promotes privacy while bathing, sleeping,  
13 using restrooms and receiving individual counseling services, while also  
14 allowing for maximization of the use of such facility.

15 4. The determinations regarding privacy considerations as required  
16 under this subdivision shall only apply to new construction. The fail-  
17 ure to meet privacy considerations in existing construction shall not  
18 impede the commissioner's approval of new construction.

19 § 2. This act shall take effect immediately.

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

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