STATE OF NEW YORK

9039--A

IN SENATE

April 11, 2024

Introduced by Sen. BROUK -- 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

AN ACT to amend the public health law, the county law, the executive law and the state finance law, in relation to prohibiting the use of the term excited delirium as a diagnosis, label, or cause of death

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

Section 1. Subdivision 4 of section 4141 of the public health law is amended by adding a new paragraph (e) to read as follows:

(e) No death certificate shall cite excited delirium as a diagnosis, label, cause of death, or contributing factor to any death. For the purposes of this paragraph, the term "excited delirium" shall mean a term used to describe a person's state of agitation, excitability, paranoia, extreme aggression, physical violence, and apparent immunity to pain that is not listed in the most current version of the Diagnostic and Statistical Manual of Mental Disorders, or for which the court finds there is insufficient scientific evidence or diagnostic criteria to be recognized as a medical condition. Excited delirium also includes excited delirium syndrome, excited delirium, hyperactive delirium, agitated delirium, and exhaustive mania.

§ 2. Section 677 of the county law is amended by adding a new subdivision 2-a to read as follows:

2-a. No report of any autopsy or other examination shall cite excited delirium as a cause or means or manner of death. For the purposes of this subdivision, the term "excited delirium" shall mean a term used to describe a person's state of agitation, excitability, paranoia, extreme aggression, physical violence, and apparent immunity to pain that is not listed in the most current version of the Diagnostic and Statistical Manual of Mental Disorders, or for which the court finds there is insufficient scientific evidence or diagnostic criteria to be recognized as a medical condition. Excited delirium also includes excited delirium syndrome, excited delirium, hyperactive delirium, agitated delirium, and exhaustive mania.

§ 3. The executive law is amended by adding a new section 837-y to read as follows:

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

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§ 837-y. Prohibition of use of excited delirium. 1. No report by a law enforcement officer or peace officer shall reference excited delirium in such report.

2. No law enforcement officer or peace officer shall take any action with respect to an individual in response to such individual being diagnosed or labeled as having or being in a state of excited delirium. No training shall be provided that requires, encourages, or permits any action in response to an individual being diagnosed or labeled as having or being in a state of excited delirium.

3. For the purposes of this section, "excited delirium" shall mean a term used to describe a person's state of agitation, excitability, paranoia, extreme aggression, physical violence, and apparent immunity to pain that is not listed in the most current version of the Diagnostic and Statistical Manual of Mental Disorders, or for which the court finds there is insufficient scientific evidence or diagnostic criteria to be recognized as a medical condition. Excited delirium also includes excited delirium syndrome, excited delirium, hyperactive delirium, agitated delirium, and exhaustive mania.

§ 4. The state finance law is amended by adding a new section 139-m to read as follows:

§ 139-m. Prohibition of use of excited delirium. 1. As used in this section:

(a) "Contractor" means any person, firm, partnership, corporation, association, company, organization or other similar entity, or any combination thereof, including any subcontractor thereof, that employs employees to perform work pursuant to an agreement with a public agency.

(b) "Public agency" means the state, and any department, agency, board, bureau, commission, division, council or office of the state or any political subdivision thereof, as defined in section one hundred of the general municipal law, a municipal corporation as defined in section sixty-six of the general construction law and any district thereof, a public benefit corporation, or local or state authority as defined in section two of the public authorities law, and any other entity authorized and empowered to enter into any contract or arrangement to conduct economic development activity on behalf of any such public agency.

(c) "Excited delirium" means a term used to describe a person's state of agitation, excitability, paranoia, extreme aggression, physical violence, and apparent immunity to pain that is not listed in the most current version of the Diagnostic and Statistical Manual of Mental Disorders, or for which the court finds there is insufficient scientific evidence or diagnostic criteria to be recognized as a medical condition. Excited delirium also includes excited delirium syndrome, excited delirium, hyperactive delirium, agitated delirium, and exhaustive mania.

2. No employee of a public agency or contractor or employee of a contractor shall issue a diagnosis of excited delirium, report excited delirium as a cause of death or a contributing factor to a death, or conduct any trainings or share materials attesting to the validity of excited delirium as a cause of death.

3. No public agency or contractor shall adopt or maintain any policy or procedure, including but not limited to police manuals and trainings, that acknowledges the validity of the diagnosis, cause of death, or label of excited delirium.

§ 5. This act shall take effect immediately.