

STATE OF NEW YORK

3235

2023-2024 Regular Sessions

IN ASSEMBLY

February 2, 2023

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to providing an authorized police officer or peace officer the ability to request ambulance service

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

1 Section 1. Section 9.45 of the mental hygiene law, as amended by
2 section 6 of part AA of chapter 57 of the laws of 2021, is amended to
3 read as follows:

4 § 9.45 Emergency assessment for immediate observation, care, and treat-
5 ment; powers of directors of community services.

6 (a) The director of community services or the director's designee
7 shall have the power to direct the removal of any person, within his or
8 her jurisdiction, to a hospital approved by the commissioner pursuant to
9 subdivision (a) of section 9.39 of this article, or to a comprehensive
10 psychiatric emergency program pursuant to subdivision (a) of section
11 9.40 of this article, if the parent, adult sibling, spouse or child of
12 the person, the committee or legal guardian of the person, a licensed
13 psychologist, registered professional nurse or certified social worker
14 currently responsible for providing treatment services to the person, a
15 supportive or intensive case manager currently assigned to the person by
16 a case management program which program is approved by the office of
17 mental health for the purpose of reporting under this section, a
18 licensed physician, health officer, peace officer or police officer
19 reports to him or her that such person has a mental illness for which
20 immediate care and treatment is appropriate and which is likely to
21 result in serious harm to himself or herself or others. It shall be the
22 duty of peace officers, when acting pursuant to their special duties, or
23 police officers, who are members of an authorized police department or
24 force or of a sheriff's department to assist representatives of such

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

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1 director to take into custody and transport any such person. [~~Upon the~~
2 ~~request of a director of community services or the director's designee~~
3 ~~an~~] An ambulance service, as defined in subdivision two of section three
4 thousand one of the public health law, is authorized to transport any
5 such person upon request of a director of community services, the direc-
6 tor's designee, a peace officer acting pursuant to their special duties
7 or an authorized police officer on behalf of the director of community
8 services or the director's designee. Such person may then be retained in
9 a hospital pursuant to the provisions of section 9.39 of this article or
10 in a comprehensive psychiatric emergency program pursuant to the
11 provisions of section 9.40 of this article.

12 (b) A person otherwise determined to meet the criteria for an emergen-
13 cy assessment pursuant to this section may voluntarily agree to be
14 transported to a crisis stabilization center under section 36.01 of this
15 chapter for care and treatment and, in accordance with this article, an
16 assessment by the crisis stabilization center determines that they are
17 able to meet the service needs of the person.

18 § 2. Section 9.45 of the mental hygiene law, as amended by chapter 343
19 of the laws of 1985, is amended to read as follows:

20 § 9.45 Emergency admissions for immediate observation, care, and treat-
21 ment; powers of directors of community services.

22 The director of community services or his designee shall have the
23 power to direct the removal of any person, within his jurisdiction, to a
24 hospital approved by the commissioner pursuant to subdivision (a) of
25 section 9.39 of this article if the parent, spouse, or child of the
26 person, a licensed physician, health officer, peace officer or police
27 officer reports to him that such person has a mental illness for which
28 immediate care and treatment in a hospital is appropriate and which is
29 likely to result in serious harm to himself or others, as defined in
30 section 9.39 of this article. It shall be the duty of peace officers,
31 when acting pursuant to their special duties, or police officers, who
32 are members of an authorized police department or force or of a sher-
33 iff's department to assist representatives of such director to take into
34 custody and transport any such person. [~~Upon the request of a director~~
35 ~~of community services or his designee an~~] An ambulance service, as
36 defined in subdivision two of section three thousand one of the public
37 health law, is authorized to transport any such person upon request of a
38 director of community services, the director's designee, a peace officer
39 acting pursuant to their special duties or an authorized police officer
40 on behalf of the director of community services or the director's desig-
41 nee. Such person may then be retained pursuant to the provisions of
42 section 9.39 of this article.

43 § 3. This act shall take effect immediately, provided, however, that
44 the amendments to section 9.45 of the mental hygiene law made by section
45 one of this act shall be subject to the expiration and reversion of such
46 section pursuant to chapter 723 of the laws of 1989, as amended, when
47 upon such date the provisions of section two of this act shall take
48 effect.