STATE OF NEW YORK

5287

2023-2024 Regular Sessions

IN ASSEMBLY

March 7, 2023

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

AN ACT to amend the mental hygiene law, in relation to involuntary emergency admission of persons alleged to be mentally ill

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

Section 1. Short title. This act shall be known and may be cited as "Jesse's law".

§ 2. The mental hygiene law is amended by adding a new section 9.42 to read as follows:

§ 9.42 Patient's right to choose a qualified hospital for involuntary emergency admission.

In the event that a police officer or peace officer is involuntarily removing a person to a hospital under the provisions of section 9.41 of this article, that person may choose the hospital to which he or she is admitted as long as the hospital meets the criteria specified in subdivision (a) of section 9.39 of this article, has adequate space and staffing, and is no more than fifty miles from the location at which the person is taken into custody.

§ 3. Within 60 days of the effective date of this act, the department of mental hygiene shall distribute to each county sheriff a list of all hospitals that meet the criteria specified in subdivision (a) of section 9.39 of the mental hygiene law. The department shall distribute an updated list any time a hospital gains or loses 9.39 certification.

§ 4. This act shall take effect on the ninetieth day after it shall have become a law.

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

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