

# STATE OF NEW YORK

5358

2023-2024 Regular Sessions

## IN SENATE

March 2, 2023

Introduced by Sen. FERNANDEZ -- 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 office of addiction services and supports and tobacco-limited and tobacco-free facilities for treatment

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

1 Section 1. Subdivision (b) of section 19.21 of the mental hygiene law,  
2 as separately amended by chapters 558 and 596 of the laws of 1999, is  
3 amended to read as follows:

4 (b) The office shall redefine and develop, establish, promulgate, and  
5 enforce certification, inspection, licensing, and treatment standards  
6 for chemical dependence facilities and staff, which shall be applied in  
7 addition to any other standards for any other services provided by such  
8 facilities, and which shall be applicable to any facility providing or  
9 purporting to provide as part or all of a program of services, any  
10 services for the alleviation of the conditions of alcoholism, alcohol  
11 abuse, substance abuse, substance dependence, chemical abuse, or chemi-  
12 cal dependence.

13 (1) Such standards shall not prohibit any chemical dependence facility  
14 from choosing to be a tobacco-limited environment; provided, however,  
15 this prohibition shall not apply to prevention, treatment, or recovery  
16 services for children, youth and/or young adults, which must remain  
17 tobacco-free.

18 (i) "Tobacco-limited" means prohibiting the use of all tobacco  
19 products and nicotine delivery systems in facilities and vehicles owned  
20 or operated by the office, while allowing for limited use of certain  
21 tobacco products by patients in designated areas on facility grounds at  
22 designated times, in accordance with rules, regulations, and guidance  
23 issued by the office.

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

LBD00202-01-3

1 (ii) "Tobacco-free" means prohibiting the use of all tobacco products  
2 in facilities, on grounds, and in vehicles owned or operated by the  
3 office.

4 (2) Where appropriate, such standards shall provide for priority of  
5 admission for persons whose children have been placed in foster care or  
6 are in jeopardy of being so placed pursuant to article ten of the family  
7 court act or article six of the social services law.

8 § 2. This act shall take effect immediately.