

# STATE OF NEW YORK

2518

2025-2026 Regular Sessions

## IN ASSEMBLY

January 17, 2025

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~~] such director's jurisdiction, to a hospital approved by the commis-  
9 sioner pursuant to subdivision (a) of section 9.39 of this article, or  
10 to a comprehensive psychiatric emergency program pursuant to subdivision  
11 (a) of section 9.40 of this article, if the parent, adult sibling,  
12 spouse or child of the person, the committee or legal guardian of the  
13 person, a licensed psychologist, registered professional nurse or certi-  
14 fied social worker currently responsible for providing treatment  
15 services to the person, a supportive or intensive case manager currently  
16 assigned to the person by a case management program which program is  
17 approved by the office of mental health for the purpose of reporting  
18 under this section, a licensed physician, health officer, peace officer  
19 or police officer reports to [~~him or her~~] such director that such person  
20 has a mental illness for which immediate care and treatment is appropri-  
21 ate and which is likely to result in serious harm to [~~himself or~~  
22 ~~herself~~] such person or others. It shall be the duty of peace officers,  
23 when acting pursuant to their special duties, or police officers, who  
24 are members of an authorized police department or force or of a sher-

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

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

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

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

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

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

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