STATE OF NEW YORK

3926

2025-2026 Regular Sessions

IN ASSEMBLY

January 30, 2025

Introduced by M. of A. FORREST -- read once and referred to the Committee on Codes

AN ACT to amend the civil rights law, in relation to enacting the medical civil rights act

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 the "medical civil rights act".

§ 2. Section 28 of the civil rights law, as added by chapter 103 of the laws of 2020, is amended to read as follows:

§ 28. Medical attention for persons under arrest. **1.** When a person is [~~under arrest or otherwise~~] **in contact with or** in the custody **or under the control** of a police officer, peace officer or other law enforcement representative or entity, such officer, representative or entity shall have a duty to provide attention to the medical and mental health needs of such person, and **immediately** obtain [~~assistance and treatment of such needs~~] **emergency medical services** for such person[~~, which are reasonable and provided in good faith under the circumstances~~] **when such person has communicated that such person is experiencing an emergency medical condition or is medically unstable; or who reasonably appears to a law enforcement officer to be experiencing an emergency medical condition or is deteriorating such that such person is medically unstable**. Any person who has not received such [~~reasonable and good faith attention, assistance or~~] **emergency medical** treatment and who, as a result, suffers serious physical injury or significant exacerbation of an injury or condition shall have a cause of action against such officer, representative, and/or entity. In any such civil action, the court, in addition to awarding actual damages and costs, [~~may~~] **shall** award reasonable attorneys' fees to a successful plaintiff. The provisions of this section are in addition to, but shall not supersede, any other rights or remedies available in law or equity.

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

LBD07319-01-5

2. For the purposes of this section, the following terms shall have the following meanings:

(a) "Emergency medical condition" shall mean a medical condition, whether physical, behavioral, or related to a substance use or mental health disorder, that is manifesting itself by symptoms of sufficient severity, including but not limited to severe pain, so that the absence of prompt medical attention could reasonably be expected by a prudent layperson who possesses an average knowledge of health and medicine to result in placing the health of the person experiencing the medical condition or another person in serious jeopardy, serious impairment to bodily function, or serious dysfunction of any organ or body part.

(b) "Medically unstable" shall mean any condition, whether physical, behavioral, or related to substance use or mental health disorders, that manifests in an unstable medical or mental health status, which could reasonably be understood by a layperson to lead to an emergency medical condition.

§ 3. This act shall take effect immediately.