STATE OF NEW YORK

3926--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 30, 2025

Introduced by M. of A. FORREST -- read once and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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. When a person is under arrest or otherwise in the custody of a~~] **Provision of emergency medical care to individuals who are in direct contact with or under the custody or control of a law enforcement officer, peace officer, police officer, correctional officer or other law enforcement representative or entity. 1. Any person who experiences an emergency medical condition or is medically unstable while in direct audio or visual contact with, or under the custody or control of a law enforcement officer, peace officer, police officer, correctional officer or other law enforcement representative or entity shall have the right to be provided with emergency medical services.**

2. A law enforcement officer, police officer, peace officer**, correctional officer,** or other law enforcement representative or entity[~~, such officer, representative or entity~~] shall have a duty to provide attention to the **emergency** medical [~~and mental health~~] needs of such person, [~~and obtain assistance and treatment of such needs for such person, which are reasonable and provided in good faith under the circumstances~~] **except as provided in subdivision three of this section, and to immediately request emergency medical services for any such person who has**

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

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communicated to such officer, representative, or entity that such person is experiencing an emergency medical condition or is medically unstable; or who has been reasonably observed by such officer, representative, or entity to be experiencing an emergency medical condition or to be medically unstable.

3. A law enforcement officer, peace officer, police officer, correctional officer or other law enforcement representative or entity shall not be required to request emergency medical services when such officer, representative, or entity, has made a reasonable determination that the person is not experiencing an emergency medical condition, or is not medically unstable, and knows that such person has been seen by a medical professional within the previous twenty-four hours and was released from such medical professional's care after a determination that such person was not experiencing an emergency medical condition, or was not medically unstable.

4. 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.

5. In circumstances where medical personnel and law enforcement officers, police officers, peace officers, correctional officers or other law enforcement representatives or entities are simultaneously involved, such officers, representatives, or entities shall immediately allow medical personnel to commence treatment for any person who is under the custody or control of such officers, representatives, or entities when such person has communicated to such officers, representatives, or entities that such person: is experiencing an emergency medical condition or is medically unstable; or reasonably appears to such officers, representatives, or entities to be experiencing an emergency medical condition or medically unstable.

6. 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.

(c) "Police officer" shall have the same meaning as such term is defined in subdivision thirty-four of section 1.20 of the criminal procedure law.

(d) "Peace officer" shall have the same meaning as such term is defined in section 2.10 of the criminal procedure law.

(e) "Correctional officer" shall mean any officer with supervisory, custodial, or other control responsibilities within a correctional agency.

(f) "Law enforcement representative" means any officer of an agency, including the head of an agency.

(g) "Medical personnel" shall mean any person licensed to provide health care, including but not limited to an emergency medical technician, physician, or nurse.

§ 3. This act shall take effect immediately.