STATE OF NEW YORK

6904--A

2025-2026 Regular Sessions

IN ASSEMBLY

March 18, 2025

Introduced by M. of A. McMAHON, SHIMSKY, BURROUGHS, GONZALEZ-ROJAS, HEVESI, GLICK, HYNDMAN, LUNSFORD, GRIFFIN -- read once and referred to the Committee on Mental Health -- recommitted to the Committee on Mental Health 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 mental hygiene law, in relation to adding Down syndrome to the definition of developmental disability and to expanding such definition to include certain individuals below the age of ten

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

Section 1. Subparagraph 1 of paragraph (a) of subdivision 22 of section 1.03 of the mental hygiene law, as amended by chapter 114 of the laws of 2017, is amended to read as follows:

(1) is attributable to intellectual disability, cerebral palsy, epilepsy, neurological impairment, familial dysautonomia, Prader-Willi syndrome**, Down syndrome,** or autism;

§ 2. Paragraph (d) of subdivision 22 of section 1.03 of the mental hygiene law, as amended by section 4 of part MM of chapter 58 of the laws of 2015, is amended to read as follows:

(d) constitutes a substantial handicap to such person's ability to function normally in society**; provided, however, that an individual below the age of ten who meets the criteria for having a developmental disability under paragraphs (a), (b) and (c) of this subdivision may be deemed to have a developmental disability without establishing that such disability constitutes a substantial handicap under this paragraph if such individual, without services and supports, has a high probability of meeting such criteria under this paragraph later in life; provided, further, that an individual below the age of four who meets the criteria for having a developmental disability under paragraphs (a), (b) and (c) of this subdivision shall be deemed to have a developmental disability**.

§ 3. This act shall take effect immediately.

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

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