

STATE OF NEW YORK

9448

IN SENATE

March 12, 2026

Introduced by Sen. BASKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Disabilities

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:

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

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

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

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

21 § 3. This act shall take effect immediately.

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

LBD07305-04-6