

STATE OF NEW YORK

5636

2025-2026 Regular Sessions

IN ASSEMBLY

February 18, 2025

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to reports of substantial risk or threat of harm by mental health professionals; and repealing certain provisions of such law relating thereto

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

1 Section 1. Section 9.46 of the mental hygiene law is REPEALED and a
2 new section 9.46 is added to read as follows:

3 § 9.46 Reports of substantial risk or threat of harm by mental health
4 professionals.

5 (a) For purposes of this section, the term "mental health profes-
6 sional" shall include a physician licensed pursuant to article one
7 hundred thirty-one of the education law; a psychologist licensed pursu-
8 ant to article one hundred fifty-three of the education law; a nurse
9 practitioner licensed pursuant to article one hundred thirty-nine of the
10 education law; or a licensed clinical social worker licensed pursuant to
11 article one hundred fifty-four of the education law.

12 (b) Notwithstanding any other law to the contrary, when a mental
13 health professional, currently providing mental health treatment
14 services to a person, determines that such person presents a serious and
15 imminent danger to self or others, such mental health professional is
16 authorized to disclose such determination as follows: (i) to an endan-
17 gered individual or individuals, if identifiable; (ii) to a law enforce-
18 ment agency and (iii) as soon as practical, to the director of community
19 service or the director's designee, in such manner and form as directed
20 by the commissioner. The reasons for such disclosure shall be fully
21 documented in the treatment record of such person. The director of
22 community service or the director's designee shall report to the divi-
23 sion of criminal justice services whenever such director or such direc-
24 tor's designee agrees that the person presents a serious and imminent

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

LBD09248-01-5

1 danger to self or others. Information transmitted to the division of
2 criminal justice services shall be limited to the name and other non-
3 clinical identifying information regarding the person who is the subject
4 of the disclosure, which may be used by the division of criminal justice
5 services only for determining whether a license issued pursuant to
6 section 400.00 of the penal law should be suspended or revoked, or for
7 determining whether a person is ineligible for a license issued pursuant
8 to section 400.00 of the penal law, or is no longer permitted under
9 state or federal law to possess a firearm. For purposes of this section,
10 the term "law enforcement agency" shall include the New York state
11 police and the police departments of a county, town, city or village in
12 the state.

13 (c) Nothing in this section shall be construed to require a mental
14 health professional to take any action which, in the professional judg-
15 ment of the mental health professional, would endanger such mental
16 health professional or increase the danger to a potential endangered
17 person or persons.

18 (d) Absent malice or intentional misconduct, the decision of a mental
19 health professional to disclose or not to disclose in accordance with
20 this section shall not be the basis for any civil or criminal liability
21 of such mental health professional.

22 § 2. This act shall take effect immediately.