

STATE OF NEW YORK

1819--A

Cal. No. 1249

2025-2026 Regular Sessions

IN SENATE

January 14, 2025

Introduced by Sens. FERNANDEZ, HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Substance Use Disorders -- reported favorably from said committee and committed to the Committee on Codes -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the criminal procedure law, in relation to the privacy and confidentiality of urine test results performed pursuant to a judicial diversion program

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

1 Section 1. Subdivision 5 of section 216.05 of the criminal procedure
2 law, as amended by chapter 435 of the laws of 2021, is amended to read
3 as follows:

4 5. The defendant shall agree on the record or in writing to abide by
5 the release conditions set by the court, which, shall include: partic-
6 ipation in a specified period of alcohol or substance use treatment at a
7 specified program or programs identified by the court, which may include
8 periods of detoxification, residential or outpatient treatment, or both,
9 as determined after taking into account the views of the health care
10 professional who conducted the alcohol and substance use evaluation and
11 any health care professionals responsible for providing such treatment
12 or monitoring the defendant's progress in such treatment; and may
13 include: (i) periodic court appearances, which may include periodic
14 urinalysis, provided that the results of any such urinalysis, as well as
15 any other information acquired as part of the urinalysis process, shall
16 be deemed private and confidential and shall not be disclosed to the
17 court or any adverse party, unless the individual who was tested
18 consents to such disclosure, nor shall any urine test result that indi-
19 cates the use of a non-prescribed substance be used as evidence in a

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

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1 criminal action against the individual whose urine was tested. The
2 results of any such urinalysis shall be disclosed to the specified
3 treatment program or programs; (ii) a requirement that the defendant
4 refrain from engaging in criminal behaviors; (iii) if the defendant
5 needs treatment for opioid use, that [~~he or she~~] they may participate in
6 and receive medically prescribed drug treatments under the care of a
7 health care professional licensed or certified under title eight of the
8 education law, acting within [~~his or her~~] their lawful scope of prac-
9 tice, provided that no court shall require the use of any specified type
10 or brand of drug during the course of medically prescribed drug treat-
11 ments.
12 § 2. This act shall take effect immediately.