STATE OF NEW YORK

5382

2025-2026 Regular Sessions

IN SENATE

February 21, 2025

Introduced by Sens. HARCKHAM, ROLISON -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Substance Use Disorders

AN ACT to amend the mental hygiene law, in relation to the construction of facilities for chemical dependence services that promote the privacy of individuals

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

Section 1. The opening paragraph of subdivision (b) of section 32.29 of the mental hygiene law, as added by chapter 558 of the laws of 1999, is amended and a new paragraph 4 is added to read as follows:

The construction of a facility shall require the prior approval of such commissioner if the provider of services seeking to engage in such construction receives funding from the office of [~~alcoholism and substance abuse~~] **addiction** services **and supports** pursuant to this chapter and/or seeks a funding source for such construction project other than from the mental health services facilities improvement program, or its successor agency, directly or indirectly through a closely related entity**; provided, however, that such facilities shall be designed and constructed in a manner that promotes privacy while bathing, sleeping, using restrooms and receiving individual counseling services, while also allowing for maximization of the use of such facility**.

4. The determinations regarding privacy considerations as required under this subdivision shall only apply to new construction. The failure to meet privacy considerations in existing construction shall not impede the commissioner's approval of new construction.

§ 2. 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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