STATE OF NEW YORK

7792

2025-2026 Regular Sessions

IN SENATE

May 6, 2025

Introduced by Sen. FAHY -- 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 protecting the communication rights of individuals with disabilities

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

Section 1. The mental hygiene law is amended by adding a new section 13.45 to read as follows:

§ 13.45 New York state communication bill of rights for individuals with disabilities.

(a) Each person with a disability has the right to communicate in their preferred manner and no state agency, school, community residence, or service provider shall restrict or deny access to a validated communication method. For the purposes of this section, "validated" shall mean that the communication method used is recognized as an appropriate technique that is accepted by authoritative professional organizations, such as the American Speech-Language-Hearing Association (ASHA) and empirical support demonstrating that the method results in independent (not facilitator influenced or cued) communication on the part of the person communicating. The methods described in this section shall specifically exclude scientifically unproven or discredited techniques such as facilitated communication, and all its forms, whereby an external person may influence the content of communication by physical, auditory, or visual means including, but not limited to, holding the person's arm while they type or holding a letterboard while the person points to letters. Independent typing or spelling, that is not dependent on external cuing or influence, and reflects the person's own thoughts and opinions shall be considered an acceptable form of communication.

(b) In order to ensure that each person with a disability is able to lead a life of dignity, the commissioner shall include in rules and regulations a statement of the rights of such persons to communicate in

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

LBD10990-04-5

their preferred manner and the obligations of all staff and providers under this section, which shall include, but not be limited to:

(1) the right to utilize any validated communication method that meets the needs of individuals with disabilities, including but not limited to:

(i) augmentative and alternative communication (AAC) techniques and devices;

(ii) independent use of letterboards and independent typing-based communication;

(iii) sign language and non-verbal gestural systems; and

(iv) speech-generating devices or any other validated assistive technology;

(2) the right to have such individual's communication method recognized and supported in schools, community residences, and public institutions;

(3) the right to speech therapy and communication support by duly licensed professionals without arbitrary restrictions;

(4) the right to have at least one trained staff member available in every facility or program to support individuals who require specialized communication assistance;

(5) the right to receive appropriate communication supports from trained staff, including direct support professionals (DSPs), educators, and healthcare providers; and

(6) the right to experience no restrictions or bans on an individual with disabilities' validated communication method.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.