STATE OF NEW YORK

8040

2025-2026 Regular Sessions

IN SENATE

May 15, 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 requiring the Commissioner of the Office for People with Developmental Disabilities to provide care for certain persons with developmental disabilities who have been admitted to hospitals or psychiatric facilities on an emergency basis

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

Section 1. Section 13.09 of the mental hygiene law is amended by adding a new subdivision (j) to read as follows:

(j) If a person is examined pursuant to section 9.39 or 9.40 of this chapter and is determined not to be mentally ill but is determined to have a developmental disability, the commissioner shall be notified and such person shall be turned over to the custody and care of the commissioner who shall, pursuant to subdivisions (a) and (c) of section 13.07 of this article, immediately accept custody and provide such person with appropriate services including care and treatment and, immediately thereafter, shall develop comprehensive plans, programs, and services for such person.

§ 2. This act shall take effect immediately.

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

LBD11663-01-5