

STATE OF NEW YORK

9444

IN SENATE

May 27, 2022

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, the state finance law and the tax law, in relation to requiring the state university of New York to provide abortion by medication techniques at all public universities within the state

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

1 Section 1. Article 5 of title 1 of the education law is amended by
2 adding a new part 2-A to read as follows:

PART 2-A

MEDICAL AND HEALTH SERVICES

5 Section 288. Access to abortion by medication techniques.

6 § 288. Access to abortion by medication techniques. 1. For purposes of
7 this section, the following terms shall have the following meanings:

8 a. "Student health center" shall mean a clinic providing primary
9 health care services to students.

10 b. "Abortion by medication" shall mean the process of using medication
11 to terminate a pregnancy.

12 c. "Public college" or "public university" shall mean any college or
13 university within the state university of New York system.

14 2. Each public college student health center shall make available to
15 all students abortion by medication techniques onsite. This service
16 shall be provided by medical professionals on staff at such student
17 health centers or by a third party who has contracted with a university
18 to provide such medical services.

19 3. Within two years of the effective date of this section, and by
20 December thirty-first of each year thereafter, the chancellor of the
21 state university of New York (SUNY) shall submit a report to the commis-
22 sioner, the governor, the speaker of the assembly and the temporary
23 president of the senate that includes, but is not limited to, the
24 following:

25 a. the total number of public college student health centers that
26 provide abortion by medication techniques;

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

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1 b. the number of abortions by medication techniques performed at
2 public college student health centers, disaggregated, to the extent
3 possible, by student health center; and

4 c. the total amount of funds received and provided to student health
5 centers at public colleges or universities in the previous year used or
6 to be used in making abortion by medication techniques available, disag-
7 gregated by student health center, to the extent possible.

8 § 2. The state finance law is amended by adding a new section 99-pp to
9 read as follows:

10 § 99-pp. Public college student health center abortion by medication
11 fund. 1. There is hereby established in the joint custody of the comp-
12 troller, the commissioner of health and the chancellor of the state
13 university of New York (SUNY) a special fund to be known as the "public
14 college student health center abortion by medication fund".

15 2. a. Such fund shall consist of all revenues received pursuant to the
16 provisions of section six hundred thirty-k of the tax law, and all other
17 moneys appropriated, credited, or transferred thereto from any other
18 fund or source pursuant to law. Nothing contained herein shall prevent
19 the state from receiving grants, gifts or bequests for the purposes of
20 the fund as defined in this section and depositing them into the fund
21 according to law.

22 b. Notwithstanding any other provisions of law to the contrary, such
23 fund shall be authorized to receive moneys from nonstate entities,
24 including, but not limited to, private sector entities and local and
25 federal government agencies, specifically to support such fund.

26 3. Monies within the public college student health center abortion by
27 medication fund shall be made available to the commissioner of health
28 for payment of any and all costs and expenditures incurred in performing
29 any of the work required in making abortion by medication techniques
30 available at public college student health centers within the state.

31 4. Services performed by public college student health centers avail-
32 able for moneys from this fund shall include, but not be limited to:

33 a. purchase of equipment used in the provision of abortion by medica-
34 tion techniques;

35 b. facility and security upgrades;

36 c. costs associated with enabling public college student health
37 centers to deliver telehealth services;

38 d. costs associated with staff training;

39 e. telephone support services for students who have obtained abortion
40 by medication techniques;

41 f. billing specialist consultations; and

42 g. collecting, compiling and analyzing information from public college
43 student health centers to meet the reporting requirements pursuant to
44 subdivision three of section two hundred eighty-eight of the education
45 law.

46 5. Monies shall be payable from the fund on the audit and warrant of
47 the comptroller on vouchers approved and certified by the commissioner
48 of health.

49 6. Amounts expended for public college student health centers pursuant
50 to this section shall not affect the amount that would otherwise be
51 appropriated for public college student health centers under any other
52 provision of law.

53 § 3. The tax law is amended by adding a new section 630-k to read as
54 follows:

55 § 630-k. Gift for abortion by medication techniques in public college
56 student health centers. Effective for any tax year commencing on or

1 after January first, two thousand twenty-three, an individual in any
2 taxable year may elect to contribute to the public college student
3 health center abortion by medication fund. Such contribution shall be in
4 any whole dollar amount and shall not reduce the amount of state tax
5 owed by such individual. The commissioner shall include space on the
6 personal income tax return to enable a taxpayer to make such contrib-
7 ution. The commissioner shall also ensure that a description of a
8 student health center and the abortion by medication techniques being
9 offered by such health centers are included within the tax form prepara-
10 tion instruction booklet. Notwithstanding any other provision of law all
11 revenues collected pursuant to this section shall be credited to the
12 public college student health center abortion by medication fund and
13 used only for those purposes enumerated in section ninety-nine-pp of the
14 state finance law.

15 § 4. This act shall take effect immediately.