

# STATE OF NEW YORK

1395

2023-2024 Regular Sessions

## IN ASSEMBLY

January 17, 2023

Introduced by M. of A. EPSTEIN, DINOWITZ, JACOBSON, GONZALEZ-ROJAS --  
read once and referred 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 Assem-  
bly, 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

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

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1 president of the senate that includes, but is not limited to, the  
2 following:

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

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

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

12 § 2. The state finance law is amended by adding a new section 99-qq to  
13 read as follows:

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

19 2. a. Such fund shall consist of all revenues received pursuant to the  
20 provisions of section six hundred thirty-1 of the tax law, and all other  
21 moneys appropriated, credited, or transferred thereto from any other  
22 fund or source pursuant to law. Nothing contained herein shall prevent  
23 the state from receiving grants, gifts or bequests for the purposes of  
24 the fund as defined in this section and depositing them into the fund  
25 according to law.

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

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

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

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

39 b. facility and security upgrades;

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

42 d. costs associated with staff training;

43 e. telephone support services for students who have obtained abortion  
44 by medication techniques;

45 f. billing specialist consultations; and

46 g. collecting, compiling and analyzing information from public college  
47 student health centers to meet the reporting requirements pursuant to  
48 subdivision three of section two hundred eighty-eight of the education  
49 law.

50 5. Monies shall be payable from the fund on the audit and warrant of  
51 the comptroller on vouchers approved and certified by the commissioner  
52 of health.

53 6. Amounts expended for public college student health centers pursuant  
54 to this section shall not affect the amount that would otherwise be  
55 appropriated for public college student health centers under any other  
56 provision of law.

1     § 3. The tax law is amended by adding a new section 630-1 to read as  
2 follows:

3     § 630-1. Gift for abortion by medication techniques in public college  
4 student health centers. Effective for any tax year commencing on or  
5 after January first, two thousand twenty-four, an individual in any  
6 taxable year may elect to contribute to the public college student  
7 health center abortion by medication fund. Such contribution shall be in  
8 any whole dollar amount and shall not reduce the amount of state tax  
9 owed by such individual. The commissioner shall include space on the  
10 personal income tax return to enable a taxpayer to make such contrib-  
11 ution. The commissioner shall also ensure that a description of a  
12 student health center and the abortion by medication techniques being  
13 offered by such health centers are included within the tax form prepara-  
14 tion instruction booklet. Notwithstanding any other provision of law all  
15 revenues collected pursuant to this section shall be credited to the  
16 public college student health center abortion by medication fund and  
17 used only for those purposes enumerated in section ninety-nine-qq of the  
18 state finance law.

19     § 4. This act shall take effect immediately.