

STATE OF NEW YORK

1213

2023-2024 Regular Sessions

IN SENATE

January 10, 2023

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 and the city university of New York to provide abortion by medication techniques at all public colleges and 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. The education law is amended by adding a new article 129-C
2 to read as follows:

ARTICLE 129-C

MEDICAL AND HEALTH SERVICES

Section 6450. Access to abortion by medication techniques.

6 § 6450. Access to abortion by medication techniques. 1. For purposes
7 of 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 community
13 college, college or university within the state university of New York
14 system or the city university of New York system.

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

21 (b) A public college or public university that cannot provide the
22 services required by paragraph (a) of this subdivision onsite shall
23 provide referrals or information for obtaining an abortion by medication

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

LBD04340-02-3

1 techniques at a hospital, clinic or other facility that provides such
2 services.

3 3. Within two years of the effective date of this section, and by
4 December thirty-first of each year thereafter, the chancellors of the
5 state university of New York (SUNY) and the city university of New York
6 (CUNY) shall jointly submit a report to the commissioner, the governor,
7 the speaker of the assembly and the temporary president of the senate
8 that includes, but is not limited to, the following:

9 a. the total number of public college or public university student
10 health centers that provide abortion by medication techniques;

11 b. the number of abortions by medication techniques performed at
12 public college or public university student health centers, disaggre-
13 gated, to the extent possible, by student health center; and

14 c. the total amount of funds received and provided to student health
15 centers at public colleges or public universities in the previous year
16 used or to be used in making abortion by medication techniques avail-
17 able, disaggregated by student health center, to the extent possible.

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

20 § 99-qq. Public college and public university student health center
21 abortion by medication fund. 1. There is hereby established in the joint
22 custody of the comptroller, the commissioner of health and the chancel-
23 lors of the state university of New York (SUNY) and the city university
24 of New York (CUNY) a special fund to be known as the "public college and
25 public university student health center abortion by medication fund".

26 2. a. Such fund shall consist of all revenues received pursuant to the
27 provisions of section six hundred thirty-l of the tax law, and all other
28 moneys appropriated, credited, or transferred thereto from any other
29 fund or source pursuant to law. Nothing contained herein shall prevent
30 the state from receiving grants, gifts or bequests for the purposes of
31 the fund as defined in this section and depositing them into the fund
32 according to law.

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

37 3. Monies within the public college and public university student
38 health center abortion by medication fund shall be made available to the
39 commissioner of health for payment of any and all costs and expenditures
40 incurred in performing any of the work required in making abortion by
41 medication techniques available at public college and public university
42 student health centers within the state.

43 4. Services performed by public college and public university student
44 health centers available for moneys from this fund shall include, but
45 not be limited to:

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

48 b. facility and security upgrades;

49 c. costs associated with enabling public college and public university
50 student health centers to deliver telehealth services;

51 d. costs associated with staff training;

52 e. telephone support services for students who have obtained abortion
53 by medication techniques;

54 f. billing specialist consultations; and

55 g. collecting, compiling and analyzing information from public college
56 and public university student health centers to meet the reporting

1 requirements pursuant to subdivision three of section sixty-four hundred
2 fifty of the education law.

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

6 6. Amounts expended for public college and public university student
7 health centers pursuant to this section shall not affect the amount that
8 would otherwise be appropriated for public college and public university
9 student health centers under any other provision of law.

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

12 § 630-l. Gift for abortion by medication techniques in public college
13 and public university student health centers. Effective for any tax year
14 commencing on or after January first, two thousand twenty-five, an indi-
15 vidual in any taxable year may elect to contribute to the public college
16 and public university student health center abortion by medication fund.
17 Such contribution shall be in any whole dollar amount and shall not
18 reduce the amount of state tax owed by such individual. The commissioner
19 shall include space on the personal income tax return to enable a
20 taxpayer to make such contribution. The commissioner shall also ensure
21 that a description of a student health center and the abortion by medi-
22 cation techniques being offered by such health centers are included
23 within the tax form preparation instruction booklet. Notwithstanding any
24 other provision of law, all revenues collected pursuant to this section
25 shall be credited to the public college and public university student
26 health center abortion by medication fund and used only for those
27 purposes enumerated in section ninety-nine-qq of the state finance law.

28 § 4. This act shall take effect immediately.