

# STATE OF NEW YORK

9198

2025-2026 Regular Sessions

## IN ASSEMBLY

November 3, 2025

Introduced by M. of A. DiPIETRO -- read once and referred to the Committee on Health

AN ACT to amend the state finance law, in relation to enacting the "life appropriation act"; to amend the public health law, in relation to the regulation of abortions and prohibiting dismemberment abortions; and to repeal certain provisions of the public health law relating thereto

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

- 1 Section 1. This act shall be known and may be cited as the "life  
2 appropriation act".
- 3 § 2. The Legislature finds that:
- 4 1. The state of New York facilitates the disbursement of both state  
5 and federal funds to qualifying entities for purposes of conducting  
6 certain activities.
- 7 2. Public dollars awarded to qualifying entities may facilitate or  
8 subsidize directly or indirectly expenses or activities not directly  
9 related to those for which the funds were intended, including without  
10 limitation shared administrative costs, overhead, employee salaries,  
11 rent, utilities and various other expenses.
- 12 3. It is possible that public dollars made available by or through the  
13 state of New York may be awarded to an entity that performs convenience  
14 abortions or subsidizes or otherwise facilitates the entity's ability to  
15 perform convenience abortions although the funds were not disbursed  
16 specifically for the purpose of performing convenience abortions.
- 17 4. As elected representatives of the people of New York, the members  
18 of the legislature are entrusted with ensuring that all activities  
19 conducted with the aid of public funds are in accordance with the wishes  
20 of the people of New York and the intent of the laws of this state.
- 21 5. It is within the purview of the legislature to establish criteria  
22 as the basis on which public funds are disbursed unless prohibited by  
23 the United States Constitution.

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

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1 6. The United States is a constitutional republic that the state of  
2 New York is part of.

3 7. The United States Constitution preempts state action, when they  
4 conflict under the doctrine of preemption.

5 8. The Establishment Clause of the First Amendment of the United  
6 States Constitution states, "Congress shall make no law respecting an  
7 establishment of religion".

8 9. The Establishment Clause of the First Amendment of the United  
9 States Constitution applies to the state of New York through the Four-  
10 teenth Amendment of the United States Constitution.

11 10. As elected representatives, the members of the legislature have a  
12 duty under Article IV of the United States Constitution to not appropri-  
13 ate funds in a manner that violates the Establishment Clause of the  
14 United States Constitution.

15 11. The United States Supreme Court has recognized that Secular Human-  
16 ism is a religion for purposes of the Establishment Clause in *Torcaso v.*  
17 *Watkins*, 367 U.S. 488 (1961), *Edwards v. Aguillard*, 482 U.S. 578  
18 (1987), and elsewhere.

19 12. The naked assertions that "abortion is not murder," "that abortion  
20 is not immoral" and that "life does not begin at conception" are unprov-  
21 en faith-based assumptions that are implicitly religious and are unprov-  
22 en truth claims that are inseparably linked to the religion of Secular  
23 Humanism.

24 13. Whereas, many taxpayers, who are non-observers to the religion of  
25 Secular Humanism, object to their tax dollars being spent to enable  
26 convenience abortions because such appropriations coercively cause them  
27 to violate their conscience by forcing them to indirectly endorse non-  
28 secular acts that they consider to be immoral and offensive.

29 14. Whereas, some taxpayers in New York consider convenience abortions  
30 to be modern day child sacrifice conducted on the altar of convenience,  
31 which is a practice that is non-secular and controversial.

32 15. Whereas, the Establishment Clause prohibits the state of New York  
33 from enforcing, respecting, recognizing, favoring or endorsing policies  
34 that fund abortion facilities with tax dollars because the practices are  
35 non-secular and such appropriations have the effect of excessively  
36 entangling the government with the religion of Secular Humanism, putting  
37 religion over non-religion.

38 16. The direct or indirect subsidization or facilitation of abortion  
39 with funds distributed by the state of New York constitutes paying for  
40 an abortion and, therefore, conflicts with the First Amendment Estab-  
41 lishment Clause of the United States Constitution.

42 17. The state of New York may not favor or endorse one religion over  
43 another, nor may the state of New York favor or endorse the religion of  
44 Secular Humanism generally over non-religion.

45 18. It is the policy of the state of New York to:

46 a. favor childbirth and family planning services that do not include  
47 convenience abortions or the promotion of convenience abortions within  
48 the continuum of care or services; and

49 b. avoid the direct or indirect use of state funds to promote or  
50 support convenience abortions.

51 19. The state of New York has a compelling interest to uphold communi-  
52 ty standards of decency.

53 20. Abortion facilities that provide convenience abortions tend to  
54 erode community standards of decency.

55 § 3. The state finance law is amended by adding a new article 17 to  
56 read as follows:

ARTICLE 17  
LIFE APPROPRIATION ACT

Section 250. Definitions.

251. Prohibition on appropriations for the direct or indirect costs of abortion.

252. Hospital and Medicaid funding.

253. Effect of article.

§ 250. Definitions. As used in this article the following terms shall have the following meanings:

1. "Convenience abortion" is an elective abortion that means the act of using or prescribing an instrument, medicine, drug, device or another substance or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will with reasonable likelihood cause the death of the unborn child. An act is not a convenience abortion if the act is performed with the intent to:

- a. save the life of the mother,
- b. save the life or preserve the health of the unborn child,
- c. remove a dead unborn child caused by spontaneous abortion,
- d. remove an ectopic pregnancy, or
- e. abort and remove an unborn child that is the result of rape or incest.

2. "Abortion referral" means the act of recommending a pregnant woman to a doctor, clinic or other person or entity for the purpose of obtaining or learning about obtaining a convenience abortion.

3. "Affiliate" means an individual or entity that, directly or indirectly, owns, controls, is controlled by or is under the common control of another person or entity, in whole or in part, or a subsidiary, parent or sibling entity.

4. "Pregnancy" means the female reproductive condition of having an unborn child in the woman's uterus.

5. "Unborn child" means the offspring of human beings from fertilization until birth.

§ 251. Prohibition on appropriations for the direct or indirect costs of abortion. 1. In view of the First Amendment Establishment Clause of the United States Constitution, an agency or instrumentality of the state shall not award a grant to pay the direct or indirect costs of performing, inducing, referring or counseling in favor of abortions, including without limitation:

- a. administrative costs and expenses;
- b. overhead costs;
- c. employee salaries;
- d. rent and mortgage payments; and
- e. telephone and other utility payments.

2. In view of the First Amendment Establishment Clause of the United States Constitution, an agency or instrumentality of the state shall not grant, appropriate or distribute a grant to an individual or entity that:

- a. performs convenience abortions, induces convenience abortions, provides convenience abortion referrals or counsels in favor of convenience abortions; or
- b. is an affiliate of a person or entity that performs abortions, induces abortions, provides abortion referrals or counsels in favor of convenience abortions.

§ 252. Hospital and Medicaid funding. 1. This article does not affect the funding of a hospital, medical school or university.

1 2. The restrictions under this article do not apply to funding avail-  
 2 able through the state's plan for medical assistance as required by  
 3 title XIX of the federal Social Security Act.

4 § 253. Effect of article. 1. This article does not create or recog-  
 5 nize:

6 a. a right to an abortion; or

7 b. a right to public funds, a contract or a grant.

8 2. This article recognizes:

9 a. The members of the legislature have a duty to comply with the  
 10 Establishment Clause of the First Amendment of the United States Consti-  
 11 tution pursuant to Article VI;

12 b. That convenience abortions are, by their nature, non-secular prac-  
 13 tices that are implicitly religious and inseparably linked to the reli-  
 14 gion of Secular Humanism;

15 c. That the state of New York is prohibited under the First Amendment  
 16 Establishment Clause from funding or promoting convenience abortions  
 17 directly or indirectly because such appropriations constitute an  
 18 endorsement of the religion of Secular Humanism and have the effect of  
 19 excessively entangling the government with the religion of Secular  
 20 Humanism;

21 d. That the United States Supreme Court and this legislature have  
 22 recognized that Secular Humanism is a religion for the purposes of the  
 23 Establishment Clause and convenience abortions are non-secular practices  
 24 that are inseparably linked to the religion of Secular Humanism;

25 e. That it is the policy of the state of New York to favor childbirth  
 26 and family planning services that do not include convenience abortions  
 27 or the promotion of convenience abortions within the continuum of care  
 28 or services and to avoid the direct or indirect use of state funds to  
 29 promote or support convenience abortions;

30 f. That the state of New York has a compelling interest to uphold  
 31 community standards of decency; and

32 g. That facilities that provide convenience abortions tend to erode  
 33 community standards of decency by encouraging promiscuity and normaliz-  
 34 ing false permission-giving beliefs about sex.

35 § 4. Title 5-A of article 41 of the public health law is REPEALED and  
 36 a new title 5-A is added to read as follows:

37 TITLE V-A

38 REGULATION OF ABORTIONS

39 Section 4164. Regulation of abortions.

40 4164-a. Medical consultation and judgment.

41 4164-b. Dismemberment abortion ban.

42 § 4164. Regulation of abortions. 1. Except in the case of a medical  
 43 emergency which, in the reasonable medical judgment of the physician  
 44 performing the abortion, prevents compliance with a particular require-  
 45 ment of this section, no abortion shall be performed upon a woman when  
 46 the gestational age of the unborn child is twenty or more weeks unless  
 47 each of the following conditions is met:

48 (a) The physician performing the abortion certifies in writing that,  
 49 based upon their medical examination of the pregnant woman and their  
 50 medical judgment, the abortion is necessary to prevent either the death  
 51 of the pregnant woman or the substantial and irreversible impairment of  
 52 a major bodily function of the woman.

53 (b) Such physician's judgment with respect to the necessity for the  
 54 abortion has been concurred in by one other licensed physician who  
 55 certifies in writing that, based upon their separate personal medical  
 56 examination of the pregnant woman and their medical judgment, the

1 abortion is necessary to prevent either the death of the pregnant woman  
2 or the substantial and irreversible impairment of a major bodily func-  
3 tion of the woman.

4 (c) The abortion is performed in a hospital.

5 (d) The physician terminates the pregnancy in a manner which provides  
6 the best opportunity for the unborn child to survive, unless the physi-  
7 cian determines, in their good faith medical judgment, that termination  
8 of the pregnancy in that manner poses a significantly greater risk  
9 either of the death of the pregnant woman or the substantial and irre-  
10 versible impairment of a major bodily function of the woman than would  
11 other available methods.

12 (e) The physician performing the abortion arranges for the attendance,  
13 in the same room in which the abortion is to be completed, of a second  
14 physician who shall take control of the child immediately after complete  
15 extraction from the mother and shall provide immediate medical care for  
16 the child, taking all reasonable steps necessary to preserve the child's  
17 life and health.

18 2. It shall not be a violation of this section if the abortion is  
19 performed by a physician and that physician reasonably believes, after  
20 making a determination of the gestational age of the unborn child that  
21 the unborn child is less than twenty weeks gestational age.

22 § 4164-a. Medical consultation and judgment. Except in a medical emer-  
23 gency where there is insufficient time before the abortion is performed,  
24 the woman upon whom the abortion is to be performed shall have a  
25 private, in-person medical consultation either with the physician who is  
26 to perform the abortion or with the referring physician. The consulta-  
27 tion will be in a place, at a time and of a duration reasonably suffi-  
28 cient to enable the physician to determine whether, based on their best  
29 clinical judgment, the abortion is necessary.

30 § 4164-b. Dismemberment abortion ban. 1. An individual may not  
31 perform or attempt to perform a dismemberment abortion upon another  
32 individual when the gestational age of the unborn child is twenty or  
33 more weeks unless all of the following apply:

34 (a) The individual performing or attempting to perform the dismember-  
35 ment abortion is a physician and certifies in writing that, based upon  
36 the physician's medical examination of the pregnant woman and the physi-  
37 cian's medical judgment, the abortion is necessary to prevent either the  
38 death of the pregnant woman or the substantial and irreversible impair-  
39 ment of a major bodily function of the woman.

40 (b) Such physician's judgment with respect to the necessity for the  
41 abortion has been concurred in by one other licensed physician who  
42 certifies in writing that, based upon their separate personal medical  
43 examination of the pregnant woman and their medical judgment, the  
44 abortion is necessary to prevent either the death of the pregnant woman  
45 or the substantial and irreversible impairment of a major bodily func-  
46 tion of the woman.

47 (c) The abortion is performed in a hospital.

48 (d) The physician terminates the pregnancy in a manner which provides  
49 the best opportunity for the unborn child to survive, unless the physi-  
50 cian determines, in their good faith medical judgment, that termination  
51 of the pregnancy in that manner poses a significantly greater risk  
52 either of the death of the pregnant woman or the substantial and irre-  
53 versible impairment of a major bodily function of the woman than would  
54 other available methods.

55 (e) The physician performing the abortion arranges for the attendance,  
56 in the same room in which the abortion is to be completed, of a second

1 physician who shall take control of the child immediately after complete  
2 extraction from the mother and shall provide immediate medical care for  
3 the child, taking all reasonable steps necessary to preserve the child's  
4 life and health.

5 2. Prohibition before twenty weeks of gestational age. An individual  
6 may not perform or attempt to perform a dismemberment abortion upon  
7 another individual when the gestational age of the unborn child is less  
8 than twenty weeks unless both of the following apply:

9 (a) The individual performing or attempting to perform the dismember-  
10 ment abortion is a physician and certifies in writing that, based upon  
11 the physician's medical examination of the pregnant woman and the physi-  
12 cian's medical judgment, the abortion is necessary to prevent either the  
13 death of the pregnant woman or the substantial and irreversible impair-  
14 ment of a major bodily function of the woman.

15 (b) The physician's judgment with respect to the necessity for the  
16 abortion has been concurred in by one other licensed physician who  
17 certifies in writing that, based upon their separate personal medical  
18 examination of the pregnant woman and their medical judgment, the  
19 abortion is necessary to prevent either the death of the pregnant woman  
20 or the substantial and irreversible impairment of a major bodily func-  
21 tion of the woman.

22 3. Definition. Dismemberment abortion shall mean the act of knowingly  
23 and purposefully causing the death of an unborn child by means of  
24 dismembering the unborn child and extracting the unborn child one piece  
25 at a time from the uterus through the use of clamps, grasping forceps,  
26 tongs, scissors or similar instruments. The term does not include an  
27 abortion which is exclusively performed through suction curettage.

28 4. Liability. The following individuals shall not be liable for  
29 performing or attempting to perform a dismemberment abortion:

30 (a) The female patient upon whom the dismemberment abortion is  
31 performed or attempted to be performed.

32 (b) A nurse, technician, secretary or receptionist who is not a physi-  
33 cian but is acting at the direction of a physician.

34 (c) A pharmacist or other individual who fills a prescription or  
35 provides instruments or materials used in a dismemberment abortion at  
36 the direction of or to a physician.

37 5. Penalty. Any individual who violates this section is guilty of a  
38 class D felony.

39 § 5. The public health law is amended by adding a new section 4160-b  
40 to read as follows:

41 § 4160-b. Abortion reporting. For the purpose of promotion of maternal  
42 health and life by adding to the sum of medical and public health know-  
43 ledge through the compilation of relevant data, and to promote the  
44 state's interest in protection of the unborn child, a report of each  
45 abortion performed shall be made to the department on forms prescribed  
46 by it. The report forms shall not identify the individual patient by  
47 name and shall include the following information:

48 1. identification of the physician who performed the abortion, the  
49 concurring physician, the second physician as required by section  
50 forty-one hundred sixty-four of this article and the facility where the  
51 abortion was performed and of the referring physician, agency or  
52 service, if any;

53 2. the county and state in which the woman resides;

54 3. the woman's age;

55 4. the number of prior pregnancies and prior abortions of the woman;

1 5. the gestational age of the unborn child at the time of the  
2 abortion;

3 6. the type of procedure performed or prescribed and the date of the  
4 abortion;

5 7. pre-existing medical conditions of the woman which would complicate  
6 pregnancy, if any, and, if known, any medical complication which  
7 resulted from the abortion itself;

8 8. the basis for the medical judgment of the physician who performed  
9 the abortion that the abortion was necessary to prevent either the death  
10 of the pregnant woman or the substantial and irreversible impairment of  
11 a major bodily function of the woman;

12 9. the weight of the aborted child; and

13 10. the basis for any medical judgment that a medical emergency  
14 existed which excused the physician from compliance with any provision  
15 of this section.

16 § 6. This act shall take effect on the first of January next succeed-  
17 ing the date on which it shall have become a law.