STATE OF NEW YORK

9276

2025-2026 Regular Sessions

IN ASSEMBLY

November 21, 2025

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

AN ACT to amend the public health law and the education law, in relation to establishing the "safeguarding reproductive care act"

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

Section 1. Short title. This act shall be known and may be cited as the "safeguarding reproductive care act".

§ 2. The public health law is amended by adding a new section 2599-bb-2 to read as follows:

§ 2599-bb-2. Reproductive care drugs stockpile. 1. The commissioner shall establish and maintain a stockpile or stockpiles of mifepristone and misoprostol in such quantities as necessary to ensure continued access to such drugs within the state.

2. The commissioner, in managing the stockpile pursuant to subdivision one of this section, shall:

(a) ensure that adequate procedures are implemented for inventory management, physical security, and accounting of all stockpiled drugs;

(b) ensure that all mifepristone and misoprostol products are unexpired by conducting inventory on a regular basis;

(c) restock mifepristone at least every five years and misoprostol at least every two years, consistent with applicable law;

(d) devise plans for the effective and timely supply-chain management of such stockpile, in consultation with the appropriate state and local agencies and the public and private healthcare infrastructure; and

(e) wherever practicable, enter into contracts and cooperative agreements with suppliers or manufacturers, to devise and implement plans to accept unused or expiring doses of mifepristone and misoprostol and exchange them for new doses at no additional cost to the state to maintain an unexpired stockpile and minimize waste.

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

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3. The commissioner shall make such stockpile available to providers of reproductive health services, as defined by section 570.17 of the criminal procedure law, including, but not limited to, emergency room providers and providers identified for funding under the reproductive freedom and equity grant program, as established by section twenty-five hundred ninety-nine-bb-one of this article.

4. Any provider of reproductive health services receiving mifepristone or misoprostol from the state stockpile shall dispense such drugs at no cost to patients.

5. Distribution of drugs under this section shall be limited to qualified and licensed prescribers and licensed entities within the state. Such qualified and licensed prescribers and licensed entities shall prescribe mifepristone and misoprostol with the intent for such drugs to be used within the state.

6. If the federal approval for mifepristone or misoprostol is withdrawn, the commissioner shall, as soon as possible, but no later than thirty days after such change, review the effect of such change on the state stockpile and report to the governor and the legislature with recommendations for ensuring continued, lawful access to mifepristone and misoprostol consistent with federal and state law.

§ 3. Paragraphs d and e of subdivision 1 of section 6807 of the education law, as amended by chapter 881 of the laws of 1972, such subdivision as designated by chapter 18 of the laws of 1990, are amended and a new paragraph f is added to read as follows:

d. Any personnel in an institution of higher learning from using prescription-required drugs on the premises for authorized research, experiments or instruction, in accordance with the department's regulations and, if such drugs are controlled substances, in accordance with title III of article thirty-three of the public health law; [~~or~~]

e. The necessary and ordinary activities of manufacturers and wholesalers, subject to the provisions of article thirty-three of the public health law[~~.~~]**; or**

f. The establishment, maintenance, and operation of the reproductive care drugs stockpile pursuant to section twenty-five hundred ninety-nine-bb-two of the public health law, and the dispensing of drugs from such stockpile shall be under the direction of the department of health or by providers specified by the department of health. Such dispensing of drugs may occur following the provision of telehealth services or electronic prescription, provided that the provider is acting under section twenty-five hundred ninety-nine-bb-two of the public health law and that the delivery of the drug to the patient is conducted in accordance with regulations promulgated by the department of health.

§ 4. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 5. This act shall take effect immediately.