S T A T E O F N E W Y O R K

3638

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. GLICK, EDDINGTON, BING, MILLMAN, JAFFEE, DINOWITZ, JOHN, PEOPLES, ROSENTHAL, BRADLEY, TITUS -- Multi-Sponsored by -- M. of A. BRODSKY, GALEF, JACOBS, LANCMAN, MAISEL, PERRY, PHEFFER -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to requiring disclosure by crisis pregnancy centers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The public health law is amended by adding a new section 2507 to read as follows:

S 2507. CRISIS PREGNANCY CENTER; DISCLOSURE. 1. ANY CRISIS PREGNANCY CENTER SHALL BE REQUIRED TO DISCLOSE TO A CLIENT THAT WHEN INQUIRING ABOUT PREGNANCY TERMINATION, ABORTION OR BIRTH CONTROL, SUCH CENTER WILL NOT PROVIDE SUCH SERVICES OR MAKE A REFERRAL FOR SUCH SERVICES.

2. FOR PURPOSES OF THIS SECTION "CRISIS PREGNANCY CENTER" MEANS AN ORGANIZATION WHOSE PRIMARY PURPOSE IS TO PROVIDE PREGNANCY COUNSELING, ASSISTANCE AND/OR INFORMATION, WHETHER FOR A FEE OR AS A FREE SERVICE, BUT DOES NOT PERFORM ABORTIONS OR REFER FOR ABORTIONS. "CRISIS PREGNANCY CENTER" DOES NOT INCLUDE LICENSED HEALTH CARE PROVIDERS, HOSPITALS, FAMILY PLANNING CLINICS THAT PROVIDE OR REFER FOR ABORTION AND/OR CONTRACEPTION, OR FAMILY PLANNING CLINICS THAT RECEIVE FEDERAL TITLE X FUNDS.

3. THE DISCLOSURE REQUIRED BY SUBDIVISION ONE OF THIS SECTION SHALL BE CONDUCTED UPON FIRST COMMUNICATION OR FIRST CONTACT WITH THE CLIENT OR POTENTIAL CLIENT AND SHALL BE EITHER IN A WRITTEN STATEMENT OR ORAL COMMUNICATION BY STAFF ASSISTING THE POTENTIAL CLIENT. SUCH DISCLOSURE SHALL FURTHER BE REASONABLY UNDERSTANDABLE TO THE CLIENT.

4. ANY PERSON WHO BELIEVES THAT A VIOLATION OF THIS SECTION HAS OCCURRED MAY FILE A COMPLAINT WITH THE DEPARTMENT. WITHIN THIRTY DAYS OF RECEIVING SUCH COMPLAINT, THE DEPARTMENT MUST INVESTIGATE THE COMPLAINT AND DETERMINE WHETHER A VIOLATION HAS OCCURRED.

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

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5. ANY CRISIS PREGNANCY CENTER VIOLATING THE PROVISIONS OF THIS SECTION SHALL BE SUBJECT TO A CIVIL FINE OF NOT MORE THAN ONE HUNDRED DOLLARS ON THE FIRST VIOLATION AND NOT MORE THAN TWO HUNDRED FIFTY DOLLARS ON THE SECOND AND ALL SUBSEQUENT VIOLATIONS.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.