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

1702

2009-2010 Regular Sessions

I N A S S E M B L Y

January 9, 2009

Introduced by M. of A. ENGLEBRIGHT, P. RIVERA, HOYT, GUNTHER, JACOBS, FIELDS, EDDINGTON -- Multi-Sponsored by -- M. of A. ALESSI, CAHILL, JOHN, KELLNER, MILLMAN, O'DONNELL, PHEFFER, 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 enacting the "public university emergency contraception act"

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

Section 1. Legislative findings and intent. The legislature finds that access to emergency contraception is a basic measure that can prevent college students from having an unwanted pregnancy. The federal Food and Drug Administration has approved the use of emergency contraception as safe and effective in the prevention of pregnancy. Emergency contraception has been found to have no effect on an established pregnancy. Medical research strongly indicates that the sooner emergency contraception is administered, the better the chance of preventing an unwanted pregnancy. Therefore, the legislature deems it essential that each college and university of the state university of New York and the city university of New York provide information on emergency contraception to its students and makes it available to any student who seeks it whenever practicable and in accordance with applicable law and professional standards of practice.

S 2. Short title. This act shall be known and may be cited as the "public university emergency contraception act".

S 3. Section 206 of the public health law is amended by adding a new subdivision 26 to read as follows:

26. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER IS AUTHORIZED TO ESTABLISH A STATEWIDE EMERGENCY CONTRACEPTION COLLEGE EDUCATION AND AWARENESS PROGRAM FOR EACH COLLEGE AND UNIVERSITY OF THE STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY OF NEW YORK. FOR THE PURPOSE OF THIS SUBDIVISION, "EMERGENCY

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

LBD05066-01-9

CONTRACEPTION" SHALL MEAN ONE OR MORE PRESCRIPTION DRUGS, USED SEPARATELY OR IN COMBINATION, IN A DOSAGE AND MANNER FOR PREVENTING PREGNANCY WHEN USED AFTER INTERCOURSE, FOUND SAFE AND EFFECTIVE FOR THAT USE BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION, AND DISPENSED FOR THAT PURPOSE IN ACCORDANCE WITH APPLICABLE LAW AND PROFESSIONAL STANDARDS OF PRACTICE.

(B) THE COMMISSIONER SHALL DEVELOP, PRODUCE AND DISTRIBUTE TO EVERY COLLEGE AND UNIVERSITY OF THE STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY OF NEW YORK INFORMATIONAL MATERIALS AND POSTERS RELATING TO THE SAFETY AND EFFICACY OF EMERGENCY CONTRACEPTION TO BE CONSPICUOUSLY DISPLAYED AT APPROPRIATE LOCATIONS AROUND EACH CAMPUS, AND DISTRIBUTED TO STUDENTS IN A MANNER TO BE DETERMINED BY EACH COLLEGE AND UNIVERSITY. THE MATERIALS AND POSTERS SHALL EXPLAIN THE NATURE OF EMERGENCY CONTRACEPTION, INCLUDING THAT IT IS DEEMED SAFE AND EFFECTIVE IN PREVENTING PREGNANCY BY THE FEDERAL FOOD AND DRUG ADMINISTRATION, AND CANNOT AND DOES NOT CAUSE ABORTIONS.

(C) IN IMPLEMENTING THE PROVISIONS OF THIS SUBDIVISION THE COMMISSIONER SHALL CONSULT WITH REPRESENTATIVES OF HEALTH CARE PRACTITIONERS, STUDENTS AND AFFECTED EMPLOYEES.

S 4. The education law is amended by adding a new section 361 to read as follows:

S 361. EMERGENCY CONTRACEPTION. 1. EACH COLLEGE AND UNIVERSITY OF THE STATE UNIVERSITY SHALL CONSPICUOUSLY DISPLAY AT APPROPRIATE LOCATIONS AROUND THE CAMPUS AND DISTRIBUTE TO STUDENTS IN A MANNER DETERMINED BY SUCH COLLEGE OR UNIVERSITY MATERIALS AND POSTERS RELATING TO EMERGENCY CONTRACEPTION, DISTRIBUTED TO IT PURSUANT TO SUBDIVISION TWENTY-SIX OF SECTION TWO HUNDRED SIX OF THE PUBLIC HEALTH LAW. EACH COLLEGE AND UNIVERSITY OF THE STATE UNIVERSITY OF NEW YORK MAY ALSO APPROVE INFORMATIONAL MATERIALS AND POSTERS FROM OTHER SOURCES FOR THE PURPOSES OF THIS SUBDIVISION.

2. EACH COLLEGE AND UNIVERSITY OF THE STATE UNIVERSITY, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH, SHALL ADOPT AND IMPLEMENT RULES REQUIRING THAT ANY HEALTH SERVICE OPERATING AS PART OF THE COLLEGE OR UNIVERSITY WHICH PROVIDES TREATMENT TO STUDENTS SHALL PROVIDE, UPON THE REQUEST OF ANY STUDENT OF SUCH COLLEGE OR UNIVERSITY, EMERGENCY CONTRACEPTION IN ACCORDANCE WITH APPLICABLE LAW AND PROFESSIONAL STANDARDS OF PRACTICE.

3. THIS SECTION DOES NOT REQUIRE ANY HEALTH SERVICE TO REMAIN OPEN ANY HOURS OR DAYS IT ORDINARILY IS NOT OPEN, OR TO PROVIDE TREATMENT TO STUDENTS IF IT ORDINARILY DOES NOT PROVIDE SUCH SERVICES, OR TO HAVE AVAILABLE A HEALTH CARE PROFESSIONAL AUTHORIZED TO WRITE PRESCRIPTIONS IF IT ORDINARILY DOES NOT HAVE SUCH A HEALTH CARE PROFESSIONAL AVAILABLE.

4. IN IMPLEMENTING THE PROVISIONS OF THIS SECTION EACH COLLEGE AND UNIVERSITY SHALL CONSULT WITH REPRESENTATIVES OF HEALTH CARE PRACTITIONERS, STUDENTS AND AFFECTED EMPLOYEES.

S 5. The education law is amended by adding a new section 6206-a to read as follows:

S 6206-A. EMERGENCY CONTRACEPTION. 1. EACH INSTITUTION OF THE CITY UNIVERSITY OF NEW YORK SHALL CONSPICUOUSLY DISPLAY AT APPROPRIATE LOCATIONS AROUND THE CAMPUS AND DISTRIBUTE TO STUDENTS IN A MANNER DETERMINED BY SUCH INSTITUTION MATERIALS AND POSTERS RELATING TO EMERGENCY CONTRACEPTION, DISTRIBUTED TO IT PURSUANT TO SUBDIVISION TWENTY-SIX OF SECTION TWO HUNDRED SIX OF THE PUBLIC HEALTH LAW. EACH INSTITUTION OF THE CITY UNIVERSITY OF NEW YORK MAY ALSO APPROVE INFORMA-

TIONAL MATERIALS AND POSTERS FROM OTHER SOURCES FOR THE PURPOSES OF THIS SUBDIVISION.

2. EACH INSTITUTION OF THE CITY UNIVERSITY OF NEW YORK, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH, SHALL ADOPT AND IMPLEMENT RULES REQUIRING THAT ANY HEALTH SERVICE OPERATING AS PART OF THE COLLEGE OR UNIVERSITY WHICH PROVIDES TREATMENT TO STUDENTS SHALL PROVIDE, UPON THE REQUEST OF ANY STUDENT OF SUCH INSTITUTION, EMERGENCY CONTRACEPTION IN ACCORDANCE WITH APPLICABLE LAW AND PROFESSIONAL STANDARDS OF PRACTICE.

3. THIS SECTION DOES NOT REQUIRE ANY HEALTH SERVICE TO REMAIN OPEN ANY HOURS OR DAYS IT ORDINARILY IS NOT OPEN, OR TO PROVIDE TREATMENT TO STUDENTS IF IT ORDINARILY DOES NOT PROVIDE SUCH SERVICES, OR TO HAVE AVAILABLE A HEALTH CARE PROFESSIONAL AUTHORIZED TO WRITE PRESCRIPTIONS IF IT ORDINARILY DOES NOT HAVE SUCH A HEALTH CARE PROFESSIONAL AVAILABLE.

4. IN IMPLEMENTING THE PROVISIONS OF THIS SECTION EACH COLLEGE AND UNIVERSITY SHALL CONSULT WITH REPRESENTATIVES OF HEALTH CARE PRACTITIONERS, STUDENTS AND AFFECTED EMPLOYEES.

S 6. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided that any rules, regulations and informational materials necessary to implement the provisions of this act on its effective date are authorized and directed to be promulgated on or before such date.