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

2935

2009-2010 Regular Sessions

I N A S S E M B L Y

January 22, 2009

Introduced by M. of A. BENJAMIN -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the civil rights law, in relation to prohibiting discrimination against person who refuses to perform certain act

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

Section 1. Section 79-i of the civil rights law, as added by chapter 1098 of the laws of 1971, is amended to read as follows:

S 79-i. Discrimination against person who refuses to perform certain act prohibited. 1. When the performing of an abortion on a human being or assisting thereat is contrary to the conscience or religious beliefs of any person, he OR SHE may refuse to perform or assist in such abortion [by filing a prior written refusal setting forth the reasons therefor with the appropriate and responsible hospital, person, firm, corporation or association], OR REFUSE TO REFER A PERSON FOR SUCH ABORTION, OR REFUSE TO PROVIDE INFORMATION ABOUT SUCH ABORTION, and no such PUBLIC OR PRIVATE HUMAN SERVICES AGENCY, hospital, person, firm, corporation or association shall discriminate against the person so refusing to act.

2. WHEN PROVIDING A PERSON WITH ANY FORM OF ASSISTANCE OR INFORMATION RELATING TO LIFE-SUSTAINING MEDICAL TREATMENT IS CONTRARY TO THE CONSCIENCE OR RELIGIOUS BELIEFS OF ANY PERSON, HE OR SHE MAY REFUSE TO PROVIDE SUCH ASSISTANCE OR INFORMATION, OR REFUSE TO REFER A PERSON FOR SUCH ASSISTANCE OR INFORMATION, AND NO PUBLIC OR PRIVATE HUMAN SERVICES OR HEALTH CARE AGENCY, HOSPITAL, PERSON, FIRM, CORPORATION OR ASSOCIATION SHALL DISCRIMINATE AGAINST THE PERSON SO REFUSING TO ACT.

3. WHEN PROVIDING A PERSON WITH ANY FORM OF ASSISTANCE TO END THEIR LIFE IS CONTRARY TO THE CONSCIENCE OR RELIGIOUS BELIEFS OF ANY PERSON, HE OR SHE MAY REFUSE TO PROVIDE SUCH ASSISTANCE, OR REFUSE TO REFER A PERSON FOR SUCH ASSISTANCE, OR REFUSE TO PROVIDE INFORMATION ABOUT SUCH ASSISTANCE, AND NO PUBLIC OR PRIVATE HUMAN SERVICES OR HEALTH CARE AGEN-

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

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CY, HOSPITAL, PERSON, FIRM, CORPORATION OR ASSOCIATION SHALL DISCRIMINATE AGAINST THE PERSON SO REFUSING TO ACT.

4. WHEN PROVIDING A PERSON WITH ANY FORM OF ASSISTANCE OR INFORMATION ABOUT CONTRACEPTION OR CONTRACEPTIVE DEVICES (INCLUDING CONDOMS OR OTHER ITEMS THAT ARE DISPENSED, DISCUSSED OR DEMONSTRATED AS PART OF ANY PROGRAM TO PREVENT THE SPREAD OF DISEASE) IS CONTRARY TO THE CONSCIENCE OR RELIGIOUS BELIEFS OF ANY PERSON, HE OR SHE MAY REFUSE TO PROVIDE SUCH ASSISTANCE OR INFORMATION, OR REFUSE TO REFER A PERSON FOR SUCH ASSISTANCE OR INFORMATION, AND NO PUBLIC OR PRIVATE HUMAN SERVICES OR HEALTH CARE AGENCY, HOSPITAL, PERSON, FIRM, CORPORATION OR ASSOCIATION SHALL DISCRIMINATE AGAINST THE PERSON SO REFUSING TO ACT.

5. EVERY PUBLIC AND PRIVATE AGENCY, HOSPITAL, PERSON, FIRM, CORPORATION OR ASSOCIATION THAT PROVIDES HUMAN SERVICES OR HEALTH CARE SERVICES SHALL BE REQUIRED TO NOTIFY EMPLOYEES OF THEIR RIGHTS UNDER THIS SECTION IN WRITING AND TO INCLUDE THE RIGHTS UNDER THIS SECTION IN THEIR EMPLOYEE HANDBOOKS AND PERSONNEL PROCEDURES.

6. A violation of the provisions of this section shall constitute a misdemeanor. AN INDIVIDUAL AFFECTED BY ANY ACTION IN VIOLATION OF THIS SECTION MAY ALSO BRING A PRIVATE CAUSE OF ACTION AGAINST ANY INSTITUTION OR INDIVIDUAL WHO VIOLATES THIS SECTION.

[2] 7. No civil action for negligence or malpractice, OR DISCIPLINARY ACTION FOR PROFESSIONAL MISCONDUCT, shall be maintained against a person so refusing to act based on such refusal. A PROFESSIONAL LICENSE, INCLUDING A RENEWAL OR RECERTIFICATION THEREOF, SHALL NOT BE DENIED TO ANY PERSON BASED ON SUCH REFUSAL, NOR SHALL SUCH LICENSE BE SUSPENDED OR REVOKED BASED ON SUCH REFUSAL.

S 2. This act shall take effect immediately.