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

3607

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. EDDINGTON, PHEFFER -- Multi-Sponsored by -- M. of A. BOYLAND, GALEF, LANCMAN, MILLER, TOWNS, WRIGHT -- read once and referred to the Committee on Health

AN ACT to amend the public health law and the executive law, in relation to establishing the women's reproductive domain act

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

Section 1. Article 25 of the public health law is amended by adding a new title 1-C to read as follows:

TITLE 1-C

WOMEN'S REPRODUCTIVE DOMAIN ACT

SECTION 2516. DEFINITIONS.

2517. WOMEN'S RIGHTS; EMBRYO AND FETUS.

S 2516. DEFINITIONS. FOR THE PURPOSES OF THIS TITLE, UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE:

1. "EMBRYO" MEANS AN ORGANISM OF THE SPECIES HOMO SAPIENS FROM THE SINGLE CELL STAGE TO THE EIGHT WEEK DEVELOPMENT.

2. "FETUS" MEANS AN ORGANISM OF THE SPECIES HOMO SAPIENS FROM EIGHT WEEKS DEVELOPMENT UNTIL COMPLETE EXPULSION OR EXTRACTION FROM A WOMAN'S BODY, OR REMOVAL FROM AN ARTIFICIAL WOMB OR OTHER SIMILAR ENVIRONMENT DESIGNED TO NURTURE THE DEVELOPMENT OF SUCH ORGANISM.

S 2517. WOMEN'S RIGHTS; EMBRYO AND FETUS. 1. A PREGNANT WOMAN SHALL BE THE SOLE POSSESSOR OF RIGHTS OVER AN EMBRYO AND FETUS. THE EMBRYO AND FETUS SHALL BE CONSIDERED INTERCONNECTED WITH THE WOMAN, COEXISTING SIMULTANEOUSLY WITH THE UNDERLYING MAKEUP OF A WOMAN'S PHYSIOLOGY, WITH NO SEPARATION EXISTING BETWEEN THE WOMAN AND THE CONTENT OF HER WOMB.

2. THE PREGNANT WOMAN'S FINAL DECISION OVER THE EMBRYO AND FETUS WITH REGARDS TO RIGHTS PERTAINING TO CHILDBEARING CHOICES, PREVENTATIVE MEASURES TO DEFEND AGAINST THE PREGNANCY, OR TO MEDICALLY ABORT THE FETUS SHALL BE SUPREME AND NO OTHER ARBITRATOR MAY INTERVENE IN THE FORMULATION OF THAT DECISION.

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

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S 2. Section 291 of the executive law is amended by adding a new subdivision 4 to read as follows:

4. THE ESTABLISHMENT OF THE WOMAN AS THE SOLE POSSESSOR OF THE RIGHTS OVER THE EMBRYO OR FETUS, WITH ANY ATTEMPT TO DIMINISH THE RIGHTS OF THE WOMAN OVER THE FETUS OR EMBRYO, CONSTITUTES A FORM OF DISCRIMINATION.

S 3. This act shall take effect immediately.