

4051

2011-2012 Regular Sessions

I N A S S E M B L Y

February 1, 2011

Introduced by M. of A. ENGLEBRIGHT -- 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:

1 Section 1. Legislative findings and intent. The legislature finds
2 that access to emergency contraception is a basic measure that can
3 prevent college students from having an unwanted pregnancy. The federal
4 Food and Drug Administration has approved the use of emergency contra-
5 ception as safe and effective in the prevention of pregnancy. Emergency
6 contraception has been found to have no effect on an established preg-
7 nancy. Medical research strongly indicates that the sooner emergency
8 contraception is administered, the better the chance of preventing an
9 unwanted pregnancy. Therefore, the legislature deems it essential that
10 each college and university of the state university of New York and the
11 city university of New York provide information on emergency contracep-
12 tion to its students and makes it available to any student who seeks it
13 whenever practicable and in accordance with applicable law and profes-
14 sional standards of practice.

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

17 S 3. Section 206 of the public health law is amended by adding a new
18 subdivision 28 to read as follows:

19 28. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
20 THE COMMISSIONER IS AUTHORIZED TO ESTABLISH A STATEWIDE EMERGENCY
21 CONTRACEPTION COLLEGE EDUCATION AND AWARENESS PROGRAM FOR EACH COLLEGE
22 AND UNIVERSITY OF THE STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVER-
23 SITY OF NEW YORK. FOR THE PURPOSE OF THIS SUBDIVISION, "EMERGENCY
24 CONTRACEPTION" SHALL MEAN ONE OR MORE PRESCRIPTION DRUGS, USED SEPARATE-
25 LY OR IN COMBINATION, IN A DOSAGE AND MANNER FOR PREVENTING PREGNANCY

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

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1 WHEN USED AFTER INTERCOURSE, FOUND SAFE AND EFFECTIVE FOR THAT USE BY
2 THE UNITED STATES FOOD AND DRUG ADMINISTRATION, AND DISPENSED FOR THAT
3 PURPOSE IN ACCORDANCE WITH APPLICABLE LAW AND PROFESSIONAL STANDARDS OF
4 PRACTICE.

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

15 (C) IN IMPLEMENTING THE PROVISIONS OF THIS SUBDIVISION THE COMMISSION-
16 ER SHALL CONSULT WITH REPRESENTATIVES OF HEALTH CARE PRACTITIONERS,
17 STUDENTS AND AFFECTED EMPLOYEES.

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

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

29 2. EACH COLLEGE AND UNIVERSITY OF THE STATE UNIVERSITY, IN CONSULTA-
30 TION WITH THE DEPARTMENT OF HEALTH, SHALL ADOPT AND IMPLEMENT RULES
31 REQUIRING THAT ANY HEALTH SERVICE OPERATING AS PART OF THE COLLEGE OR
32 UNIVERSITY WHICH PROVIDES TREATMENT TO STUDENTS SHALL PROVIDE, UPON THE
33 REQUEST OF ANY STUDENT OF SUCH COLLEGE OR UNIVERSITY, EMERGENCY CONTRA-
34 CEPTION IN ACCORDANCE WITH APPLICABLE LAW AND PROFESSIONAL STANDARDS OF
35 PRACTICE.

36 3. THIS SECTION DOES NOT REQUIRE ANY HEALTH SERVICE TO REMAIN OPEN ANY
37 HOURS OR DAYS IT ORDINARILY IS NOT OPEN, OR TO PROVIDE TREATMENT TO
38 STUDENTS IF IT ORDINARILY DOES NOT PROVIDE SUCH SERVICES, OR TO HAVE
39 AVAILABLE A HEALTH CARE PROFESSIONAL AUTHORIZED TO WRITE PRESCRIPTIONS
40 IF IT ORDINARILY DOES NOT HAVE SUCH A HEALTH CARE PROFESSIONAL AVAIL-
41 ABLE.

42 4. IN IMPLEMENTING THE PROVISIONS OF THIS SECTION EACH COLLEGE AND
43 UNIVERSITY SHALL CONSULT WITH REPRESENTATIVES OF HEALTH CARE PRACTITION-
44 ERS, STUDENTS AND AFFECTED EMPLOYEES.

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

47 S 6206-A. EMERGENCY CONTRACEPTION. 1. EACH INSTITUTION OF THE CITY
48 UNIVERSITY OF NEW YORK SHALL CONSPICUOUSLY DISPLAY AT APPROPRIATE
49 LOCATIONS AROUND THE CAMPUS AND DISTRIBUTE TO STUDENTS IN A MANNER
50 DETERMINED BY SUCH INSTITUTION MATERIALS AND POSTERS RELATING TO EMER-
51 GENCY CONTRACEPTION, DISTRIBUTED TO IT PURSUANT TO SUBDIVISION
52 TWENTY-EIGHT OF SECTION TWO HUNDRED SIX OF THE PUBLIC HEALTH LAW. EACH
53 INSTITUTION OF THE CITY UNIVERSITY OF NEW YORK MAY ALSO APPROVE INFORMA-
54 TIONAL MATERIALS AND POSTERS FROM OTHER SOURCES FOR THE PURPOSES OF THIS
55 SUBDIVISION.

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

7 3. THIS SECTION DOES NOT REQUIRE ANY HEALTH SERVICE TO REMAIN OPEN ANY
8 HOURS OR DAYS IT ORDINARILY IS NOT OPEN, OR TO PROVIDE TREATMENT TO
9 STUDENTS IF IT ORDINARILY DOES NOT PROVIDE SUCH SERVICES, OR TO HAVE
10 AVAILABLE A HEALTH CARE PROFESSIONAL AUTHORIZED TO WRITE PRESCRIPTIONS
11 IF IT ORDINARILY DOES NOT HAVE SUCH A HEALTH CARE PROFESSIONAL AVAIL-
12 ABLE.

13 4. IN IMPLEMENTING THE PROVISIONS OF THIS SECTION EACH COLLEGE AND
14 UNIVERSITY SHALL CONSULT WITH REPRESENTATIVES OF HEALTH CARE PRACTITION-
15 ERS, STUDENTS AND AFFECTED EMPLOYEES.

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