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

5881

2013-2014 Regular Sessions

I N S E N A T E

June 18, 2013

Introduced by Sen. SAVINO -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public health law, in relation to access to reproductive services

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 4166 to read as follows:

S 4166. ACCESS TO REPRODUCTIVE SERVICES. THE STATE SHALL NOT DENY A WOMAN'S RIGHT TO OBTAIN AN ABORTION AS ESTABLISHED BY THE UNITED STATES SUPREME COURT IN THE DECISION ROE V. WADE, 410 U.S.113 (1973). NOTWITHSTANDING ANY LAW TO THE CONTRARY, NEW YORK PROTECTS A WOMAN'S RIGHT TO TERMINATE A PREGNANCY WITHIN TWENTY-FOUR WEEKS FROM COMMENCEMENT OF HER PREGNANCY, OR WHEN NECESSARY TO PROTECT A WOMAN'S LIFE OR HEALTH AS DETERMINED BY A LICENSED PHYSICIAN.

NOTHING IN THIS SECTION SHALL BE CONSTRUED TO CONFLICT WITH ANY APPLICABLE STATE OR FEDERAL LAW OR REGULATION PERMITTING A HEALTH CARE PROVIDER TO REFRAIN FROM PROVIDING ABORTIONS DUE TO THE PROVIDER'S RELIGIOUS OR MORAL BELIEFS.

NOTHING IN THIS SECTION SHALL CONFLICT WITH THE PARTIAL BIRTH ABORTION BAN CODIFIED UNDER 18 USC SECTION 1531.

NO PROSECUTION OR PROCEEDING SHALL BE BROUGHT OR MAINTAINED UNDER THE PENAL LAW OR OTHERWISE FOR ACTS THAT ARE AUTHORIZED OR PERMITTED PURSUANT TO THIS SECTION OR BY THIS CHAPTER AND THE EDUCATION LAW.

SUBDIVISIONS TWO AND THREE OF SECTION 125.05, SUBDIVISION TWO OF SECTION 125.15, SUBDIVISION THREE OF SECTION 125.20 AND SECTIONS 125.40, 125.45, 125.50, 125.55 AND 125.60 OF THE PENAL LAW ARE HEREBY REPEALED TO THE EXTENT THAT THEY ARE INCONSISTENT WITH THIS SECTION.

S 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by a court of compe-

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

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tent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 3. This act shall take effect on the thirtieth day after it shall have become a law.