

# STATE OF NEW YORK

6632

2019-2020 Regular Sessions

## IN SENATE

July 17, 2019

Introduced by Sen. BIAGGI -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the tax law and the state finance law, in relation to allowing taxpayers to make a gift to the abortion access fund on their personal income tax returns

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The tax law is amended by adding a new section 630-g to  
2 read as follows:

3 § 630-g. Gift to the abortion access fund. Effective for any tax year  
4 commencing on or after January first, two thousand twenty-one, an indi-  
5 vidual in any taxable year may elect to contribute to the abortion  
6 access fund. Such contribution shall be in any whole dollar amount and  
7 shall not reduce the amount of state tax owed by such individual. The  
8 commissioner shall include space on the personal income tax return to  
9 enable a taxpayer to make such contribution. The commissioner shall also  
10 ensure that a description of the abortion access fund is included within  
11 the tax form preparation instruction booklet. Notwithstanding any other  
12 provision of law, all revenues collected pursuant to this section shall  
13 be credited to the abortion access fund and shall be used only for those  
14 purposes enumerated in section ninety-nine-hh of the state finance law.

15 § 2. The state finance law is amended by adding a new section 99-hh to  
16 read as follows:

17 § 99-hh. Abortion access fund. 1. There is hereby established in the  
18 joint custody of the comptroller and the commissioner of health, a  
19 special fund to be known as the "abortion access fund".

20 2. Such fund shall consist of all revenues received pursuant to the  
21 provisions of section six hundred thirty-g of the tax law, and all other  
22 monies appropriated, credited, or transferred thereto from any other  
23 fund or source pursuant to law. Nothing contained herein shall prevent  
24 the state from receiving grants, gifts or bequests for the purposes of

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

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1 the fund as defined in this section and depositing them into the fund  
2 according to law.

3 3. a. On or before the first day of February each year, the comp-  
4 troller shall certify in a report to the governor, the temporary presi-  
5 dent of the senate, the speaker of the assembly, the chair of the  
6 senate finance committee and the chair of the assembly ways and means  
7 committee, the amount of money deposited in the abortion access fund  
8 during the preceding calendar year as the result of revenue derived  
9 pursuant to section six hundred thirty-g of the tax law and from  
10 grants, gifts and bequests. Such report shall include how the monies of  
11 the fund were utilized during the preceding calendar year, and shall  
12 include:

13 (i) the amount of money disbursed from the fund and the award process  
14 used for such disbursements;

15 (ii) recipients of awards from the fund;

16 (iii) the amount awarded to each;

17 (iv) the purposes for which such awards were granted; and

18 (v) a summary financial plan for such monies which shall include esti-  
19 mates of all receipts and disbursements for the current and succeeding  
20 fiscal years, along with the actual results from the prior fiscal year.

21 b. Amounts expended for abortion access funds pursuant to this section  
22 shall not affect the amount that would otherwise be appropriated for  
23 abortion access funds under any other provision of law.

24 c. The state shall not request, promulgate regulations to, or other-  
25 wise require, any non-profit organization receiving monies from the  
26 abortion access fund to divulge the name, address, photograph, license  
27 number, email address, phone number, or any other personally identifying  
28 information of any employee, contractor, or volunteer of such organiza-  
29 tion, or any patient, or individual who sought or received funding from  
30 such organization.

31 d. Any non-profit organization receiving funds from the abortion  
32 access fund shall take all necessary steps to ensure the confidentiality  
33 of the individuals receiving services.

34 4. Monies of the fund shall be expended, pursuant to a request for  
35 proposals issued by the commissioner of health, to fund the operational  
36 and programmatic expenses of not-for-profit entities that provide  
37 support to individuals in need of abortion services, by addressing  
38 financial and logistical barriers that prevent access to care. This  
39 shall include, but is not limited to, funding for medical services and  
40 logistical costs.

41 5. Monies shall be payable from the fund on the audit and warrant of  
42 the comptroller on vouchers approved and certified by the commissioner  
43 of health.

44 6. Nothing in this section shall be construed to authorize the state  
45 or any agency of the state, to request or require any information other  
46 than information required in paragraph a of subdivision three of this  
47 section, from the award recipients of the abortion access fund.

48 § 3. This act shall take effect immediately.