

STATE OF NEW YORK

5036

2019-2020 Regular Sessions

IN ASSEMBLY

February 6, 2019

Introduced by M. of A. L. ROSENTHAL, PAULIN, FERNANDEZ, MOSLEY, BARRON,
SEAWRIGHT -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to establishing a
pregnant persons' bill of rights

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

1 Section 1. The public health law is amended by adding a new section
2 266-a to read as follows:

3 § 266-a. Pregnant persons' bill of rights. 1. Any healthcare profes-
4 sional who could reasonably foresee having pregnant persons as patients
5 shall conspicuously post a pregnant persons' bill of rights to be issued
6 by the department. The bill of rights shall be written in plain English,
7 and shall be made available in other languages, including but not limit-
8 ed to Spanish, French, Chinese and Russian. The pregnant persons' bill
9 of rights shall include, but not limited to the:

10 (a) right of decisionally capable pregnant persons to refuse treat-
11 ment, even if the refusal could result in the loss of life;

12 (b) requirement of doctors to receive informed consent from a pregnant
13 person before performing any medical procedure;

14 (c) requirement that coercion may not be used to receive that consent,
15 nor may appeals to conscience or morality;

16 (d) requirement that care should be provided in a culturally sensitive
17 environment;

18 (e) requirement that counseling and therapy should be made available
19 to anyone who experiences an adverse outcome as a result of refusing
20 treatment, but such counseling and therapy should not be required and
21 pregnant persons have the right to refuse the therapy;

22 (f) requirement that pregnant persons have the right to choose which
23 medical procedures she agrees to, without pressure throughout pregnancy
24 and delivery;

25 (g) right to request room, doctor or nurse change at any point;

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

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1 (h) right to know doctor's methods;

2 (i) right to change her mind with respect to any treatment decision at
3 any point;

4 (j) right of pregnant persons to be in any position they want so long
5 as it is medically indicated as safe;

6 (k) right of pregnant persons to know the risks associated with any
7 and all tests or procedures;

8 (l) right of pregnant persons to receive or refuse any type of
9 emotional, social, psychological or physical support people have before,
10 during and after labor;

11 (m) right of pregnant persons to choose birth setting;

12 (n) right of pregnant persons to refuse or accept any administered
13 drug/treatment; and

14 (o) right of pregnant persons to receive information about any poten-
15 tial direct or indirect effects, risks, hazards to the mother and fetus
16 because of a drug or procedure.

17 2. Before a healthcare professional commences a physical examination
18 or any treatment of a pregnant person, the healthcare professional
19 conducting the exam shall inform the person of the pregnant persons'
20 bill of rights by providing a copy of such bill of rights and offering
21 to explain such rights.

22 3. Failure to comply with the provisions of this section shall result
23 in a penalty of five hundred dollars for the first violation, and for
24 the second and each subsequent violation, the penalty shall be one thou-
25 sand dollars.

26 § 2. This act shall take effect on the thirtieth day after it shall
27 have become a law.