

# STATE OF NEW YORK

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5478

2019-2020 Regular Sessions

## IN ASSEMBLY

February 12, 2019

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Introduced by M. of A. L. ROSENTHAL -- read once and referred to the  
Committee on Governmental Operations

AN ACT to amend the civil rights law, in relation to prohibiting drug  
testing of pregnant women

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

1 Section 1. The civil rights law is amended by adding a new section  
2 79-o to read as follows:

3 § 79-o. Drug testing for pregnant women; prohibited. 1. Notwithstand-  
4 ing any other provision of law, no person or organization shall require  
5 a pregnant woman to submit to drug testing unless such woman consents to  
6 such testing or such testing is necessary for an emergency purpose. In  
7 the case that the drug testing is performed for an emergency purpose,  
8 the results shall be kept confidential and not be used for purposes  
9 other than the treatment or diagnoses of a disease or medical issue.

10 2. For purposes of this section, "emergency purpose" shall mean any  
11 instance where such drug testing is determined to be necessary by a  
12 medical professional and such pregnant woman is incapacitated and unable  
13 to consent to such testing.

14 § 2. This act shall take effect immediately.

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

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