STATE OF NEW YORK

10138

IN ASSEMBLY

May 2, 2022

Introduced by M. of A. BRONSON -- read once and referred to the Committee on Judiciary

AN ACT to amend the family court act, the executive law, the civil practice law and rules and the criminal procedure law, in relation to gender affirming care

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

Section 1. The family court act is amended by adding a new section 659 to read as follows:

§ 659. Consideration of law allowing gender affirming care. A law of another state that authorizes a child to be removed from their parent or guardian based on the parent or guardian allowing their child to receive gender affirming care shall not be enforced or admissible with regard to a child present in this state.

§ 2. The executive law is amended by adding a new section 837-w to read as follows:

§ 837-w. Cooperation with certain out-of-state investigations. No state or local law enforcement agency shall cooperate with or provide information to any individual or out-of-state agency or department regarding the provision of lawful gender affirming care performed in this state. Nothing in this section shall prohibit the investigation of any criminal activity in this state which may involve the performance of gender affirming care provided that no information relating to any medical procedure performed on a specific individual may be shared with an out-of-state agency or any other individual.

§ 3. Section 3119 of the civil practice law and rules is amended by adding a new subdivision (g) to read as follows:

(g) Subpoenas related to gender affirming care. Notwithstanding any other provisions of law, no court or county clerk shall issue a subpoena under this section in connection with an out-of-state proceeding relating to seeking health or related information about people who come to New York to receive gender affirming care if the subpoena relates to efforts to criminalize individuals or remove children based on individuals receiving gender affirming care in this state.

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

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§ 4. Section 140.10 of the criminal procedure law is amended by adding a new subdivision 3-a to read as follows:

3-a. A police officer may not arrest any person for performing or aiding in the performance of gender affirming care within this state, or in procuring gender affirming care in this state, if the gender affirming care is performed in accordance with the provisions of any other applicable law of this state.

§ 5. The criminal procedure law is amended by adding a new section 570.17 to read as follows:

§ 570.17 Extradition of gender affirming care providers.

No demand for the extradition of a person charged with providing gender affirming care shall be recognized by the governor unless the executive authority of the demanding state shall allege in writing that the accused was present in the demanding state at the time of the commission of the alleged offense, and that thereafter he, she or they fled from that state.

§ 6. This act shall take effect immediately.