

# STATE OF NEW YORK

10148

## IN ASSEMBLY

May 4, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Gonzalez-Rojas, Gottfried, Paulin, Cruz, Burgos, Quart, Gallagher, Seawright) -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to establishing the reproductive freedom and equity program

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "reproductive freedom and equity program act".

3 § 2. The Legislature finds:

4 (a) Abortion is essential health care and integral to the overall  
5 health and wellbeing of individuals.

6 (b) In 1970, New York legalized abortion, three years prior to the  
7 Supreme Court decision in Roe v. Wade, which enumerated a constitutional  
8 right to abortion care.

9 (c) On January 22, 2019, the 36th anniversary of the Supreme Court  
10 Decision Roe v. Wade, New York modernized our state law to be consistent  
11 with the holdings of Roe v. Wade, articulating in that every individual  
12 has a fundamental right to abortion.

13 (d) Despite a constitutional and state right to abortion care, barriers  
14 exist that challenge an individual's ability to exercise their right  
15 to care.

16 (e) Individuals seeking abortion care can often experience obstacles  
17 to obtaining an abortion, whether that is an inability to afford the  
18 cost of care, the distance one must travel, the costs associated with  
19 travel including transportation needs, childcare, lodging, lost wages  
20 and more.

21 (f) Barriers to care are often intensified for immigrants, young  
22 people, people with disabilities and those living in rural areas.

23 (g) If the United States Supreme Court overturns Roe v. Wade, access  
24 to care across the country will dramatically shift with people in at  
25 least 26 states - 36,000,000 women and individuals with the capacity to  
26 become pregnant - losing access to care.

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

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(h) It is estimated that in the wake of state bans on abortion across the country, New York would be the nearest provider of care for 190,000 to 280,000 more women of reproductive age.

(i) Abortion funds, abortion providers, and other community-based organizations have provided essential support to individuals facing practical support needs. These entities assist individuals seeking abortion care including those living in New York, those traveling to New York and those who must travel outside of New York for care.

(j) With no direct state investment, safety-net abortion providers and abortion funds predominately rely on philanthropic giving to address unmet needs of abortion patients, challenging their ability to meet present need, or any future increase demand for care.

(k) New York has a proud legacy of protecting and expanding access to comprehensive reproductive and sexual health care services, including abortion.

(l) In furtherance of that legacy, it is incumbent upon the state to adopt bold and innovated programs and policies that protect and advance reproductive freedom.

§ 3. Section 2599-cc of the public health law is renumbered section 2599-ll.

§ 4. Sections 2599-aa and 2599-bb of article 25-A of the public health law are designated title 1 and a new title heading is added to read as follows:

#### REPRODUCTIVE HEALTH ACT

§ 5. Article 25-A of the public health law is amended by adding a new title 2 to read as follows:

#### TITLE II

#### REPRODUCTIVE FREEDOM AND EQUITY PROGRAM

#### Section 2599-ee. Reproductive freedom and equity program.

§ 2599-ee. Reproductive freedom and equity program. 1. As used in this section, the following terms shall have the following meanings:

(a) "Abortion" shall mean the termination of pregnancy pursuant to section twenty-five hundred ninety-nine-bb of this article.

(b) "Medical services" shall mean the range of care related to the provision of abortion.

(c) "Practical support" shall mean direct assistance to enable a person to obtain abortion care, including but not limited to ground and air transportation, gas money, lodging, meals, childcare, translation services, and doula support.

(d) "Program" shall mean the reproductive freedom and equity program.  
2. There is hereby established in the department a reproductive freedom and equity program to ensure access to abortion care in the state. Such program shall provide funding to abortion providers and non-profit organizations whose primary function is to facilitate access to abortion care. The program is designed to provide support to abortion providers to increase access to care, fund uncompensated care, and to address the support needs of individuals accessing abortion care.

3. The commissioner is authorized to distribute funds made available for expenditure pursuant to this section. In determining funding for applicants under this program, the commissioner shall consider the following criteria and goals:

(a) Increasing access to care by growing the capacity of abortion providers to meet present and future care needs. Grant funds shall be awarded to support the recruitment and retention of staff, patient navigators, staff training, the establishment of new or renovation of existing health centers, investments in technology to facilitate care, secu-

1 rity enhancements, and other operational needs that reflect the  
2 intention of increasing access to abortion care;

3 (b) Funding uncompensated care, to ensure the affordability of and  
4 access to care for anyone who seeks care in New York, regardless of  
5 their ability to pay for care. Grant funds shall be awarded to abortion  
6 providers and non-profit entities to support uncompensated costs of the  
7 medical services associated with abortion care for individuals who lack  
8 insurance coverage, are underinsured, or whose insurance is deemed unus-  
9 able by the rendering provider; and

10 (c) Addressing practical support needs of individuals accessing  
11 abortion care. Grant funds shall be awarded to non-profit entities  
12 providing practical support to individuals within and traveling to New  
13 York.

14 4. In establishing and operating the program, the department shall  
15 consult a range of experts including but not limited to individuals and  
16 entities providing abortion care, abortion funds and other organizations  
17 whose mission is to expand access to abortion care, to ensure the  
18 program structure and expenditures are reflective of the needs of  
19 abortion providers, abortion funds and consumers. The department shall  
20 promulgate regulations necessary for implementation of the program.

21 5. The state shall not request, promulgate regulations, or otherwise  
22 require, any abortion provider or non-profit organization receiving  
23 monies from the program to divulge the name, address, photograph, driv-  
24 er's license number, email address, phone number, or any other  
25 personally identifying information of any patient, or individual who  
26 sought or received practical supports from such organization, in  
27 conjunction with the funding provided pursuant to this article.

28 6. Any non-profit organization or provider receiving funds from the  
29 program shall take all necessary steps to ensure the confidentiality of  
30 the individuals receiving services, pursuant to state and federal laws.

31 § 6. Funding used to support the reproductive freedom and equity  
32 program established pursuant to title II of article 25-A of the public  
33 health law shall be pursuant to funds appropriated therefor by the  
34 legislature and pursuant to subsequent chapters of law. Such funding  
35 shall also be used to support the cost of administering the program and  
36 for any other purpose authorized by this act. The level of expenditure  
37 by the department for the administrative support of the program created  
38 pursuant to this chapter shall be subject to review and approval annual-  
39 ly through the state budget process.

40 § 7. Severability clause. If any provision of this act, or any appli-  
41 cation of any provision of this act, is held to be invalid, or to  
42 violate or be inconsistent with any federal law or regulation, that  
43 shall not affect the validity or effectiveness of any other provision of  
44 this act, or of any other application of any provision of this act,  
45 which can be given effect without that provision or application; and to  
46 that end, the provisions and applications of this act are severable.

47 § 8. This act shall take effect on the sixtieth day after it shall  
48 have become a law.