

# STATE OF NEW YORK

3322--A

2021-2022 Regular Sessions

## IN ASSEMBLY

January 22, 2021

Introduced by M. of A. EPSTEIN, DINOWITZ, JACOBSON, GOTTFRIED -- read once and referred to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, the state finance law and the tax law, in relation to requiring the state university of New York to provide abortion by medication techniques at all public universities within the state

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

1 Section 1. Article 5 of title 1 of the education law is amended by  
2 adding a new part 2-A to read as follows:

### PART 2-A

#### MEDICAL AND HEALTH SERVICES

3 Section 288. Access to abortion by medication techniques.

4 § 288. Access to abortion by medication techniques. 1. For purposes of  
5 this section, the following terms shall have the following meanings:

6 a. "Student health center" shall mean a clinic providing primary  
7 health care services to students.

8 b. "Abortion by medication" shall mean the process of using medication  
9 to terminate a pregnancy.

10 c. "Public college" or "public university" shall mean any college or  
11 university within the state university of New York system.

12 2. Each public college student health center shall make available to  
13 all students abortion by medication techniques onsite. This service  
14 shall be provided by medical professionals on staff at such student  
15 health centers or by a third party who has contracted with a university  
16 to provide such medical services.

17 3. Within two years of the effective date of this section, and by  
18 December thirty-first of each year thereafter, the chancellor of the  
19 20

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

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1 state university of New York (SUNY) shall submit a report to the commis-  
2 sioner, the governor, the speaker of the assembly and the temporary  
3 president of the senate that includes, but is not limited to, the  
4 following:

5 a. the total number of public college student health centers that  
6 provide abortion by medication techniques;

7 b. the number of abortions by medication techniques performed at  
8 public college student health centers, disaggregated, to the extent  
9 possible, by student health center; and

10 c. the total amount of funds received and provided to student health  
11 centers at public colleges or universities in the previous year used or  
12 to be used in making abortion by medication techniques available, disag-  
13 gregated by student health center, to the extent possible.

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

16 § 99-pp. Public college student health center abortion by medication  
17 fund. 1. There is hereby established in the joint custody of the comp-  
18 troller, the commissioner of health and the chancellor of the state  
19 university of New York (SUNY) a special fund to be known as the "public  
20 college student health center abortion by medication fund".

21 2. a. Such fund shall consist of all revenues received pursuant to the  
22 provisions of section six hundred thirty-k of the tax law, and all other  
23 moneys appropriated, credited, or transferred thereto from any other  
24 fund or source pursuant to law. Nothing contained herein shall prevent  
25 the state from receiving grants, gifts or bequests for the purposes of  
26 the fund as defined in this section and depositing them into the fund  
27 according to law.

28 b. Notwithstanding any other provisions of law to the contrary, such  
29 fund shall be authorized to receive moneys from nonstate entities,  
30 including, but not limited to, private sector entities and local and  
31 federal government agencies, specifically to support such fund.

32 3. Monies within the public college student health center abortion by  
33 medication fund shall be made available to the commissioner of health  
34 for payment of any and all costs and expenditures incurred in performing  
35 any of the work required in making abortion by medication techniques  
36 available at public college student health centers within the state.

37 4. Services performed by public college student health centers avail-  
38 able for moneys from this fund shall include, but not be limited to:

39 a. purchase of equipment used in the provision of abortion by medica-  
40 tion techniques;

41 b. facility and security upgrades;

42 c. costs associated with enabling public college student health  
43 centers to deliver telehealth services;

44 d. costs associated with staff training;

45 e. telephone support services for students who have obtained abortion  
46 by medication techniques;

47 f. billing specialist consultations; and

48 g. collecting, compiling and analyzing information from public college  
49 student health centers to meet the reporting requirements pursuant to  
50 subdivision three of section two hundred eighty-eight of the education  
51 law.

52 5. Monies shall be payable from the fund on the audit and warrant of  
53 the comptroller on vouchers approved and certified by the commissioner  
54 of health.

55 6. Amounts expended for public college student health centers pursuant  
56 to this section shall not affect the amount that would otherwise be

1 appropriated for public college student health centers under any other  
2 provision of law.

3 § 3. The tax law is amended by adding a new section 630-k to read as  
4 follows:

5 § 630-k. Gift for abortion by medication techniques in public college  
6 student health centers. Effective for any tax year commencing on or  
7 after January first, two thousand twenty-three, an individual in any  
8 taxable year may elect to contribute to the public college student  
9 health center abortion by medication fund. Such contribution shall be in  
10 any whole dollar amount and shall not reduce the amount of state tax  
11 owed by such individual. The commissioner shall include space on the  
12 personal income tax return to enable a taxpayer to make such contrib-  
13 ution. The commissioner shall also ensure that a description of a  
14 student health center and the abortion by medication techniques being  
15 offered by such health centers are included within the tax form prepara-  
16 tion instruction booklet. Notwithstanding any other provision of law all  
17 revenues collected pursuant to this section shall be credited to the  
18 public college student health center abortion by medication fund and  
19 used only for those purposes enumerated in section ninety-nine-pp of the  
20 state finance law.

21 § 4. This act shall take effect immediately.