

STATE OF NEW YORK

3752

2021-2022 Regular Sessions

IN ASSEMBLY

January 28, 2021

Introduced by M. of A. DeSTEFANO -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to providing women alternative birth choices to preserve the life of a fetus when electing to have an abortion

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

1 Section 1. Subdivision 2 of section 2599-bb of the public health law
2 is renumbered subdivision 7 and five new subdivisions 2, 3, 4, 5 and 6
3 are added to read as follows:

4 2. For purposes of this section, the following terms have the follow-
5 ing definitions:

6 (a) "Sedated birth" shall mean a procedure to take place past twenty-
7 four weeks of pregnancy as an alternative to abortion where a woman
8 receives general anesthesia and medical interventions to induce labor
9 and delivery, while medical interventions are not taken to stop the
10 heartbeat or otherwise end the life of the fetus. The fetus is then born
11 alive and intact.

12 (b) "Perinatal hospice" shall mean specialized perinatal care which
13 can take place at any point during a pregnancy as an alternative to
14 surgical abortion centered on ensuring a peaceful, nonviolent and
15 natural end to a baby's life that includes emotional support provided to
16 the parents, the opportunity for parents to participate in the health-
17 care decision making process and the opportunity for parents to cele-
18 brate their baby's life, whether such baby's life lasts for an amount of
19 time after birth or ends naturally before birth.

20 3. When a health care practitioner is caring for a patient who is
21 considering abortion and such abortion would be performed more than
22 twenty-four weeks from the commencement of pregnancy because such
23 abortion is necessary to protect such patient's life or health, such
24 health care practitioner shall inform such patient before any procedure

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

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1 is commenced that surgical abortion is not a reversible procedure, and
2 that such patient shall have the option to choose sedated birth as an
3 alternative to abortion.

4 4. When a health care practitioner is caring for a patient who is
5 considering abortion, such health care practitioner shall inform such
6 patient before any procedure is commenced that surgical abortion is not
7 a reversible procedure, and that such patient shall have the option to
8 choose perinatal hospice, if applicable, as an alternative to abortion.

9 5. A health care practitioner shall inform patients considering an
10 abortion procedure about the alternatives to abortions described in this
11 section both verbally and in writing. Health care practitioners shall
12 document in a patient's permanent medical record the time and date that
13 information pertaining to such alternatives was provided to the patient.

14 6. (a) If a patient should choose sedated birth as an alternative to
15 abortion pursuant to subdivision three of this section, the patient
16 shall have the option once the procedure is completed to have the baby
17 removed from her presence with no additional contact post-birth, whereas
18 constituting an abandonment of the child pursuant to section three
19 hundred seventy-two-g of the social services law, or to have the baby
20 put up for adoption and the opportunity to work directly with an
21 adoption agency post-birth.

22 (b) If a patient should choose to have the baby removed from her pres-
23 ence with no contact post-birth, such baby would be placed under the
24 care of the department of social services pursuant to section three
25 hundred seventy-two-g of the social services law.

26 § 2. This act shall take effect immediately.