STATE OF NEW YORK

451

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. L. ROSENTHAL, PAULIN, FERNANDEZ, BARRON, SEAWRIGHT -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to establishing a pregnant persons' bill of rights

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

Section 1. Title 6 of article 2 of the public health law, as added by chapter 342 of the laws of 2014, is amended by adding a new section 266-a to read as follows:

§ 266-a. Pregnant persons' bill of rights. 1. Any healthcare professional who could reasonably foresee having pregnant persons as patients shall conspicuously post a pregnant persons' bill of rights to be issued by the department. The bill of rights shall be written in plain English, and shall be made available in other languages, including but not limited to Spanish, French, Chinese and Russian. The pregnant persons' bill of rights shall include, but not limited to the:

(a) right of decisionally capable pregnant persons to refuse treatment, even if the refusal could result in the loss of life;

(b) requirement of doctors to receive informed consent from a pregnant person before performing any medical procedure;

(c) requirement that coercion may not be used to receive that consent, nor may appeals to conscience or morality;

(d) requirement that care should be provided in a culturally sensitive environment;

(e) requirement that counseling and therapy should be made available to anyone who experiences an adverse outcome as a result of refusing treatment, but such counseling and therapy should not be required and pregnant persons have the right to refuse the therapy;

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

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(f) requirement that pregnant persons have the right to choose which medical procedures she agrees to, without pressure throughout pregnancy and delivery;

(g) right to request room, doctor or nurse change at any point;

(h) right to know doctor's methods;

(i) right to change her mind with respect to any treatment decision at any point;

(j) right of pregnant persons to be in any position they want so long as it is medically indicated as safe;

(k) right of pregnant persons to know the risks associated with any and all tests or procedures;

(l) right of pregnant persons to receive or refuse any type of emotional, social, psychological or physical support people have before, during and after labor;

(m) right of pregnant persons to choose birth setting;

(n) right of pregnant persons to refuse or accept any administered drug/treatment; and

(o) right of pregnant persons to receive information about any potential direct or indirect effects, risks, hazards to the mother and fetus because of a drug or procedure.

2. Before a healthcare professional commences a physical examination or any treatment of a pregnant person, the healthcare professional conducting the exam shall inform the person of the pregnant persons' bill of rights by providing a copy of such bill of rights and offering to explain such rights.

3. Failure to comply with the provisions of this section shall result in a penalty of five hundred dollars for the first violation, and for the second and each subsequent violation, the penalty shall be one thousand dollars.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law.