

STATE OF NEW YORK

9818--A

IN ASSEMBLY

April 19, 2022

Introduced by M. of A. PAULIN, DICKENS, GOTTFRIED, CAHILL, GLICK, EPSTEIN, HEVESI, ZINERMAN, DAVILA, ENGLEBRIGHT, BURDICK, SIMON, JACKSON, L. ROSENTHAL, ZEBROWSKI, GALLAGHER, SEAWRIGHT -- read once and referred to the Committee on Governmental Operations -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the executive law, in relation to address confidentiality to protect reproductive health care services providers, employees, volunteers, patients, or immediate family members of reproductive health care services providers

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

1 Section 1. The opening paragraph and subdivision 3 of section 108 of
2 the executive law, as amended by chapter 141 of the laws of 2019, are
3 amended to read as follows:

4 There is created in the office of the secretary of state a program to
5 be known as the "address confidentiality program" to protect victims of
6 domestic violence, victims of human trafficking, victims of a sexual
7 offense [~~and~~], victims of stalking, and reproductive health care
8 services providers, employees, volunteers, patients, or immediate family
9 members of reproductive health care services providers by authorizing
10 the use of designated addresses for such victims and their minor chil-
11 dren. The program shall be administered by the secretary of state.

12 3. Designation of agencies to assist applicants. The secretary shall
13 designate state, local or nonprofit agencies that provide counseling,
14 referral, shelter or other specialized services to victims of domestic
15 violence, victims of human trafficking, victims of a sexual offense
16 [~~and~~], victims of stalking, and reproductive health care services
17 providers, employees, volunteers, patients, or immediate family members
18 of reproductive health care services providers to assist persons apply-
19 ing to be program participants. Such persons providing assistance shall
20 be trained by the secretary. Any assistance and counseling rendered by

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

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1 an officer of the secretary or his or her designees to applicants shall
2 in no way be construed as legal advice.

3 § 2. Subdivision 1 of section 108 of the executive law is amended by
4 adding three new paragraphs (l), (m) and (n) to read as follows:

5 (l) "Reproductive health care services provider, employee, volunteer,
6 or patient" means a person who obtains, provides, or assists, at the
7 request of another person, in obtaining or providing reproductive health
8 care services, or a person who owns or operates a reproductive health
9 care services facility.

10 (m) "Reproductive health care services facility" includes a hospital,
11 an office operated by a licensed physician and surgeon, a licensed clinic,
12 or other licensed health care facility that provides reproductive
13 health care services and includes only the building or structure in
14 which the reproductive health care services are actually provided.

15 (n) "Immediate family member" shall have the same meaning as defined
16 in subdivision eight of section two hundred thirty-eight of the public
17 health law.

18 § 3. Clauses (A), (B) and (C) of subparagraph (i) of paragraph (a) of
19 subdivision 2 of section 108 of the executive law, clauses (A) and (B)
20 as amended by chapter 141 of the laws of 2019 and clause (C) as added by
21 chapter 502 of the laws of 2011, are amended to read as follows:

22 (A) the applicant, or the minor or incapacitated person on whose
23 behalf the application is made, is a victim of domestic violence, victim
24 of human trafficking, victim of a sexual offense, ~~[ex]~~ victim of stalk-
25 ing, or a reproductive health care services provider, employee, volun-
26 teer, patient, or an immediate family member of a reproductive health
27 care services provider;

28 (B) the applicant, or the minor or incapacitated person on whose
29 behalf the application is made, has left his or her residence because of
30 such violence or acts, provided, however, this clause shall not apply if
31 the applicant is a reproductive health care services provider, employee,
32 volunteer, patient, or an immediate family member of a reproductive
33 health care services provider;

34 (C) the applicant fears for his or her safety or his or her children's
35 safety, or the safety of the minor or incapacitated person on whose
36 behalf the application is made, or, in the case of a reproductive health
37 care services provider, employee, volunteer, or patient, the applicant
38 fears for his or her safety or the safety of an immediate family member;
39 and

40 § 4. Subparagraph (iv) of paragraph (a) of subdivision 2 of section
41 108 of the executive law, as amended by chapter 141 of the laws of 2019,
42 is amended to read as follows:

43 (iv) the actual address or addresses that the applicant requests not
44 be disclosed because of the increased risk of domestic violence, a sexu-
45 al offense, stalking, ~~[ex]~~ physical injury or in the case of reproduc-
46 tive health care services provider, employee, volunteer, patient, or an
47 immediate family member of a reproductive health care services provider,
48 other threats of violence; and

49 § 5. This act shall take effect on the ninetieth day after it shall
50 have become a law.