

STATE OF NEW YORK

8842

IN SENATE

April 22, 2022

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the family court act, the executive law, the civil practice law and rules and the criminal procedure law, in relation to gender affirming care

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

1 Section 1. The family court act is amended by adding a new section 659
2 to read as follows:

3 § 659. Consideration of law allowing gender affirming care. A law of
4 another state that authorizes a child to be removed from their parent or
5 guardian based on the parent or guardian allowing their child to receive
6 gender affirming care shall not be enforced or admissible with regard to
7 a child present in this state.

8 § 2. The executive law is amended by adding a new section 837-w to
9 read as follows:

10 § 837-w. Cooperation with certain out-of-state investigations. No
11 state or local law enforcement agency shall cooperate with or provide
12 information to any individual or out-of-state agency or department
13 regarding the provision of lawful gender affirming care performed in
14 this state. Nothing in this section shall prohibit the investigation of
15 any criminal activity in this state which may involve the performance of
16 gender affirming care provided that no information relating to any
17 medical procedure performed on a specific individual may be shared with
18 an out-of-state agency or any other individual.

19 § 3. Section 3119 of the civil practice law and rules is amended by
20 adding a new subdivision (g) to read as follows:

21 (g) Subpoenas related to gender affirming care. Notwithstanding any
22 other provisions of law, no court or county clerk shall issue a subpoena
23 under this section in connection with an out-of-state proceeding relat-
24 ing to seeking health or related information about people who come to
25 New York to receive gender affirming care if the subpoena relates to
26 efforts to criminalize individuals or remove children based on individ-
27 uals receiving gender affirming care in this state.

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

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1 § 4. Section 140.10 of the criminal procedure law is amended by adding
2 a new subdivision 3-a to read as follows:

3 3-a. A police officer may not arrest any person for performing or
4 aiding in the performance of gender affirming care within this state, or
5 in procuring gender affirming care in this state, if the gender affirm-
6 ing care is performed in accordance with the provisions of any other
7 applicable law of this state.

8 § 5. The criminal procedure law is amended by adding a new section
9 570.17 to read as follows:

10 § 570.17 Extradition of gender affirming care providers.

11 No demand for the extradition of a person charged with providing
12 gender affirming care shall be recognized by the governor unless the
13 executive authority of the demanding state shall allege in writing that
14 the accused was present in the demanding state at the time of the
15 commission of the alleged offense, and that thereafter he, she or they
16 fled from that state.

17 § 6. This act shall take effect immediately.