

STATE OF NEW YORK

9039--A

IN SENATE

May 4, 2022

Introduced by Sens. BIAGGI, CLEARE, COONEY, HOYLMAN, JACKSON, LIU, MAY, MAYER, RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil rights law, in relation to establishing a cause of action for unlawful interference with protected rights

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

1 Section 1. This act shall be known and may be cited as the "freedom
2 from interference with reproductive and endocrine health advocacy and
3 travel exercise act", or the "FIRE HATE act".

4 § 2. The legislature finds that the rights of the residents of the
5 state of New York are imperiled by actions which would attempt to or
6 purport to prevent or limit travel to New York for the exercise of
7 rights protected by the New York state constitution and the laws of the
8 state of New York, or which would put those who travel to New York at
9 risk of civil actions and criminal actions brought in courts outside the
10 state of New York seeking to punish or impose civil liability on indi-
11 viduals for traveling to New York to exercise individual and human
12 rights protected within the state of New York. The legislature finds
13 that imposing such liability creates distinct harm within the state of
14 New York.

15 § 3. The civil rights law is amended by adding a new section 70-b to
16 read as follows:

17 § 70-b. Unlawful interference with protected rights. 1. A claim of
18 unlawful interference with protected rights is established under this
19 section. Such claim shall arise when a person demonstrates that they
20 exercised or attempted to exercise, or facilitated or attempted to
21 facilitate the exercise of a right protected under the constitution of
22 the state of New York and/or protected or permitted by the laws of the
23 state of New York, to obtain or provide the medical care described in
24 subdivision six of this section, and such exercise, provision, facili-
25 tation, or attempt thereof results in litigation or criminal charges

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

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1 brought against that person in any court in the United States or its
2 territories.

3 2. Such claim shall arise when any person or entity commences an
4 action in any court, in the United States or any of its territories, in
5 which the allegations against the person, whether civil or criminal,
6 involve accessing, providing, facilitating, or attempting to access,
7 provide, or facilitate the medical care described in subdivision six of
8 this section.

9 3. In a claim for unlawful interference with protected rights under
10 this section:

11 (a) compensatory damages, as well as costs and attorneys' fees,
12 including expert witness fees, shall be recoverable upon a demonstration
13 of unlawful interference; and

14 (b) punitive damages shall be recoverable upon an additional demon-
15 stration that the action against the plaintiff was commenced or contin-
16 ued for the purpose of harassing, intimidating, punishing or otherwise
17 maliciously inhibiting the exercise of rights protected in New York,
18 including but not limited to the rights in subdivision six of this
19 section.

20 4. Any action or proceeding brought pursuant to this section shall be
21 commenced no later than six years after the date on which the violation
22 of this section is committed.

23 5. Nothing in this section shall affect or preclude the right of any
24 party to any recovery otherwise authorized by common law, or by statute,
25 law or rule.

26 6. Rights specifically protected under this section shall include
27 lawfully provided medical care including but not limited to reproductive
28 and/or endocrine health care, and all medical, surgical, counseling or
29 referral services relating to the human reproductive system, including
30 but not limited to services relating to pregnancy, contraception, or the
31 termination of a pregnancy.

32 7. An action under this section shall be brought in the Supreme Court
33 of the state of New York.

34 § 4. Severability. If any provision of this act, or any application of
35 any provision of this act is held to be invalid, that shall not affect
36 the validity or effectiveness of any other provision of this act, any
37 other application of any provision of this act, or any other provision
38 of any law or code amended by this act.

39 § 5. This act shall take effect immediately.