

# STATE OF NEW YORK

1926

2021-2022 Regular Sessions

## IN ASSEMBLY

January 13, 2021

Introduced by M. of A. REYES, QUART, WALKER, SIMON, L. ROSENTHAL, PICHARDO, EPSTEIN, FERNANDEZ, CRUZ, LAVINE, SEAWRIGHT, GLICK, DE LA ROSA, O'DONNELL, HEVESI, OTIS -- read once and referred to the Committee on Ways and Means

AN ACT to amend the state finance law and the tax law, in relation to establishing the abortion access fund and allowing taxpayers to make a gift to such fund on their personal income tax returns

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

1 Section 1. The state finance law is amended by adding a new section  
2 99-ii to read as follows:

3 § 99-ii. Abortion access fund. 1. There is hereby established in the  
4 joint custody of the comptroller and the commissioner of health, a  
5 special fund to be known as the "abortion access fund".

6 2. Such fund shall consist of all revenues received pursuant to the  
7 provisions of section six hundred thirty-i of the tax law, and all other  
8 monies appropriated, credited, or transferred thereto from any other  
9 fund or source pursuant to law. Nothing contained herein shall prevent  
10 the state from receiving grants, gifts or bequests for the purposes of  
11 the fund as defined in this section and depositing them into the fund  
12 according to law.

13 3. a. On or before the first day of February each year, the comp-  
14 troller shall certify in a report to the governor, the temporary presi-  
15 dent of the senate, the speaker of the assembly, the chair of the  
16 senate finance committee and the chair of the assembly ways and means  
17 committee, the amount of money deposited in the abortion access fund  
18 during the preceding calendar year as the result of revenue derived  
19 pursuant to section six hundred thirty-i of the tax law and from  
20 grants, gifts and bequests. Such report shall include how the monies of  
21 the fund were utilized during the preceding calendar year, and shall  
22 include:

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

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1 (i) the amount of money disbursed from the fund and the award process  
2 used for such disbursements;

3 (ii) recipients of awards from the fund;

4 (iii) the amount awarded to each;

5 (iv) the purposes for which such awards were granted; and

6 (v) a summary financial plan for such monies which shall include esti-  
7 mates of all receipts and disbursements for the current and succeeding  
8 fiscal years, along with the actual results from the prior fiscal year.

9 b. Amounts expended for abortion access funds pursuant to this section  
10 shall not affect the amount that would otherwise be appropriated for  
11 abortion access funds under any other provision of law.

12 c. The state shall not request, promulgate regulations to, or other-  
13 wise require, any non-profit organization receiving monies from the  
14 abortion access fund to divulge the name, address, photograph, license  
15 number, email address, phone number, or any other personally identifying  
16 information of any employee, contractor, or volunteer of such organiza-  
17 tion, or any patient, or individual who sought or received funding from  
18 such organization.

19 d. Any non-profit organization receiving funds from the abortion  
20 access fund shall take all necessary steps to ensure the confidentiality  
21 of the individuals receiving services.

22 4. Monies of the fund shall be expended, pursuant to a request for  
23 proposals issued by the commissioner of health, to fund the operational  
24 and programmatic expenses of not-for-profit entities that provide  
25 support to individuals in need of abortion services, by addressing  
26 financial and logistical barriers that prevent access to care. This  
27 shall include, but is not limited to, funding for medical services and  
28 logistical costs.

29 5. Monies shall be payable from the fund on the audit and warrant of  
30 the comptroller on vouchers approved and certified by the commissioner  
31 of health.

32 6. Nothing in this section shall be construed to authorize the state  
33 or any agency of the state, to request or require any information other  
34 than information required in paragraph a of subdivision three of this  
35 section, from the award recipients of the abortion access fund.

36 § 2. The tax law is amended by adding a new section 630-i to read  
37 as follows:

38 § 630-i. Gift to the abortion access fund. Effective for any tax year  
39 commencing on or after January first, two thousand twenty-three, an  
40 individual in any taxable year may elect to contribute to the abortion  
41 access fund. Such contribution shall be in any whole dollar amount and  
42 shall not reduce the amount of state tax owed by such individual. The  
43 commissioner shall include space on the personal income tax return to  
44 enable a taxpayer to make such contribution. The commissioner shall also  
45 ensure that a description of the abortion access fund is included within  
46 the tax form preparation instruction booklet. Notwithstanding any other  
47 provision of law, all revenues collected pursuant to this section shall  
48 be credited to the abortion access fund and shall be used only for those  
49 purposes enumerated in section ninety-nine-ii of the state finance law.

50 § 3. This act shall take effect immediately.