

STATE OF NEW YORK

2736

2021-2022 Regular Sessions

IN SENATE

January 25, 2021

Introduced by Sens. SALAZAR, BIAGGI -- read twice and ordered printed,
and when printed to be committed to the Committee on Women's Issues

AN ACT to amend the public health law, in relation to informing maternity patients about the risks associated with cesarean section

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

1 Section 1. The public health law is amended by adding a new section
2 2500-1 to read as follows:

3 § 2500-1. Duty of providers of primary cesarean section maternity
4 services to inform. 1. (a) Every maternal health care provider shall
5 provide the written communication established in subdivision two of this
6 section prior to delivery to each pregnant woman for whom a cesarean
7 section delivery is planned.

8 (b) Every maternal health care provider who performs a cesarean
9 section which was not planned prenatally shall provide the written
10 communication established in subdivision two of this section to the
11 patient following delivery.

12 (c) As used in this section: "maternal health care provider" or
13 "provider" shall mean a physician, midwife, nurse practitioner, or
14 physician assistant, acting within his or her scope of practice, manag-
15 ing the pregnancy of a pregnant woman.

16 2. (a) The commissioner shall develop a written communication or
17 communications for maternal health care providers to distribute to
18 maternity patients as required in subdivision one of this section, which
19 contains information about cesarean section delivery. The commissioner
20 shall consult with appropriate health care professionals, providers,
21 consumers, educators and patients or organizations representing them,
22 including but not limited to the American College of Obstetricians and
23 Gynecologists and the New York State Association of Licensed Midwives to
24 develop such written communication or communications.

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

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1 (b) Such written communication or communications shall include, but
2 not be limited to information on:

3 i. potential maternal injuries associated with cesarean delivery; and
4 ii. potential risks to the fetus; and
5 iii. the impact a cesarean delivery may have on future pregnancies and
6 deliveries; and
7 iv. circumstances in which cesarean delivery may be necessary to save
8 the life of the mother or fetus.

9 (c) The commissioner shall ensure that all information included in the
10 written communication or communications are maintained and updated to
11 reflect current clinical guidelines.

12 § 2. This act shall take effect on the one hundred eightieth day after
13 it shall have become a law. Effective immediately, the addition, amend-
14 ment and/or repeal of any rule or regulation by the department of health
15 necessary for the implementation of this act on its effective date are
16 authorized to be made and completed on or before such effective date.