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:

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

§ 2. The legislature finds that the rights of the residents of the state of New York are imperiled by actions which would attempt to or purport to prevent or limit travel to New York for the exercise of rights protected by the New York state constitution and the laws of the state of New York, or which would put those who travel to New York at risk of civil actions and criminal actions brought in courts outside the state of New York seeking to punish or impose civil liability on individuals for traveling to New York to exercise individual and human rights protected within the state of New York. The legislature finds that imposing such liability creates distinct harm within the state of New York.

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

§ 70-b. Unlawful interference with protected rights. 1. A claim of unlawful interference with protected rights is established under this section. Such claim shall arise when a person demonstrates that they exercised or attempted to exercise, or facilitated or attempted to facilitate the exercise of a right protected under the constitution of the state of New York and/or protected or permitted by the laws of the state of New York, to obtain or provide the medical care described in subdivision six of this section, and such exercise, provision, facilitation, 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.

LBD15592-05-2

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

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

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

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

(b) punitive damages shall be recoverable upon an additional demonstration that the action against the plaintiff was commenced or continued for the purpose of harassing, intimidating, punishing or otherwise maliciously inhibiting the exercise of rights protected in New York, including but not limited to the rights in subdivision six of this section.

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

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

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

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

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

§ 5. This act shall take effect immediately.