

# STATE OF NEW YORK

9078

## IN SENATE

May 9, 2022

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

AN ACT to amend the public health law, in relation to enacting the reproductive freedom and equity program

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

- 1 Section 1. Short title. This act shall be known and may be cited as  
2 the "reproductive freedom and equity program".
- 3 § 2. Legislative findings. The legislature finds:
- 4 1. Abortion is essential health care and integral to the overall  
5 health and wellbeing of individuals.
- 6 2. In 1970, New York legalized abortion, three years prior to the  
7 Supreme Court decision in Roe v. Wade, which enumerated a constitutional  
8 right to abortion care.
- 9 3. On January 22, 2019, the 36th anniversary of the Supreme Court  
10 Decision Roe v. Wade, New York modernized our state law to be consistent  
11 with the holdings of Roe v. Wade, articulating in that every individual  
12 has a fundamental right to abortion.
- 13 4. Despite a constitutional and state right to abortion care, barriers  
14 exist that challenge an individual's ability to exercise their right to  
15 care.
- 16 5. Individuals seeking abortion care can often experience obstacles to  
17 obtaining an abortion, whether that is an inability to afford the cost  
18 of care, the distance one must travel, the costs associated with travel  
19 including transportation needs, childcare, lodging, lost wages and more.
- 20 6. Barriers to care are often intensified for immigrants, young  
21 people, people with disabilities and those living in rural areas.
- 22 7. If the United States Supreme Court overturns Roe v. Wade, access to  
23 care across the country will dramatically shift with people in at least  
24 26 states - 36,000,000 women and individuals with the capacity to become  
25 pregnant - losing access to care.
- 26 8. It is estimated that in the wake of state bans on abortion across  
27 the country, New York would be the nearest provider of care for 190,000  
28 to 280,000 more women of reproductive age.

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

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1 9. Abortion funds, abortion providers, and other community-based  
2 organizations have provided essential support to individuals facing  
3 practical support needs. These entities assist individuals seeking  
4 abortion care including those living in New York, those traveling to New  
5 York and those who must travel outside of New York for care.

6 10. With no direct state investment, safety-net abortion providers and  
7 abortion funds predominately rely on philanthropic giving to address  
8 unmet needs of abortion patients, challenging their ability to meet  
9 present need, or any future increase demand for care.

10 11. New York has a proud legacy of protecting and expanding access to  
11 comprehensive reproductive and sexual health care services, including  
12 abortion.

13 12. In furtherance of that legacy, it is incumbent upon the state to  
14 adopt bold and innovative programs and policies that protect and advance  
15 reproductive freedom.

16 § 3. Article 25-A of the public health law is amended by adding a new  
17 section 2599-bb-1 to read as follows:

18 § 2599-bb-1. Reproductive freedom and equity program. 1. As used in  
19 this section, the following terms shall have the following meanings:

20 (a) "Abortion" shall mean the termination of pregnancy pursuant to  
21 section twenty-five hundred ninety-nine-bb of this article.

22 (b) "Medical services" shall mean the range of care related to the  
23 provision of abortion.

24 (c) "Practical support" shall mean direct assistance to enable a  
25 person to obtain abortion care, including but not limited to ground and  
26 air transportation, gas money, lodging, meals, childcare, translation  
27 services, and doula support.

28 (d) "Program" shall mean the reproductive freedom and equity program.

29 2. There is hereby established in the department a reproductive free-  
30 dom and equity program to ensure access to abortion care in the state.  
31 Such program shall provide funding to abortion providers and non-profit  
32 organizations whose primary function is to facilitate access to abortion  
33 care. The program is designed to provide support to abortion providers  
34 to increase access to care, fund uncompensated care, and to address the  
35 support needs of individuals accessing abortion care.

36 3. The commissioner is authorized to distribute funds made available  
37 for expenditure pursuant to this section. In determining funding for  
38 applicants under the program, the commissioner shall consider the  
39 following criteria and goals:

40 (a) Increase access to care by growing the capacity of abortion  
41 providers to meet present and future care needs. Funds shall be awarded  
42 to support the recruitment and retention of staff, patient navigators,  
43 staff training, the establishment of new or renovation of existing  
44 health centers, investments in technology to facilitate care, security  
45 enhancements, and other operational needs that reflect the intention of  
46 increasing access to abortion care.

47 (b) Fund uncompensated care, to ensure the affordability of and access  
48 to care for anyone who seeks care in the state, regardless of their  
49 ability to pay for care. Funds shall be awarded to abortion providers  
50 and non-profit entities to support uncompensated costs of the medical  
51 services associated with abortion care for individuals who lack insur-  
52 ance coverage, are underinsured, or whose insurance is deemed unusable  
53 by the rendering provider.

54 (c) Address practical support needs of individuals accessing abortion  
55 care. Funds shall be awarded to non-profit entities providing practical  
56 support to individuals within and traveling to the state.

1 4. In establishing and operating the program, the department shall  
2 consult a range of experts including but not limited to individuals and  
3 entities providing abortion care, abortion funds and other organizations  
4 whose mission is to expand access to abortion care, to ensure the  
5 program structure and expenditures are reflective of the needs of  
6 abortion providers, abortion funds and consumers. The department shall  
7 promulgate regulations necessary for implementation of the program.

8 5. The department shall not request, promulgate regulations to, or  
9 otherwise require, any abortion provider or non-profit organization  
10 receiving monies from the program to divulge the name, address, photo-  
11 graph, license number, email address, phone number, or any other  
12 personally identifying information of any patient, or individual who  
13 sought or received practical support from such provider or organization,  
14 in conjunction with the funding provided pursuant to this section.

15 6. Any non-profit organization or provider receiving funds from the  
16 program shall take all necessary steps to ensure the confidentiality of  
17 the individuals receiving services pursuant to state and federal laws.

18 § 4. Funding used to support the program shall be pursuant to funds  
19 appropriated by the legislature and pursuant to subsequent chapters of  
20 law. Such funding shall also be used to support the cost of administer-  
21 ing the program and for any other purpose authorized by this act. The  
22 level of expenditure by the department for the administrative support of  
23 the program created pursuant to this act shall be subject to review and  
24 approval annually through the state budget process.

25 § 5. Severability clause. If any provision of this act, or any appli-  
26 cation of any provision of this act, is held to be invalid, or to  
27 violate or be inconsistent with any federal law or regulation, that  
28 shall not affect the validity or effectiveness of any other provision of  
29 this act, or of any other application of any provision of this act,  
30 which can be given effect without that provision or application; and to  
31 that end, the provisions and applications of this act are severable.

32 § 6. This act shall take effect on the sixtieth day after it shall  
33 have become a law. Effective immediately, the addition, amendment and/or  
34 repeal of any rule or regulation necessary for the implementation of  
35 this act on its effective date are authorized to be made and completed  
36 on or before such effective date.