STATE OF NEW YORK

9384--A

IN SENATE

May 23, 2022

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

AN ACT to amend the executive law, in relation to address confidentiality to protect reproductive health care services providers, employees, volunteers, patients, or immediate family members of reproductive health care services providers

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

Section 1. The opening paragraph and subdivision 3 of section 108 of the executive law, as amended by chapter 141 of the laws of 2019, are amended to read as follows:

There is created in the office of the secretary of state a program to be known as the "address confidentiality program" to protect victims of domestic violence, victims of human trafficking, victims of a sexual offense [~~and~~], victims of stalking**, and reproductive health care services providers, employees, volunteers, patients, or immediate family members of reproductive health care services providers** by authorizing the use of designated addresses for such victims and their minor children. The program shall be administered by the secretary of state.

3. Designation of agencies to assist applicants. The secretary shall designate state, local or nonprofit agencies that provide counseling, referral, shelter or other specialized services to victims of domestic violence, victims of human trafficking, victims of a sexual offense [~~and~~], victims of stalking**, and reproductive health care services providers, employees, volunteers, patients, or immediate family members of reproductive health care services providers** to assist persons applying to be program participants. Such persons providing assistance shall be trained by the secretary. Any assistance and counseling rendered by an officer of the secretary or his or her designees to applicants shall in no way be construed as legal advice.

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

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§ 2. Subdivision 1 of section 108 of the executive law is amended by adding three new paragraphs (l), (m) and (n) to read as follows:

(l) "Reproductive health care services provider, employee, volunteer, or patient" means a person who obtains, provides, or assists, at the request of another person, in obtaining or providing reproductive health care services, or a person who owns or operates a reproductive health care services facility.

(m) "Reproductive health care services facility" includes a hospital, an office operated by a licensed physician and surgeon, a licensed clinic, or other licensed health care facility that provides reproductive health care services and includes only the building or structure in which the reproductive health care services are actually provided.

(n) "Immediate family member" shall have the same meaning as defined in subdivision eight of section two hundred thirty-eight of the public health law.

§ 3. Clauses (A), (B) and (C) of subparagraph (i) of paragraph (a) of subdivision 2 of section 108 of the executive law, clauses (A) and (B) as amended by chapter 141 of the laws of 2019 and clause (C) as added by chapter 502 of the laws of 2011, are amended to read as follows:

(A) the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, victim of human trafficking, victim of a sexual offense, [~~or~~] victim of stalking**, or a reproductive health care services provider, employee, volunteer, patient, or an immediate family member of a reproductive health care services provider**;

(B) the applicant, or the minor or incapacitated person on whose behalf the application is made, has left his or her residence because of such violence or acts**, provided, however, this clause shall not apply if the applicant is a reproductive health care services provider, employee, volunteer, patient, or an immediate family member of a reproductive health care services provider**;

(C) the applicant fears for his or her safety or his or her children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made**, or, in the case of a reproductive health care services provider, employee, volunteer, or patient, the applicant fears for his or her safety or the safety of an immediate family member**; and

§ 4. Subparagraph (iv) of paragraph (a) of subdivision 2 of section 108 of the executive law, as amended by chapter 141 of the laws of 2019, is amended to read as follows:

(iv) the actual address or addresses that the applicant requests not be disclosed because of the increased risk of domestic violence, a sexual offense, stalking, [~~or~~] physical injury **or in the case of reproductive health care services provider, employee, volunteer, patient, or an immediate family member of a reproductive health care services provider, other threats of violence**; and

§ 5. This act shall take effect on the ninetieth day after it shall have become a law.