

# 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:

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

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

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

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

LBD15252-04-2

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

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

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

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

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

20 (A) the applicant, or the minor or incapacitated person on whose  
21 behalf the application is made, is a victim of domestic violence, victim  
22 of human trafficking, victim of a sexual offense, ~~or~~ victim of stalk-  
23 ing, or a reproductive health care services provider, employee, volun-  
24 teer, patient, or an immediate family member of a reproductive health  
25 care services provider;

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

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

38 § 4. Subparagraph (iv) of paragraph (a) of subdivision 2 of section  
39 108 of the executive law, as amended by chapter 141 of the laws of 2019,  
40 is amended to read as follows:

41 (iv) the actual address or addresses that the applicant requests not  
42 be disclosed because of the increased risk of domestic violence, a sexu-  
43 al offense, stalking, ~~or~~ physical injury or in the case of reproduc-  
44 tive health care services provider, employee, volunteer, patient, or an  
45 immediate family member of a reproductive health care services provider,  
46 other threats of violence; and

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