

STATE OF NEW YORK

1473

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

Introduced by M. of A. REYES, WALKER, SIMON, L. ROSENTHAL, EPSTEIN, CRUZ, LAVINE, SEAWRIGHT, GLICK, HEVESI, OTIS, ZINERMAN, BURDICK, GALLAGHER, ANDERSON, JACKSON, BURGOS, KELLES, CARROLL, JEAN-PIERRE, GONZALEZ-ROJAS, JACOBSON -- read once and referred to the Committee on Ways and Means

AN ACT to amend the state finance law and the tax law, in relation to establishing the abortion access fund and allowing taxpayers to make a gift to such fund on their personal income tax returns

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

Section 1. The state finance law is amended by adding a new section 99-qq to read as follows:

§ 99-qq. Abortion access fund. 1. There is hereby established in the joint custody of the comptroller and the commissioner of health, a special fund to be known as the "abortion access fund".

2. Such fund shall consist of all revenues received pursuant to the provisions of section six hundred thirty-1 of the tax law, and all other monies appropriated, credited, or transferred thereto from any other fund or source pursuant to law. Nothing contained herein shall prevent the state from receiving grants, gifts or bequests for the purposes of the fund as defined in this section and depositing them into the fund according to law.

3. a. On or before the first day of February each year, the comptroller shall certify in a report to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate finance committee and the chair of the assembly ways and means committee, the amount of money deposited in the abortion access fund during the preceding calendar year as the result of revenue derived pursuant to section six hundred thirty-1 of the tax law and from grants, gifts and bequests. Such report shall include how the monies of the fund were utilized during the preceding calendar year, and shall include:

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

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1 (i) the amount of money disbursed from the fund and the award process
2 used for such disbursements;

3 (ii) recipients of awards from the fund;

4 (iii) the amount awarded to each;

5 (iv) the purposes for which such awards were granted; and

6 (v) a summary financial plan for such monies which shall include esti-
7 mates of all receipts and disbursements for the current and succeeding
8 fiscal years, along with the actual results from the prior fiscal year.

9 b. Amounts expended for abortion access funds pursuant to this section
10 shall not affect the amount that would otherwise be appropriated for
11 abortion access funds under any other provision of law.

12 c. The state shall not request, promulgate regulations to, or other-
13 wise require, any non-profit organization receiving monies from the
14 abortion access fund to divulge the name, address, photograph, license
15 number, email address, phone number, or any other personally identifying
16 information of any employee, contractor, or volunteer of such organiza-
17 tion, or any patient, or individual who sought or received funding from
18 such organization.

19 d. Any non-profit organization receiving funds from the abortion
20 access fund shall take all necessary steps to ensure the confidentiality
21 of the individuals receiving services.

22 4. Monies of the fund shall be expended, pursuant to a request for
23 proposals issued by the commissioner of health, to fund the operational
24 and programmatic expenses of not-for-profit entities that provide
25 support to individuals in need of abortion services, by addressing
26 financial and logistical barriers that prevent access to care. This
27 shall include, but is not limited to, funding for medical services and
28 logistical costs.

29 5. Monies shall be payable from the fund on the audit and warrant of
30 the comptroller on vouchers approved and certified by the commissioner
31 of health.

32 6. Nothing in this section shall be construed to authorize the state
33 or any agency of the state, to request or require any information other
34 than information required in paragraph a of subdivision three of this
35 section, from the award recipients of the abortion access fund.

36 § 2. The tax law is amended by adding a new section 630-1 to read
37 as follows:

38 § 630-1. Gift to the abortion access fund. Effective for any tax year
39 commencing on or after January first, two thousand twenty-five, an
40 individual in any taxable year may elect to contribute to the abortion
41 access fund. Such contribution shall be in any whole dollar amount and
42 shall not reduce the amount of state tax owed by such individual. The
43 commissioner shall include space on the personal income tax return to
44 enable a taxpayer to make such contribution. The commissioner shall also
45 ensure that a description of the abortion access fund is included within
46 the tax form preparation instruction booklet. Notwithstanding any other
47 provision of law, all revenues collected pursuant to this section shall
48 be credited to the abortion access fund and shall be used only for those
49 purposes enumerated in section ninety-nine-gg of the state finance law.

50 § 3. This act shall take effect immediately.