

# STATE OF NEW YORK

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361--A

2023-2024 Regular Sessions

## IN ASSEMBLY

January 6, 2023

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Introduced by M. of A. GONZALEZ-ROJAS, ANDERSON, AUBRY, BICHOTTE HERMELYN, BRONSON, BURDICK, BURGOS, CARROLL, CLARK, CRUZ, CUNNINGHAM, DAVILA, DE LOS SANTOS, DINOWITZ, EPSTEIN, FORREST, GALLAGHER, GIBBS, GLICK, HEVESI, JACOBSON, JEAN-PIERRE, KELLES, KIM, LAVINE, LUNSFORD, MAMDANI, MITAYNES, OTIS, PAULIN, RAJKUMAR, REYES, RIVERA, L. ROSENTHAL, ROZIC, SEAWRIGHT, SEPTIMO, SIMON, TAPIA, THIELE, WALKER, WEPRIN, ZINERMAN, BORES, ARDILA, SIMONE, SHIMSKY, RAGA, SHRESTHA, SOLAGES -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 grant 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 46th 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 state right to abortion care, barriers exist that chal-  
14 lenge an individual's ability to exercise their right to care.

15 5. Individuals seeking abortion care can often experience obstacles to  
16 obtaining an abortion, whether that is an inability to afford the cost

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

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1 of care, the distance one must travel, the costs associated with travel  
2 including transportation needs, childcare, lodging, lost wages and more.

3 6. Barriers to care are often intensified for immigrants, young  
4 people, people with disabilities and those living in rural areas.

5 7. The United States Supreme Court overturned Roe v. Wade on June 24,  
6 2022, significantly impacting access to care across the country for  
7 millions.

8 8. It is estimated that in the wake of state bans on abortion across  
9 the country, New York would be the nearest provider of care for 190,000  
10 to 280,000 more women of reproductive age.

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

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

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

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

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

28 § 2599-bb-1. Reproductive freedom and equity grant program. 1. As used  
29 in this section, the following terms shall have the following meanings:

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

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

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

38 (d) "Program" shall mean the reproductive freedom and equity grant  
39 program.

40 2. There is hereby established in the department a reproductive free-  
41 dom and equity grant program to ensure access to abortion care in the  
42 state. Such program shall provide funding to abortion providers, govern-  
43 ment entities and non-profit organizations whose primary function is to  
44 facilitate access to abortion care. The program is designed to provide  
45 support to abortion providers to increase access to care, fund uncompen-  
46 sated care, and to address the support needs of individuals accessing  
47 abortion care. The governor shall include an appropriation in the exec-  
48 utive budget or identify funding that can be used to support the  
49 program.

50 3. The commissioner is authorized to distribute funds made available  
51 for expenditure pursuant to this section. In determining funding for  
52 applicants under the grant program, the commissioner shall consider the  
53 following criteria and goals:

54 (a) Increase access to care by growing the capacity of abortion  
55 providers to meet present and future care needs. Funds shall be awarded  
56 to support the recruitment and retention of staff, patient navigators,

1 staff training, the establishment of new or renovation of existing  
2 health centers, investments in technology to facilitate care, security  
3 enhancements, and other operational needs that reflect the intention of  
4 increasing access to abortion care.

5 (b) Fund uncompensated care, to ensure the affordability of and access  
6 to care for anyone who seeks care in the state, regardless of their  
7 ability to pay for care. Funds shall be awarded to abortion providers,  
8 government entities and non-profit entities to support uncompensated  
9 costs of the medical services associated with abortion care for individ-  
10 uals who lack insurance coverage, are underinsured, or whose insurance  
11 is deemed unusable by the rendering provider.

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

15 4. In establishing and operating the program, the department shall  
16 consult a range of experts including but not limited to individuals and  
17 entities providing abortion care, abortion funds and other organizations  
18 whose mission is to expand access to abortion care, to ensure the  
19 program structure and expenditures are reflective of the needs of  
20 abortion providers, abortion funds and consumers. The department shall  
21 promulgate regulations necessary for implementation of the program.

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

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

32 § 4. Severability clause. If any clause, sentence, paragraph, section  
33 or part of this act shall be adjudged by any court of competent juris-  
34 diction to be invalid and after exhaustion of all further judicial  
35 review, the judgment shall not affect, impair, or invalidate the remain-  
36 der thereof, but shall be confined in its operation to the clause,  
37 sentence, paragraph, section or part of this act directly involved in  
38 the controversy in which the judgment shall have been rendered.

39 § 5. This act shall take effect on the one hundred eightieth day after  
40 it shall have become a law. Effective immediately, the addition, amend-  
41 ment and/or repeal of any rule or regulation necessary for the implemen-  
42 tation of this act on its effective date are authorized to be made and  
43 completed on or before such effective date.