

# STATE OF NEW YORK

361--B

2023-2024 Regular Sessions

## IN ASSEMBLY

January 6, 2023

Introduced by M. of A. GONZALEZ-ROJAS, PAULIN, 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, RAJKUMAR, REYES, RIVERA, L. ROSENTHAL, ROZIC, SEAWRIGHT, SEPTIMO, SIMON, TAPIA, THIELE, WALKER, WEPRIN, ZINERMAN, BORES, ARDILA, SIMONE, SHIMSKY, RAGA, SHRESTHA, SOLAGES, LUCAS, DARLING, LEVENBERG, FAHY, LEE, SILLITTI -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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. Article 25-A of the public health law is amended by adding  
2 a new section 2599-bb-1 to read as follows:

3 § 2599-bb-1. Reproductive freedom and equity grant program. 1. As used  
4 in this section, the following terms shall have the following meanings:

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

7 (b) "Health care services" shall mean the range of care related to the  
8 provision of abortion.

9 (c) "Practical support" shall mean direct assistance to enable a  
10 person to obtain abortion care, including but not limited to ground and  
11 air transportation, lodging, meals, childcare, translation services, and  
12 doula support.

13 (d) "Program" shall mean the reproductive freedom and equity grant  
14 program established pursuant to subdivision two of this section.

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

LBD02278-05-3

1 2. There is hereby established in the department a reproductive free-  
2 dom and equity grant program to ensure access to abortion care in the  
3 state. The program shall provide funding to abortion providers and non-  
4 profit organizations that provide or facilitate access to abortion care.  
5 The program shall be designed to provide support to abortion providers  
6 and non-profit organizations to increase access to care, fund uncompen-  
7 sated care, and to address the support needs of individuals accessing  
8 abortion care. Funding used to support the program shall be subject to  
9 appropriation.

10 3. The commissioner shall distribute funds made available for expendi-  
11 ture under this section. In determining funding for applicants under the  
12 grant program, the commissioner shall consider the following criteria  
13 and goals:

14 (a) Increase access to care by growing the capacity of abortion  
15 providers to meet present and future care needs. Funds may be awarded to  
16 support the recruitment and retention of staff, patient navigators,  
17 staff training, the establishment of new or renovation of existing  
18 health centers, investments in technology to facilitate care, security  
19 enhancements, and other operational or capital needs that increase  
20 access to abortion care.

21 (b) Fund uncompensated health care services associated with abortion  
22 care, to ensure the affordability of and access to care for individuals  
23 who lack ability to pay for care, for individuals who lack insurance  
24 coverage, are underinsured, or whose insurance is deemed unusable by the  
25 rendering provider.

26 (c) Address practical support needs of individuals accessing abortion  
27 care for individuals who lack ability to pay for such support.

28 4. In establishing and operating the program, the commissioner shall  
29 consult a range of experts including but not limited to individuals and  
30 entities providing abortion care, abortion funds and other organizations  
31 whose mission is to expand access to abortion care, to ensure the  
32 program structure and expenditures reflect the needs of abortion provid-  
33 ers, abortion funds and consumers. The commissioner may make regulations  
34 necessary for implementing the program.

35 5. The commissioner shall not request, or otherwise require, any  
36 abortion provider or non-profit organization receiving monies from the  
37 program to divulge the name, address, photograph, license number, email  
38 address, phone number, or any other individual identifying information  
39 of any patient, or individual who sought or received health care  
40 services or practical support from an abortion provider or organization  
41 under the program.

42 6. Any non-profit organization or abortion provider receiving funds  
43 from the program shall take all necessary steps to ensure the confiden-  
44 tiality of the individuals receiving services pursuant to state and  
45 federal laws.

46 § 2. Severability clause. If any clause, sentence, paragraph, section  
47 or part of this act shall be adjudged by any court of competent juris-  
48 diction to be invalid and after exhaustion of all further judicial  
49 review, the judgment shall not affect, impair, or invalidate the remain-  
50 der thereof, but shall be confined in its operation to the clause,  
51 sentence, paragraph, section or part of this act directly involved in  
52 the controversy in which the judgment shall have been rendered.

53 § 3. This act shall take effect immediately.