

STATE OF NEW YORK

668

2023-2024 Regular Sessions

IN ASSEMBLY

January 11, 2023

Introduced by M. of A. L. ROSENTHAL, PAULIN, SEAWRIGHT, JACKSON -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to establishing a pregnant persons' bill of rights

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

1 Section 1. Title 6 of article 2 of the public health law, as added by
2 chapter 342 of the laws of 2014, is amended by adding a new section
3 266-a to read as follows:

4 § 266-a. Pregnant persons' bill of rights. 1. Any healthcare profes-
5 sional who could reasonably foresee having pregnant persons as patients
6 shall conspicuously post a pregnant persons' bill of rights to be issued
7 by the department. The bill of rights shall be written in plain English,
8 and shall be made available in other languages, including but not limit-
9 ed to Spanish, French, Chinese and Russian. The pregnant persons' bill
10 of rights shall include, but not limited to the:

11 (a) right of decisionally capable pregnant persons to refuse treat-
12 ment, even if the refusal could result in the loss of life;

13 (b) requirement of doctors to receive informed consent from a pregnant
14 person before performing any medical procedure;

15 (c) requirement that coercion may not be used to receive that consent,
16 nor may appeals to conscience or morality;

17 (d) requirement that care should be provided in a culturally sensitive
18 environment;

19 (e) requirement that counseling and therapy should be made available
20 to anyone who experiences an adverse outcome as a result of refusing
21 treatment, but such counseling and therapy should not be required and
22 pregnant persons have the right to refuse the therapy;

23 (f) requirement that pregnant persons have the right to choose which
24 medical procedures she agrees to, without pressure throughout pregnancy
25 and delivery;

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

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1 (g) right to request room, doctor or nurse change at any point;

2 (h) right to know doctor's methods;

3 (i) right to change her mind with respect to any treatment decision at
4 any point;

5 (j) right of pregnant persons to be in any position they want so long
6 as it is medically indicated as safe;

7 (k) right of pregnant persons to know the risks associated with any
8 and all tests or procedures;

9 (l) right of pregnant persons to receive or refuse any type of
10 emotional, social, psychological or physical support people have before,
11 during and after labor;

12 (m) right of pregnant persons to choose birth setting;

13 (n) right of pregnant persons to refuse or accept any administered
14 drug/treatment; and

15 (o) right of pregnant persons to receive information about any poten-
16 tial direct or indirect effects, risks, hazards to the mother and fetus
17 because of a drug or procedure.

18 2. Before a healthcare professional commences a physical examination
19 or any treatment of a pregnant person, the healthcare professional
20 conducting the exam shall inform the person of the pregnant persons'
21 bill of rights by providing a copy of such bill of rights and offering
22 to explain such rights.

23 3. Failure to comply with the provisions of this section shall result
24 in a penalty of five hundred dollars for the first violation, and for
25 the second and each subsequent violation, the penalty shall be one thou-
26 sand dollars.

27 § 2. This act shall take effect on the thirtieth day after it shall
28 have become a law.