STATE OF NEW YORK

9400

IN SENATE

May 15, 2024

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Women's Issues

AN ACT to amend the public health law, in relation to requiring limited services pregnancy centers to disclose to clients that they do not have a licensed medical provider on staff

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

Section 1. Legislative findings and intent. The legislature finds that it is in the state's interest to ensure pregnant New Yorkers have timely access to the full range of reproductive health services that are available to them, including prenatal care, emergency contraception, and abortion. Article 25-A of the public health law, commonly referred to as the reproductive health act of 2019 guarantees this right, clearly stating that "every individual who becomes pregnant has the fundamental right to choose to carry the pregnancy to term, to give birth to a child, or to have an abortion, pursuant to this article".

Moreover, the legislature finds that due to the sensitive timing of receiving emergency contraception, the importance of receiving prompt prenatal care in ensuring a healthy pregnancy, and statutory timeframes that limit the legality of abortion services, pregnant New Yorkers must receive timely and accurate information regarding their pregnancy. The health care options available to them must be presented free from unnecessary delay or religious or moral persuasion. Any delay in receiving reproductive health care services can lead to negative outcomes for the pregnant person and their fetus, or a complete loss in ability to receive emergency contraception or abortion services, effectively eliminating their reproductive autonomy.

The legislature is aware that some limited service pregnancy centers that are ideologically opposed to comprehensive reproductive health care employ deceptive practices on customers that avail themselves of their services. These practices include presenting themselves as medical facilities through the use of medical history and health insurance intake, wearing of medical clothes and devices such as lab coats and stethoscopes, and siting of facilities near licensed health care facili-

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

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ties. Pregnant New Yorkers who have visited limited service pregnancy centers that are religiously or philosophically opposed to abortion have been inappropriately led to believe that they have received care from a New York state licensed health care professional. Although the legislature respects the right for individuals to seek any reproductive services they wish to seek, it is critical that pregnant New Yorkers are not misled into believing they have received services and medical counseling from a licensed provider when in actuality they have received unlicensed counseling from someone who is unwilling to objectively discuss how to seek emergency contraception or abortion, and is unable to refer for those services.

Therefore, it is the intent of the legislature to ensure pregnant individuals are fully informed as to whether they are receiving services and counseling from a licensed medical professional when they seek prenatal care, emergency contraception, or abortion services.

§ 2. The public health law is amended by adding a new section 2509-d to read as follows:

§ 2509-d. Limited services pregnancy centers; disclosure. 1. Any limited services pregnancy center shall be required to disclose to a client that it does not have a licensed medical provider on staff who provides or directly supervises the provision of all reproductive health services at such limited services pregnancy center.

2. For the purposes of this section, the following terms shall have the following meanings:

(a) "Limited services pregnancy center" means a facility or entity, including a mobile facility, the primary purpose of which is to provide services to clients who are or may be pregnant, that:

(i) (1) is not a health care facility licensed by the state of New York under article twenty-eight of this chapter or articles thirty-one and thirty-two of the mental hygiene law; or

(2) is not providing services under the direction of a health care provider licensed under title eight of the education law who is acting within such health care provider's scope of practice; and

(ii) fails to provide or refer for the full range of comprehensive reproductive and sexual health care services reimbursed under the state's Medicaid program including, but not limited to contraception, testing and treatment of sexually transmitted infections, abortion care, and prenatal care.

(b) "Licensed medical provider" means a person licensed or otherwise authorized under the provisions of article one hundred thirty-one, one hundred thirty-one-A, one hundred thirty-one-B, one hundred thirty-nine, or one hundred forty of the education law, to provide medical services.

3. The disclosure required by subdivision one of this section shall be:

(a) provided in writing, in English and Spanish in a form prescribed by the commissioner, and such written disclosure shall be posted in the entrance of the limited services pregnancy center and in any area where clients wait to receive services where it can easily be read by its clients; and

(b) conducted orally upon first communication or first contact with the client or potential client by staff assisting the potential client, and such disclosure shall further be reasonably understandable to the client.

4. Any person who believes that a violation of this section has occurred may file a complaint with the department. Within thirty days of

receiving such complaint, the department shall investigate such complaint and determine whether a violation has occurred.

5. Any limited services pregnancy center violating the provisions of this section shall be subject to a civil fine of not less than two hundred dollars and not more than one thousand dollars on the first violation and not less than five hundred dollars and not more than twenty-five hundred dollars on the second and all subsequent violations.

§ 3. This act shall take effect immediately.