STATE OF NEW YORK

1395

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

Introduced by M. of A. EPSTEIN, DINOWITZ, JACOBSON, GONZALEZ-ROJAS -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, the state finance law and the tax law, in relation to requiring the state university of New York to provide abortion by medication techniques at all public universities within the state

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

Section 1. Article 5 of title 1 of the education law is amended by adding a new part 2-A to read as follows:

PART 2-A

MEDICAL AND HEALTH SERVICES

Section 288. Access to abortion by medication techniques.

§ 288. Access to abortion by medication techniques. 1. For purposes of this section, the following terms shall have the following meanings:

a. "Student health center" shall mean a clinic providing primary health care services to students.

b. "Abortion by medication" shall mean the process of using medication to terminate a pregnancy.

c. "Public college" or "public university" shall mean any college or university within the state university of New York system.

2. Each public college student health center shall make available to all students abortion by medication techniques onsite. This service shall be provided by medical professionals on staff at such student health centers or by a third party who has contracted with a university to provide such medical services.

3. Within two years of the effective date of this section, and by December thirty-first of each year thereafter, the chancellor of the state university of New York (SUNY) shall submit a report to the commissioner, the governor, the speaker of the assembly and the temporary

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

LBD04340-01-3

president of the senate that includes, but is not limited to, the following:

a. the total number of public college student health centers that provide abortion by medication techniques;

b. the number of abortions by medication techniques performed at public college student health centers, disaggregated, to the extent possible, by student health center; and

c. the total amount of funds received and provided to student health centers at public colleges or universities in the previous year used or to be used in making abortion by medication techniques available, disaggregated by student health center, to the extent possible.

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

§ 99-qq. Public college student health center abortion by medication fund. 1. There is hereby established in the joint custody of the comptroller, the commissioner of health and the chancellor of the state university of New York (SUNY) a special fund to be known as the "public college student health center abortion by medication fund".

2. a. 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 moneys 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.

b. Notwithstanding any other provisions of law to the contrary, such fund shall be authorized to receive moneys from nonstate entities, including, but not limited to, private sector entities and local and federal government agencies, specifically to support such fund.

3. Monies within the public college student health center abortion by medication fund shall be made available to the commissioner of health for payment of any and all costs and expenditures incurred in performing any of the work required in making abortion by medication techniques available at public college student health centers within the state.

4. Services performed by public college student health centers available for moneys from this fund shall include, but not be limited to:

a. purchase of equipment used in the provision of abortion by medication techniques;

b. facility and security upgrades;

c. costs associated with enabling public college student health centers to deliver telehealth services;

d. costs associated with staff training;

e. telephone support services for students who have obtained abortion by medication techniques;

f. billing specialist consultations; and

g. collecting, compiling and analyzing information from public college student health centers to meet the reporting requirements pursuant to subdivision three of section two hundred eighty-eight of the education law.

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

6. Amounts expended for public college student health centers pursuant to this section shall not affect the amount that would otherwise be appropriated for public college student health centers under any other provision of law.

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

§ 630-1. Gift for abortion by medication techniques in public college student health centers. Effective for any tax year commencing on or after January first, two thousand twenty-four, an individual in any taxable year may elect to contribute to the public college student health center abortion by medication fund. Such contribution shall be in any whole dollar amount and shall not reduce the amount of state tax owed by such individual. The commissioner shall include space on the personal income tax return to enable a taxpayer to make such contribution. The commissioner shall also ensure that a description of a student health center and the abortion by medication techniques being offered by such health centers are included within the tax form preparation instruction booklet. Notwithstanding any other provision of law all revenues collected pursuant to this section shall be credited to the public college student health center abortion by medication fund and used only for those purposes enumerated in section ninety-nine-qq of the state finance law.

§ 4. This act shall take effect immediately.