STATE OF NEW YORK

4091--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 9, 2023

Introduced by M. of A. GONZALEZ-ROJAS, RAGA, ARDILA, LAVINE, SIMON, KELLES, DICKENS, SIMONE, SHRESTHA, HYNDMAN, BORES, SEAWRIGHT, CARROLL, EPSTEIN, WALKER, GALLAGHER, STECK, SHIMSKY, FORREST, GIBBS, LEE, PAULIN, REYES, L. ROSENTHAL, HUNTER, LEVENBERG, BURDICK, TAPIA, CLARK, ROZIC, BURGOS, BRONSON, PHEFFER AMATO -- read once and referred to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to requiring institutions within the state university of New York and the city university of New York to have at least one vending machine on campus which makes emergency contraception available for purchase

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

Section 1. Section 355 of the education law is amended by adding a new subdivision 22 to read as follows:

22. The state university trustees shall adopt a policy for the provision of emergency contraception available for purchase through at least one vending machine, existing or new, located on each state-operated institution in the state university no later than six months after the effective date of this subdivision. The vending machine shall be located in a secure and accessible area of campus. The location of the vending machine shall be included on the institution's website.

(a) Emergency contraception made available through each vending machine shall satisfy, at a minimum, all of the following requirements:

(i) The emergency contraception shall be sold only in the manufacturer's clearly labeled, original, unbroken, tamper-proof, and expiration-dated packaging.

(ii) The emergency contraception may not be older than the manufacturer's expiration date.

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

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(iii) The emergency contraception shall be stored in accordance with manufacturer recommendations.

(iv) The emergency contraception shall be made available at a cost equal to: (1) twenty percent of the fair market value of an equivalent type of emergency contraception; or (2) the wholesale purchase price.

(b) For the purposes of this subdivision, the term "emergency contraception" means over-the-counter medication to be self-administered that is approved by the federal Food and Drug Administration that can significantly reduce the risk of pregnancy if taken within seventy-two hours after unprotected sexual intercourse.

§ 2. Section 6206 of the education law is amended by adding a new subdivision 23 to read as follows:

23. The board of trustees shall adopt a policy requiring the provision of emergency contraception available for purchase through at least one vending machine, existing or new, located on each institution of the city university of New York no later than six months after the effective date of this subdivision. The vending machine shall be located in a secure and accessible area of campus. The location of the vending machine shall be included on the institution's website.

(a) Emergency contraception made available through each vending machine shall satisfy, at a minimum, all of the following requirements:

(i) The emergency contraception shall be sold only in the manufacturer's clearly labeled, original, unbroken, tamper-proof, and expiration-dated packaging.

(ii) The emergency contraception may not be older than the manufacturer's expiration date.

(iii) The emergency contraception shall be stored in accordance with manufacturer recommendations.

(iv) The emergency contraception shall be made available at a cost equal to: (1) twenty percent of the fair market value of an equivalent type of emergency contraception; or (2) the wholesale purchase price.

(b) For the purposes of this subdivision, the term "emergency contraception" means over-the-counter medication to be self-administered that is approved by the federal Food and Drug Administration that can significantly reduce the risk of pregnancy if taken within seventy-two hours after unprotected sexual intercourse.

§ 3. This act shall take effect immediately.