STATE OF NEW YORK

6664

2023-2024 Regular Sessions

IN ASSEMBLY

April 26, 2023

Introduced by M. of A. BURDICK -- read once and referred to the Committee on Governmental Operations

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to article 1 of the constitution, in relation to equality of rights and protection against discrimination based upon sexual orientation or gender identification

Section 1. Resolved (if the Senate concur), That article 1 of the constitution be amended by adding a new section 20 to read as follows:

§ 20. (a) No person shall be denied equal rights under the laws of this state or any subdivision thereof based on that person's sexual orientation or actual or perceived gender identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender.

(b) No government entity, nor any entity acting in concert with or on behalf of the government, shall discriminate against any person in either intent or effect based on the characteristics listed in subdivision (a) of this section.

(c) Rights protected under this section shall include, but not be limited to rights pertaining to public accommodations and facilities, access to shared facilities in accordance with the person's gender identity, transportation, education, state and federal funding and programs, employment, housing, credit, marriage, the judicial system, access to insurance, access to medical care, including gender affirming health care, contraceptive or other birth control measures, abortion or other reproductive care, and reproductive outcomes, including live birth, stillbirth, miscarriage or any other pregnancy outcomes.

(d) Nothing in this section shall invalidate or prevent the adoption of any law, regulation, program, or practice that is designed to prevent or dismantle discrimination on the basis of a characteristic listed in this section.

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

LBD89110-01-3

(e) Nothing in this section is intended to alter or diminish the existing protections set forth in section eleven of this article.

(f) This section shall be self-executing.

§ 2. Resolved (if the Senate concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for three months previous to the time of such election.