

# STATE OF NEW YORK

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311--B

2023-2024 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2023

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Introduced by Sens. SALAZAR, ADDABBO, BAILEY, BORRELLO, BRESLIN, BRISPORT, BROUK, CLEARE, COMRIE, COONEY, GOUNARDES, HARCKHAM, HINCHEY, HOYLMAN-SIGAL, JACKSON, LIU, MAY, MYRIE, PERSAUD, RAMOS, RIVERA, SANDERS, SCARCELLA-SPANTON, SEPULVEDA, SERRANO, STAVISKY, WEBB, WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Women's Issues -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Women's Issues in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to the duty to inform maternity patients about the risks associated with cesarean section for patients undergoing a primary cesarean section and to inform maternity patients about the reason for performing primary cesarean section delivery

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

1 Section 1. The public health law is amended by adding a new section  
2 2500-m to read as follows:

3 § 2500-m. Duty of providers of primary cesarean section maternity  
4 services to inform. 1. The commissioner shall require that every mater-  
5 nal health care provider, defined as any physician, midwife, nurse prac-  
6 titioner, or physician assistant, or other maternal health care practi-  
7 tioner acting within his or her lawful scope of practice attending a  
8 pregnant woman, to provide written communication to each pregnant woman  
9 for whom a primary cesarean section delivery, defined as first lifetime  
10 delivery via cesarean section, is recommended as a planned cesarean  
11 section delivery based on medical necessity, that the primary cesarean  
12 section is recommended and to provide the justification for the primary  
13 cesarean section prior to the delivery.

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

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1 2. In the event that a primary cesarean section is not deemed  
2 medically necessary by the provider but the patient requests a planned  
3 cesarean section delivery, the commissioner shall require that the  
4 maternal health care provider provide written communication to the preg-  
5 nant woman requesting the primary cesarean section indicating that the  
6 primary cesarean section is not medically necessary and to explain the  
7 risks associated with the cesarean section prior to the delivery.

8 3. In the event that the primary cesarean section is not planned  
9 prenatally, the commissioner shall require that the maternal health care  
10 provider who performed the cesarean section provide communication in  
11 writing to each woman who delivered via primary cesarean section the  
12 reason for the unplanned cesarean section after the delivery.

13 4. The provider shall provide communication to the patient with a  
14 planned cesarean section that shall include, but not be limited to, the  
15 following information, in the summary of the report sent to the patient:

16 "Cesarean birth can be life-saving for the fetus, the mother, or both  
17 in some cases. However, potential maternal injuries associated with  
18 cesarean delivery include but are not limited to: heavy blood loss that  
19 results in hysterectomy or a blood transfusion, ruptured uterus, injury  
20 to other organs including the bladder, and other complications from a  
21 major surgery. Cesarean delivery also carries higher risk of infant  
22 injury and can result in situations requiring the neonatal intensive  
23 care unit (NICU). After a cesarean delivery, future vaginal deliveries  
24 may be risky. Because of this, cesarean delivery may be recommended in  
25 the future. However, vaginal birth after cesarean (VBAC) may be possi-  
26 ble, depending upon your health characteristics. In future pregnancies,  
27 there is risk of the cesarean section scar breaking during pregnancy or  
28 labor (uterine rupture). Additionally, women's risk of developing  
29 placenta previa or accrete in future pregnancies is higher after cesare-  
30 an deliveries than vaginal births. Speak to your health care provider  
31 about your options and any questions you may have."

32 5. The provider shall provide communication to the patient with an  
33 unplanned cesarean section that shall include, but not be limited to,  
34 the following information, in the summary of the report sent to the  
35 patient:

36 "Your most recent delivery was via cesarean section. Cesarean delivery  
37 can be life-saving for the fetus, the mother, or both in some cases.  
38 After a cesarean delivery, future vaginal deliveries may be risky.  
39 Because of this, cesarean delivery may be recommended in the future.  
40 However, vaginal birth after cesarean (VBAC) may be possible, depending  
41 upon your health characteristics. In future pregnancies, there is risk  
42 of the cesarean section scar breaking during pregnancy or labor (uterine  
43 rupture). Additionally, women's risk of developing placenta previa or  
44 accrete in future pregnancies is higher after cesarean deliveries than  
45 vaginal births. Speak to your health care provider about your options  
46 and any questions you may have."

47 § 2. This act shall take effect on the one hundred eightieth day after  
48 it shall have become a law. Effective immediately, the department of  
49 health may promulgate any rule or regulation necessary for the timely  
50 implementation of this act on its effective date.