STATE OF NEW YORK

4981--A

2023-2024 Regular Sessions

IN SENATE

February 17, 2023

Introduced by Sen. BROUK -- 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

AN ACT to amend the public health law, in relation to requiring hospitals to adopt, implement and periodically update standard protocols for the management of fetal or embryo death in utero

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

Section 1. This act shall be known and may be cited as "Mickie's law".

§ 2. The public health law is amended by adding a new section 2803-o-1 to read as follows:

§ 2803-o-1. Required protocols for fetal or embryo death in utero. Hospitals shall adopt, implement and periodically update standard protocols for the management of fetal or embryo death in utero. Such protocols shall include informing the patient of treatment options including but be not limited to: (a) spontaneous miscarriage; (b) surgical evacuation; and (c) the induction of labor. Such protocols shall require the hospital to determine whether an expectant mother with a confirmed dead fetus or embryo in utero is experiencing an emergency medical condition, and upon making a diagnosis of an emergency medical condition, admit the expectant mother to the hospital or treat them in the emergency room for potential intervention, close observation, continuous monitoring and stabilizing treatment until it is deemed medically safe for discharge or transfer to another medical facility or unit, if necessary, in accordance with the federal Emergency Medical Treatment and Labor Act (EMTALA).

§ 3. This act shall take effect on the thirtieth day after it shall have become a law.

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

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