

STATE OF NEW YORK

9400

IN SENATE

May 15, 2024

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Women's Issues

AN ACT to amend the public health law, in relation to requiring limited services pregnancy centers to disclose to clients that they do not have a licensed medical provider on staff

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

1 Section 1. Legislative findings and intent. The legislature finds that
2 it is in the state's interest to ensure pregnant New Yorkers have timely
3 access to the full range of reproductive health services that are avail-
4 able to them, including prenatal care, emergency contraception, and
5 abortion. Article 25-A of the public health law, commonly referred to as
6 the reproductive health act of 2019 guarantees this right, clearly stat-
7 ing that "every individual who becomes pregnant has the fundamental
8 right to choose to carry the pregnancy to term, to give birth to a
9 child, or to have an abortion, pursuant to this article".

10 Moreover, the legislature finds that due to the sensitive timing of
11 receiving emergency contraception, the importance of receiving prompt
12 prenatal care in ensuring a healthy pregnancy, and statutory timeframes
13 that limit the legality of abortion services, pregnant New Yorkers must
14 receive timely and accurate information regarding their pregnancy. The
15 health care options available to them must be presented free from unnec-
16 essary delay or religious or moral persuasion. Any delay in receiving
17 reproductive health care services can lead to negative outcomes for the
18 pregnant person and their fetus, or a complete loss in ability to
19 receive emergency contraception or abortion services, effectively elimi-
20 nating their reproductive autonomy.

21 The legislature is aware that some limited service pregnancy centers
22 that are ideologically opposed to comprehensive reproductive health care
23 employ deceptive practices on customers that avail themselves of their
24 services. These practices include presenting themselves as medical
25 facilities through the use of medical history and health insurance
26 intake, wearing of medical clothes and devices such as lab coats and
27 stethoscopes, and siting of facilities near licensed health care facili-

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

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1 ties. Pregnant New Yorkers who have visited limited service pregnancy
2 centers that are religiously or philosophically opposed to abortion have
3 been inappropriately led to believe that they have received care from a
4 New York state licensed health care professional. Although the legisla-
5 ture respects the right for individuals to seek any reproductive
6 services they wish to seek, it is critical that pregnant New Yorkers are
7 not misled into believing they have received services and medical coun-
8 seling from a licensed provider when in actuality they have received
9 unlicensed counseling from someone who is unwilling to objectively
10 discuss how to seek emergency contraception or abortion, and is unable
11 to refer for those services.

12 Therefore, it is the intent of the legislature to ensure pregnant
13 individuals are fully informed as to whether they are receiving services
14 and counseling from a licensed medical professional when they seek
15 prenatal care, emergency contraception, or abortion services.

16 § 2. The public health law is amended by adding a new section 2509-d
17 to read as follows:

18 § 2509-d. Limited services pregnancy centers; disclosure. 1. Any
19 limited services pregnancy center shall be required to disclose to a
20 client that it does not have a licensed medical provider on staff who
21 provides or directly supervises the provision of all reproductive health
22 services at such limited services pregnancy center.

23 2. For the purposes of this section, the following terms shall have
24 the following meanings:

25 (a) "Limited services pregnancy center" means a facility or entity,
26 including a mobile facility, the primary purpose of which is to provide
27 services to clients who are or may be pregnant, that:

28 (i) (1) is not a health care facility licensed by the state of New
29 York under article twenty-eight of this chapter or articles thirty-one
30 and thirty-two of the mental hygiene law; or

31 (2) is not providing services under the direction of a health care
32 provider licensed under title eight of the education law who is acting
33 within such health care provider's scope of practice; and

34 (ii) fails to provide or refer for the full range of comprehensive
35 reproductive and sexual health care services reimbursed under the
36 state's Medicaid program including, but not limited to contraception,
37 testing and treatment of sexually transmitted infections, abortion care,
38 and prenatal care.

39 (b) "Licensed medical provider" means a person licensed or otherwise
40 authorized under the provisions of article one hundred thirty-one, one
41 hundred thirty-one-A, one hundred thirty-one-B, one hundred thirty-nine,
42 or one hundred forty of the education law, to provide medical services.

43 3. The disclosure required by subdivision one of this section shall
44 be:

45 (a) provided in writing, in English and Spanish in a form prescribed
46 by the commissioner, and such written disclosure shall be posted in the
47 entrance of the limited services pregnancy center and in any area where
48 clients wait to receive services where it can easily be read by its
49 clients; and

50 (b) conducted orally upon first communication or first contact with
51 the client or potential client by staff assisting the potential client,
52 and such disclosure shall further be reasonably understandable to the
53 client.

54 4. Any person who believes that a violation of this section has
55 occurred may file a complaint with the department. Within thirty days of

1 receiving such complaint, the department shall investigate such
2 complaint and determine whether a violation has occurred.

3 5. Any limited services pregnancy center violating the provisions of
4 this section shall be subject to a civil fine of not less than two
5 hundred dollars and not more than one thousand dollars on the first
6 violation and not less than five hundred dollars and not more than twen-
7 ty-five hundred dollars on the second and all subsequent violations.

8 § 3. This act shall take effect immediately.