

STATE OF NEW YORK

5480

2025-2026 Regular Sessions

IN ASSEMBLY

February 14, 2025

Introduced by M. of A. BRONSON, SIMON, SIMONE, REYES, HEVESI, SHIMSKY, CLARK -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, the education law, the public health law, the insurance law, the general business law, the criminal procedure law, the executive law, the civil rights law, the family court act, and the domestic relations law, in relation to protecting individuals who provide or receive legally protected health activity from criminal or civil liability or professional sanctions imposed by jurisdictions outside the state; and to repeal certain provisions of the criminal procedure law and the executive law relating thereto

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 declares
2 that it is the public policy of New York state that every individual
3 possesses a fundamental right of privacy and equality with respect to
4 their personal medical decisions, and should be able to safely effectu-
5 ate those decisions, including by seeking and obtaining reproductive
6 health care or gender-affirming care, free from the threat that they may
7 be penalized for such legally protected care.

8 The legislature finds and reaffirms that the state has a paramount
9 interest in protecting access to health care, including reproductive
10 health care and gender-affirming health care, as such health care is
11 fundamental to each person's exercise of bodily autonomy, dignity, and
12 equal citizenship. The state has enshrined the fundamental right to
13 bodily autonomy and reproductive decision-making in its constitution. It
14 has furthered codified in numerous statutes the principle that every
15 individual has the right to privacy and equality with respect to their
16 personal medical decisions, including reproductive and gender-affirming
17 health care.

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

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1 The legislature further finds that, despite the vital importance of
2 reproductive and gender-affirming health care, those who seek, provide,
3 or facilitate such health care are facing an unprecedented risk that
4 they will be targeted or penalized for doing so. The state has a strong
5 public policy of promoting access to these vital forms of health care
6 for residents and non-residents alike, and of maintaining New York's
7 status as a beacon of reproductive freedom, health care access, and
8 equality for all. Efforts to penalize or restrict reproductive or
9 gender-affirming care have a chilling effect on access to this important
10 health care for all individuals, and accordingly threaten each person's
11 health and bodily autonomy.

12 To secure the fundamental right to bodily autonomy and ensure access
13 to health care, the legislature finds it is critical to enact
14 protections to shield those who seek, provide, or facilitate reproduc-
15 tive or gender-affirming health care from efforts to restrict or penal-
16 ize them for doing so.

17 In order to fully effectuate this purpose, the legislature finds and
18 affirms that this act's protections must apply not just to those who
19 seek or provide health care, but also to those who facilitate it, such
20 as organizations that offer financial assistance to people in need,
21 internet service providers that host websites offering accurate health
22 information, or a friend who drives their loved one to the clinic.
23 Facilitators play an important role in ensuring access to health care,
24 and efforts to restrict or penalize them because of their assistance in
25 the exercise of these important rights have a chilling effect on access
26 to care and thereby impinge upon the fundamental rights to privacy,
27 equality, and bodily autonomy.

28 § 2. Section 3119 of the civil practice law and rules, as added by
29 chapter 29 of the laws of 2010, subdivision (g) as amended by chapter
30 138 of the laws of 2023, paragraph 1 of subdivision (g) as amended by
31 chapter 89 of the laws of 2024, and subdivision (h) as amended by chap-
32 ter 101 of the laws of 2024, is amended to read as follows:

33 § 3119. Uniform interstate depositions and discovery. (a) Definitions.
34 For purposes of this section:

35 (1) "Out-of-state subpoena" means a subpoena issued under authority of
36 a court of record of a state other than this state.

37 (2) "Person" means an individual, corporation, business trust, estate,
38 trust, partnership, limited liability company, association, joint
39 venture, public corporation, government, or governmental subdivision,
40 agency or instrumentality, or any other legal or commercial entity.

41 (3) "State" means a state of the United States, the District of Colum-
42 bia, Puerto Rico, the United States Virgin Islands, or any territory or
43 insular possession subject to the jurisdiction of the United States.

44 (4) "Subpoena" means a document, however denominated, issued under
45 authority of a court of record requiring a person to:

46 (i) attend and give testimony at a deposition;

47 (ii) produce and permit inspection and copying of designated books,
48 documents, records, electronically stored information, or tangible
49 things in the possession, custody or control of the person; or

50 (iii) permit inspection of premises under the control of the person.

51 (5) "Legally protected health activity" shall have the same meaning as
52 defined by section 570.17 of the criminal procedure law.

53 (6) "Gender-affirming care" shall have the same meaning as defined by
54 section 570.17 of the criminal procedure law.

55 (7) "Reproductive health care" shall have the same meaning as defined
56 by section 570.17 of the criminal procedure law.

1 (b) Issuance of subpoena. (1) To request issuance of a subpoena under
2 this section, a party must submit an out-of-state subpoena to the county
3 clerk in the county in which discovery is sought to be conducted in this
4 state. A request for the issuance of a subpoena under this section does
5 not constitute an appearance in the courts of this state except as
6 provided in subparagraph (ii) of paragraph two of this subdivision.

7 (2) [~~When~~] (i) Any request for the issuance of a subpoena under para-
8 graph one of this subdivision and any subpoena issued under paragraph
9 five of this subdivision shall include an affirmation under penalty of
10 perjury that such subpoena either:

11 (A) is not related to any investigation or proceeding that seeks to
12 impose civil or criminal liability, professional sanctions, or any other
13 legal consequences upon a person for any legally protected health activ-
14 ity; or

15 (B) is related to such an investigation or proceeding, but falls with-
16 in an exception provided in subparagraph (i) of paragraph one of subdivi-
17 vision (g) of this section. Such affirmation shall identify which excep-
18 tion applies to the request.

19 (ii) A party that submits a false affirmation pursuant to this section
20 shall be subject to the jurisdiction of the courts of this state for any
21 suit, penalties, or damages arising out of such false affirmation. A
22 court shall assess a statutory penalty of fifteen thousand dollars per
23 violation if the court finds such false affirmation was made inten-
24 tionally, knowingly, willingly or recklessly. This shall be in addition
25 to any other legal or equitable remedy lawfully available. The attorney
26 general may commence an action or special proceeding for damages and/or
27 penalties against any party that submits a false affirmation pursuant to
28 this subparagraph.

29 (iii) Any action or special proceeding brought by the attorney general
30 pursuant to this paragraph shall be commenced within six years of either
31 (A) the date on which the inquiry, investigation, subpoena, or summons
32 that such false affirmation accompanied was filed with the county clerk,
33 for subpoenas requested pursuant to paragraph one of this subdivision;
34 or (B) the date on which the subpoena was issued, for subpoenas issued
35 pursuant to paragraph five of this subdivision.

36 (3) Except as provided by subdivision (g) of this section, a party
37 submits an out-of-state subpoena to the county clerk, the clerk, in
38 accordance with that court's procedure and subject to the provisions of
39 article twenty-three of this chapter, shall promptly issue a subpoena
40 for service upon the person to which the out-of-state subpoena is
41 directed.

42 [~~3~~] (4) A subpoena under paragraph [~~two~~] three of this subdivision
43 must:

44 (i) incorporate the terms used in the out-of-state subpoena; [~~and~~]

45 (ii) contain or be accompanied by the names, addresses and telephone
46 numbers of all counsel of record in the proceeding to which the subpoena
47 relates and of any party not represented by counsel; and

48 (iii) include the affirmation required by paragraph two of this subdivi-
49 vision.

50 [~~4~~] (5) Notwithstanding paragraph one of this subdivision, and
51 except as provided by subdivision (g) of this section, if a party to an
52 out-of-state proceeding retains an attorney licensed to practice in this
53 state, and that attorney receives the original or a true copy of an
54 out-of-state subpoena, the attorney may issue a subpoena under this
55 section.

1 (c) Service of subpoena. A subpoena issued under this section must be
2 served in compliance with sections two thousand three hundred two and
3 two thousand three hundred three of this chapter.

4 (d) Deposition, production and inspection. Sections two thousand three
5 hundred three, two thousand three hundred five, two thousand three
6 hundred six, two thousand three hundred seven, two thousand three
7 hundred eight and this article apply to subpoenas issued under subdivi-
8 sion (b) of this section.

9 (e) Application to court. An application to the court for a protective
10 order or to enforce, quash, or modify a subpoena issued under this
11 section must comply with the rules or statutes of this state and be
12 submitted to the court in the county in which discovery is to be
13 conducted.

14 (f) Uniformity of application and construction. [~~In~~] Except as
15 provided in subdivision (g) of this section, in applying and construct-
16 ing this uniform act, consideration shall be given to the need to
17 promote uniformity of the law with respect to its subject matter among
18 states that enact it.

19 (g) [~~(1)~~] (i) Out-of-state proceedings regarding legally protected
20 health activities. Notwithstanding any other provisions of this section
21 or any other law, no court [~~or~~], county clerk, or attorney licensed to
22 practice in this state shall issue a subpoena under this section in
23 connection with an out-of-state proceeding relating to any legally
24 protected health activity [~~which occurred in this state~~], unless:

25 (ii) such out-of-state proceeding [~~(i)~~] (A) sounds in tort or
26 contract, [~~(ii)~~] (B) is actionable, in an equivalent or similar manner,
27 under the laws of this state, and [~~(iii)~~] (C) was brought by the
28 [~~patient~~] person who received reproductive health [~~services as defined~~
29 ~~in paragraph (a) of subdivision one of section 570.17 of the criminal~~
30 ~~procedure law~~] care or gender-affirming care, or the [~~patient's~~]
31 person's legal representative, so long as the [~~patient~~] person gives
32 express consent unless express consent is not feasible due to [~~patient~~]
33 their injury or death; and

34 (iii) the subpoena is accompanied by an affirmation compliant with
35 paragraph two of subdivision (b) of this section.

36 [~~(2) For purposes of this subdivision, the terms "legally protected~~
37 ~~health activity" and "reproductive health services" shall have the same~~
38 ~~meanings as defined in subdivision one of section 570.17 of the criminal~~
39 ~~procedure law.~~

40 [~~(h) Subpoenas related to gender-affirming care. Notwithstanding any~~
41 ~~other provisions of law, no court or county clerk shall issue a subpoena~~
42 ~~under this section in connection with an out-of-state proceeding relat-~~
43 ~~ing to any gender-affirming care, as defined in paragraph (c) of subdivi-~~
44 ~~vision one of section sixty-five hundred thirty-one b of the education~~
45 ~~law, which was legally performed, sought, received, or supported in this~~
46 ~~state, unless such out-of-state proceeding (1) sounds in tort or~~
47 ~~contract, or is based on statute, (2) is actionable, in an equivalent or~~
48 ~~similar manner, under the laws of this state, and (3) was brought by the~~
49 ~~patient who received the gender-affirming care, or the patient's legal~~
50 ~~representative.]~~

51 § 3. Subdivision (e) of section 3102 of the civil practice law and
52 rules, as separately amended by chapter 138 of the laws of 2023 and
53 chapter 101 of the laws of 2024, is amended and subdivision (f) is
54 relettered subdivision (g) and a new subdivision (f) is added to read as
55 follows:

1 (e) Action pending in another jurisdiction. Except as provided in
2 section three thousand one hundred nineteen of this article, when under
3 any mandate, writ or commission issued out of any court of record in any
4 other state, territory, district or foreign jurisdiction, or whenever
5 upon notice or agreement, it is required to take the testimony of a
6 witness in the state, [~~he or she~~] such witness may be compelled to
7 appear and testify in the same manner and by the same process as may be
8 employed for the purpose of taking testimony in actions pending in the
9 state. The supreme court or a county court shall make any appropriate
10 order in aid of taking such a deposition; provided that no order [~~may~~]
11 shall be issued under this section in connection with an out-of-state
12 proceeding relating to any legally protected health activity, as defined
13 in [~~paragraph (b) of subdivision one of~~] section 570.17 of the criminal
14 procedure law [~~or gender-affirming care, as defined in paragraph (c) of~~
15 ~~subdivision one of section sixty-five hundred thirty-one-b of the~~
16 ~~education law, which occurred in this state~~], unless:

17 (1) such out-of-state proceeding [~~(1)~~] (i) sounds in tort or contract,
18 [~~(2)~~] (ii) is actionable, in an equivalent or similar manner, under the
19 laws of this state, and [~~(3)~~] (iii) was brought by the [~~patient~~] person
20 who received reproductive health [~~services~~] care or gender-affirming
21 care, as such terms are defined in section 570.17 of the criminal proce-
22 dure law, or the [~~patient's~~] person's legal representative in a manner
23 consistent with subdivision (g) of section three thousand one hundred
24 nineteen of this article; and

25 (2) the petition for such an order is accompanied by an affirmation
26 compliant with subdivision (f) of this section.

27 (f) (1) Any petition for such an order brought under subdivision (e)
28 of this section shall include an affirmation under penalty of perjury
29 that the discovery either:

30 (i) is not related to, and that any information obtained shall not be
31 used in, any investigation or proceeding that seeks to impose civil or
32 criminal liability, professional sanctions, or any other legal conse-
33 quences upon a person for any legally protected health activity; or

34 (ii) is related to such an investigation or proceeding, but falls
35 within an exception provided in subparagraph (ii) of paragraph one of
36 subdivision (g) of section three thousand one hundred nineteen of this
37 article. Such affirmation shall identify which exception applies to the
38 request.

39 (2) A party that submits a false affirmation pursuant to this section
40 shall be subject to the jurisdiction of the courts of this state for any
41 suit, penalties, or damages arising out of the false affirmation. A
42 court shall assess a statutory penalty of fifteen thousand dollars per
43 violation if the court finds the false affirmation was made inten-
44 tionally, knowingly, willingly or recklessly. This shall be in addition
45 to any other legal or equitable remedy lawfully available. The attorney
46 general may commence an action or special proceeding for damages and/or
47 penalties against any party that submits a false affirmation pursuant to
48 this section. Any action or special proceeding brought by the attorney
49 general pursuant to this section shall be commenced within six years of
50 the date on which the inquiry, investigation, subpoena, or summons that
51 such false affirmation accompanied was filed with the supreme court or
52 county court.

53 § 4. Section 6505-d of the education law, as amended by chapter 101 of
54 the laws of 2024, is amended to read as follows:

55 § 6505-d. Evaluation of prior disciplinary history for authorization
56 to practice. An applicant seeking licensure, certification, or authori-

1 zation pursuant to this title who has been subject to disciplinary
 2 action by a duly authorized professional disciplinary agency of another
 3 jurisdiction solely on the basis of having [~~performed, recommended, or~~
 4 ~~provided an abortion pursuant to section twenty-five hundred ninety-~~
 5 ~~nine-bb of the public health law, or gender-affirming care, as defined~~
 6 ~~in paragraph (c) of subdivision one of section sixty-five hundred thir-~~
 7 ~~ty-one-b of the education law] engaged in legally protected health
 8 activity, as defined by section 570.17 of the criminal procedure law,
 9 shall not be denied such licensure, certification, or authorization,
 10 unless the department determines that such action would have constituted
 11 professional misconduct in this state. Provided however, that nothing in
 12 this section shall be construed as prohibiting the department from eval-
 13 uating the conduct of such applicant and making a determination to be
 14 licensed, certified, or authorized to practice a profession under this
 15 title.~~

16 § 5. Subdivision 1 of section 6510 of the education law is amended by
 17 adding a new paragraph b-1 to read as follows:

18 b-1. Legally protected health activities. The department shall not
 19 charge a licensee, acting within their scope of practice, with profes-
 20 sional misconduct as defined in section sixty-five hundred nine of this
 21 subarticle, or cause a complaint made by any person to the department to
 22 be investigated beyond a preliminary review, solely on the basis that
 23 such licensee engaged in legally protected health activity, as defined
 24 by section 570.17 of the criminal procedure law. Such preliminary review
 25 shall determine if such report reasonably appears to reflect conduct
 26 warranting further investigation pursuant to this paragraph.

27 § 6. Subdivisions 1 and 2 of section 6531-b of the education law,
 28 subdivision 1 as added by chapter 220 of the laws of 2022, paragraph (c)
 29 of subdivision 1 as added by chapter 143 of the laws of 2023, and subdi-
 30 vision 2 as separately amended by chapters 138 and 143 of the laws of
 31 2023, are amended to read as follows:

32 1. As used in this section, the following terms shall have the follow-
 33 ing meanings:

34 (a) "Reproductive health [~~services~~] care" shall mean and include[+
 35 ~~(i) abortion pursuant to section twenty-five hundred ninety-nine-bb of~~
 36 ~~the public health law,~~
 37 ~~(ii) emergency contraception as defined in section twenty-eight~~
 38 ~~hundred five-p of the public health law; and~~
 39 ~~(iii) medical, surgical, counseling or referral services relating to~~
 40 ~~the human reproductive system, including services relating to pregnancy~~
 41 ~~or the termination of a pregnancy] all services, care, or products of a
 42 medical, surgical, psychiatric, therapeutic, diagnostic, mental health,
 43 behavioral health, preventative, rehabilitative, supportive, consulta-
 44 tive, referral, prescribing, or dispensing nature relating to the human
 45 reproductive system provided in accordance with the constitution and the
 46 laws of this state, whether provided in person or by means of telehealth
 47 or telehealth services, which includes, but is not limited to, all
 48 services, care, and products relating to pregnancy, assisted reprod-
 49 uction, contraception, miscarriage management or abortion, including but
 50 not limited to care an individual provides to themselves.~~

51 (b) "Health care practitioner" means a person who is licensed, certi-
 52 fied, or authorized under this title and acting within their lawful
 53 scope of practice.

54 (c) "Gender-affirming care" means any type of care provided to an
 55 individual to affirm their gender identity or gender expression, includ-
 56 ing but not limited to care an individual provides to themselves; provided

1 that surgical interventions on minors with variations in their sex char-
2 acteristics that are not sought and initiated by the individual patient
3 are not gender-affirming care.

4 2. ~~[The performance, recommendation, or provision of any reproductive~~
5 ~~health services or gender-affirming care, as defined in subdivision one~~
6 ~~of this section, or any]~~ Any legally protected health activity, as
7 defined ~~[in paragraph (b) of subdivision one of]~~ by section 570.17 of
8 the criminal procedure law, by a health care practitioner acting within
9 their scope of practice, ~~[for a patient who resides in a state wherein~~
10 ~~the performance, recommendation, or provision of such reproductive~~
11 ~~health services or gender-affirming care is illegal,~~] shall not, by
12 itself, constitute professional misconduct under this title, or title
13 two-A of article two of the public health law, or any other law, rule or
14 regulation governing the licensure, certification, or authorization of
15 such practitioner, nor shall any license, certification or authorization
16 of a health care practitioner be revoked, suspended, or annulled or
17 otherwise subject to any other penalty or discipline provided in the
18 public health law or this title solely on the basis that such health
19 care practitioner ~~[performed, recommended, or provided any such repro-~~
20 ~~ductive health services or gender-affirming care for a patient who~~
21 ~~resides in a state wherein the performance, recommendation, or provision~~
22 ~~of such reproductive health services or gender-affirming care is ille-~~
23 ~~gal]~~ engaged in legally protected health activity, as defined by section
24 570.17 of the criminal procedure law.

25 § 7. The education law is amended by adding a new section 6509-f to
26 read as follows:

27 § 6509-f. Limited exemption from professional misconduct; legally
28 protected health activity. 1. As used in this section, the term "health
29 care practitioner" means a person who is licensed, certified, or author-
30 ized under this title and acting within their lawful scope of practice
31 and includes, but is not limited to persons subject to articles one
32 hundred thirty-one, one hundred thirty-one-B, one hundred thirty-six,
33 one hundred thirty-seven, one hundred thirty-seven-A, one hundred thir-
34 ty-nine, one hundred forty, one hundred fifty-three, one hundred fifty-
35 four, one hundred fifty-six, one hundred fifty-nine, or one hundred
36 sixty-three of this title or any other person designated as a health
37 care practitioner by law, rule, or regulation.

38 2. Any legally protected health activity, as defined by section 570.17
39 of the criminal procedure law, by a health care practitioner acting
40 within their scope of practice, shall not, by itself, constitute profes-
41 sional misconduct under this title, or any other law, rule or regulation
42 governing the licensure, certification, or authorization of such practi-
43 tioner, nor shall any license, certification, or authorization of a
44 health care practitioner be revoked, suspended, or annulled, or other-
45 wise subject to any other penalty or discipline provided in the public
46 health law or this title solely on the basis that such health care prac-
47 titioner engaged in legally protected health activity.

48 3. Nothing in this section shall be construed to expand the scope of
49 practice of any individual licensed, certified, or authorized under this
50 title, nor does this section give any such individual the authority to
51 act outside their scope of practice, as defined in this title.

52 § 8. Subdivision 9-c of section 230 of the public health law, as
53 amended by chapter 143 of the laws of 2023, paragraph (a) as amended by
54 chapter 101 of the laws of 2024, is amended to read as follows:

55 9-c. (a) Neither the board for professional medical conduct nor the
56 office of professional medical conduct shall charge a licensee, acting

1 within their scope of practice, with misconduct as defined in sections
2 sixty-five hundred thirty and sixty-five hundred thirty-one of the
3 education law, or cause a report made to the director of such office to
4 be investigated beyond a preliminary review as set forth in clause (A)
5 of subparagraph (i) of paragraph (a) of subdivision ten of this section,
6 where such report is determined to be based solely upon [~~the perform-
7 ance, recommendation, or provision of any reproductive health services
8 as defined in section sixty-five hundred thirty-one b of the education
9 law, or gender-affirming care, as defined in paragraph (e) of subdivi-
10 sion one of section sixty-five hundred thirty-one b of the education
11 law, for a particular patient by such licensee where such patient
12 resides in a state wherein the performance, recommendation or provision
13 of such reproductive health services or gender-affirming care is ille-
14 gal~~] any legally protected health activity, as defined by section 570.17
15 of the criminal procedure law.

16 (b) When a licensee, acting within their scope of practice, and in
17 accordance with paragraph e of subdivision four of section sixty-five
18 hundred twenty-seven of the education law, [~~performs, recommends or
19 provides any reproductive health services or gender-affirming care for a
20 patient who resides in a state wherein the performance, recommendation,
21 or provision of any such reproductive health services or gender-affirm-
22 ing care is illegal, such performance, recommendation, or provision of
23 such reproductive health services or gender-affirming care for such
24 patient,~~] engages in legally protected health activity, as defined by
25 section 570.17 of the criminal procedure law, such legally protected
26 activity shall not, by itself, constitute professional misconduct. The
27 licensee shall otherwise abide by all other applicable professional
28 requirements.

29 § 9. Subsection (a) of section 3436-a of the insurance law, as sepa-
30 rately amended by chapter 138 of the laws of 2023 and chapter 101 of the
31 laws of 2024, is amended and two new subsections (e) and (f) are amended
32 to read as follows:

33 (a) Every insurer that issues or renews medical malpractice insurance
34 or professional liability insurance covering a health care provider
35 licensed to practice in this state shall be prohibited from taking any
36 adverse action against a health care provider solely on the basis that
37 the health care provider engages in legally protected health activity,
38 as defined [~~in paragraph (b) of subdivision one of~~] by section 570.17 of
39 the criminal procedure law[, ~~or gender-affirming care, as defined in
40 paragraph (c) of subdivision one of section sixty-five hundred thirty-
41 one b of the education law, that is legal in this state with someone who
42 is from out of the state~~]. The superintendent is expressly authorized to
43 interpret "legally protected health activity" as if such definition was
44 stated within this section. Such policy shall include health care
45 providers who prescribe abortion medication to out-of-state patients by
46 means of telehealth.

47 (e) As used in this section, "professional liability insurance" shall
48 mean insurance against legal liability of the insured, and against loss,
49 damage, or expense incident to a claim of such liability arising out of
50 the death or injury of any person due to medical, psychiatric, mental
51 health, or other malpractice by any licensed physician assistant, phys-
52 ical therapist, physical therapist assistant, pharmacist, registered
53 pharmacy technician, nurse, psychologist, psychiatrist, social worker,
54 occupational therapist, speech-language pathologist, or mental health
55 practitioner.

1 (f) As used in this section, "health care provider" shall mean a
2 person who is licensed, certified, or authorized under title eight of
3 the education law and acting within their lawful scope of practice and
4 includes, but is not limited to persons subject to articles one hundred
5 thirty-one, one hundred thirty-one-B, one hundred thirty-six, one
6 hundred thirty-seven, one hundred thirty-seven-A, one hundred thirty-
7 nine, one hundred forty, one hundred fifty-three, one hundred fifty-
8 four, one hundred fifty-six, one hundred fifty-nine, or one hundred
9 sixty-three of the education law or any other person designated as a
10 health care provider by law, rule, or regulation.

11 § 10. The general business law is amended by adding a new section
12 394-i to read as follows:

13 § 394-i. Legally protected health activities. 1. For the purposes of
14 this section, the term "legally protected health activity" shall have
15 the same meaning as defined by section 570.17 of the criminal procedure
16 law.

17 2. No person or entity that is located, headquartered, or incorporated
18 in New York state and receives, is served with, or is subject to a
19 civil, criminal, or regulatory inquiry, investigation, subpoena, or
20 summons for information regarding legally protected health activity
21 shall comply with or provide information in response to such inquiry,
22 investigation, subpoena, or summons unless:

23 (a) such inquiry, investigation, subpoena, or summons contains or is
24 accompanied by an affirmation under penalty of perjury attesting that
25 either:

26 (i) it is not related to, and that any information obtained shall not
27 be used in, any investigation or proceeding that seeks to impose civil
28 or criminal liability, professional sanctions, or any other legal conse-
29 quences upon a person or entity for any legally protected health activ-
30 ity; or

31 (ii) it is related to such an investigation or proceeding, but falls
32 within an exception provided in subparagraph (i) of paragraph one of
33 subdivision (g) of section three thousand one hundred nineteen of the
34 civil practice law and rules, and identifies which exception applies to
35 the information request;

36 (b) the person or entity receiving or subject to such inquiry, inves-
37 tigation, subpoena, or summons regarding legally protected health activ-
38 ity has:

39 (i) notified the attorney general within seventy-two hours of receiv-
40 ing such inquiry, investigation, subpoena, or summons; indicated in such
41 notice whether such person or entity intends to comply with such
42 inquiry, investigation, subpoena, or summons; provided a copy of such
43 inquiry, investigation, subpoena, or summons and any related materials
44 to the attorney general; and

45 (ii) made reasonable attempts to notify the individual or individuals
46 who provided, sought, received, facilitated, or otherwise engaged in
47 such legally protected health activity to which such inquiry, investi-
48 gation, subpoena, or summons pertains at least thirty days prior to
49 providing any responsive information, unless otherwise ordered by a
50 court of competent jurisdiction; and

51 (c) a minimum of thirty days has passed since such person or entity
52 notified the attorney general of such inquiry, investigation, subpoena,
53 or summons pursuant to paragraph (b) of this subdivision.

54 3. A person or entity who submits a false affirmation in violation of
55 subdivision two of this section shall be subject to the jurisdiction of

1 the courts of this state for any suit, penalties, or damages arising out
2 of such false affirmation.

3 (a) The attorney general may commence an action or special proceeding
4 for damages and/or penalties against any person or entity that submits a
5 false affirmation in violation of subdivision two of this section.

6 (i) The courts of this state shall assess a statutory penalty of
7 fifteen thousand dollars per violation against any person or entity
8 found to have intentionally, knowingly, willingly, or recklessly submit-
9 ted a false affirmation. This shall be in addition to any other legal or
10 equitable remedy lawfully available.

11 (ii) Any action or special proceeding brought by the attorney general
12 pursuant to this section shall be commenced within six years of the date
13 on which the attorney general received notice of the inquiry, investi-
14 gation, subpoena, or summons that such false affirmation accompanied.

15 4. The attorney general of this state may commence an action or
16 special proceeding to enforce the provisions of this section, including
17 but not limited to an application or motion for an order enjoining ongo-
18 ing or future violations of this section. The attorney general shall not
19 commence such an action unless the attorney general has reason to
20 believe the defendant or respondent intends to comply or has complied
21 with an inquiry, investigation, subpoena, or summons regarding legally
22 protected health activity.

23 (a) Any action or special proceeding brought by the attorney general
24 pursuant to this section shall be commenced within six years of the date
25 on which the attorney general received notice of the inquiry, investi-
26 gation, subpoena, or summons at issue.

27 (b) Notwithstanding any contrary provision of law, the attorney gener-
28 al may seek all available legal and equitable remedies.

29 (c) The courts of this state shall assess a statutory penalty of
30 fifteen thousand dollars per violation against any person or entity
31 found to have intentionally, knowingly, willingly, or recklessly
32 complied with an inquiry, investigation, subpoena, or summons regarding
33 legally protected health activity in violation of this section. This
34 shall be in addition to any other legal or equitable remedy lawfully
35 available.

36 5. Any person or entity that is located, headquartered, or incorpo-
37 rated in New York state and receives, is served with, or is subject to a
38 civil, criminal, or regulatory inquiry, investigation, subpoena, or
39 summons for information regarding legally protected health activity may
40 institute a civil action to obtain declaratory relief, or such other
41 relief deemed necessary and proper by the court, stating that this
42 section prohibits their compliance with the inquiry, investigation,
43 subpoena, or summons.

44 (a) At or before the commencement of any action under this section,
45 notice thereof and a copy of the commencing document and all supporting
46 documents shall be served upon the attorney general.

47 (b) The attorney general is authorized to intervene in any such action
48 under paragraph (a) of this subdivision.

49 (c) If the person or entity initiating an action brought under this
50 section prevails in such action, the court shall award reasonable costs
51 and attorney's fees.

52 (d) Any action brought pursuant to this section shall be commenced
53 within one year of the date on which the inquiry, investigation, subpoe-
54 na, or summons at issue was received or served, whichever is later.

55 6. Any person or entity that issues or causes to be issued a civil,
56 criminal, or regulatory inquiry, investigation, subpoena, or summons to

a person or entity located, headquartered, or incorporated in New York state shall be subject to the jurisdiction of the courts of this state for any action, suit, penalties, or damages arising out of this section.

7. Where compliance with this section delays or prohibits a person's or entity's response to a subpoena, such person or entity shall not be held in contempt or otherwise subject to legal consequences under section two thousand three hundred eight of the civil practice law and rules or any other law of this state for their delay in responding or failure to respond.

8. Nothing in this section shall prohibit the investigation of any activity which would violate the laws of this state, provided that no information relating to any medical care provided to a specific individual shall be shared with an agency outside New York state or any other individual. Nothing in this section shall prohibit compliance with a valid, court-issued subpoena or warrant which does not violate subdivision two of this section, or in response to the written request of a person or entity that is the subject of such an investigation or proceeding or such person's or entity's authorized representative as provided in subparagraph (ii) of paragraph (a) of subdivision two of this section, to the extent necessary, in each case, to fulfill such request.

9. Nothing in this section shall prohibit disclosure of deidentified information in compliance with federal grant reporting requirements; obligatory federal investigative demands, including but not limited to subpoenas, summonses, and audits; or other reporting requirements under federal law.

10. This section shall not be construed to allow for the provision of any information to any individual or any agency or department outside New York state which would not otherwise be available under state law.

§ 11. Section 570.19 of the criminal procedure law is REPEALED.

§ 12. Subdivision 3-b of section 140.10 of the criminal procedure law is REPEALED.

§ 13. Subdivision 3-a of section 140.10 of the criminal procedure law, as amended by chapter 138 of the laws of 2023, is amended to read as follows:

3-a. A police officer [~~may~~] shall not arrest any person for any legally protected health activity [~~within this state~~] as defined in section 570.17 of this chapter.

§ 14. Section 837-x of the executive law, as amended by chapter 138 of the laws of 2023 and subdivision 2 as amended by chapter 89 of the laws of 2024, is amended to read as follows:

§ 837-x. Cooperation with certain out-of-state investigations. 1. For purposes of this section, the following terms shall have the following meanings:

(a) "Reproductive health [~~services~~] care" shall have the same meaning as [~~paragraph (a) of subdivision one of~~] defined by section 570.17 of the criminal procedure law; [~~and~~]

(b) "Legally protected health activity" shall have the same meaning as [~~paragraph (b) of subdivision one of~~] defined by section 570.17 of the criminal procedure law; and

(c) "Gender-affirming care" shall have the same meaning as defined by section 570.17 of the criminal procedure law.

2. (a) No state or local government employee or entity or other person acting on behalf of state or local government shall cooperate with or provide information to any out-of-state individual or out-of-state agency or department regarding any legally protected health activity [~~in~~]

1 ~~this state~~], or otherwise expend or use time, moneys, facilities, prop-
2 erty, equipment, personnel or other resources in furtherance of any
3 investigation or proceeding that seeks to impose civil or criminal
4 liability ~~[or]~~, professional sanctions, or any other legal consequences
5 upon a person or entity for any legally protected health activity
6 ~~[occurring in this state]~~; except that the commissioner of health may
7 share deidentified information as strictly necessary to respond to a
8 public health emergency or an imminent threat to public health, or to
9 consult and cooperate with the appropriate agencies of the federal
10 government or of other states in accordance with the functions, powers,
11 and duties of the department as outlined under section two hundred one
12 of the public health law, and may share identified information in such
13 circumstances only when strictly necessary and with the consent of the
14 ~~[patient]~~ person. For purposes of this section, "deidentified" means
15 that the information cannot identify or be made to identify or be asso-
16 ciated with a particular individual, directly or indirectly, and is
17 subject to technical safeguards and policies and procedures that prevent
18 reidentification, whether intentionally or unintentionally, of any indi-
19 vidual.

20 (b) Nothing in this section shall prohibit the investigation of any
21 reproductive health ~~[services]~~ care or gender-affirming care rendered in
22 violation of the laws of this state, provided that no information relat-
23 ing to any medical procedure performed on a specific individual ~~[may]~~
24 shall be shared with an out-of-state agency or any other individual.
25 Nothing in this section shall prohibit compliance with a valid, court-
26 issued subpoena or warrant which does not relate to ~~[a law-seeking]~~ any
27 effort to impose civil or criminal liability ~~[or]~~, professional sanc-
28 tions, or any other legal consequences for a legally protected health
29 activity, or in response to the written request of a person who is the
30 subject of such an investigation ~~[or]~~, proceeding, or other effort, to
31 the extent necessary, in each case, to fulfill such request.

32 (c) Nothing in this section shall prohibit disclosure of deidentified
33 information in compliance with federal grant reporting requirements or
34 other reporting requirements under federal law.

35 (d) This section shall not be construed to allow for the provision of
36 any information to any individual or out-of-state agency or department
37 which would not otherwise be available under state law.

38 § 15. Section 837-x of the executive law, as amended by chapter 101 of
39 the laws of 2024, is REPEALED.

40 § 16. Section 4550 of the civil practice law and rules, as added by
41 chapter 138 of the laws of 2023, is amended to read as follows:

42 § 4550. Admissibility of evidence related to legally protected health
43 activity. Evidence relating to the involvement of a party engaging in
44 ~~[one or more]~~ legally protected health activity, as defined ~~[in para-~~
45 ~~graph (b) of subdivision one of]~~ by section 570.17 of the criminal
46 procedure law~~[, relating to providing reproductive health services to~~
47 ~~persons not physically present in this state]~~ shall not be offered
48 against such party as evidence that such party has engaged in any wrong-
49 doing, whether civil, criminal, professional, or otherwise by virtue of
50 ~~[such recipients of such services not being physically present in this~~
51 ~~state]~~ engaging in such legally protected health activity. Nothing in
52 this section shall prevent a party from offering such evidence in a
53 proceeding that (i) sounds in tort or contract, (ii) is actionable, in
54 an equivalent or similar manner, under the laws of this state, and (iii)
55 was brought by the ~~[patient]~~ person who received reproductive health
56 ~~[services]~~ care or gender-affirming care, or the ~~[patient's]~~ person's

1 legal representative in a manner consistent with clause (C) of subpara-
2 graph (ii) of paragraph one of subdivision (g) of section three thousand
3 one hundred nineteen of this chapter.

4 § 17. Section 70-b of the civil rights law, as added by chapter 218 of
5 the laws of 2022 and paragraph (b) of subdivision 3 as amended by chap-
6 ter 26 of the laws of 2023, is amended to read as follows:

7 § 70-b. Unlawful interference with protected rights. 1. For the
8 purposes of this section, the term "legally protected health activity"
9 shall have the same meaning as defined by section 570.17 of the criminal
10 procedure law.

11 2. A claim of unlawful interference with protected rights is estab-
12 lished under this section. Such claim shall arise when a person demon-
13 strates that they [~~exercised or attempted to exercise, or facilitated or~~
14 ~~attempted to facilitate the exercise of a right protected under the~~
15 ~~constitution of the state of New York and/or protected or permitted by~~
16 ~~the laws of the state of New York, to obtain or provide the medical care~~
17 ~~described in subdivision six of this section, and such exercise,~~
18 ~~provision, facilitation, or attempt thereof] engaged in legally
19 protected health activity that results in litigation or criminal charges
20 brought against that person in any court in the United States or its
21 territories.~~

22 [~~2.~~] 3. Such claim shall arise when any person or entity commences an
23 action in any court, in the United States or any of its territories, in
24 which the allegations against the person, whether civil or criminal,
25 involve [~~accessing, providing, facilitating, or attempting to access,~~
26 ~~provide, or facilitate the medical care described in subdivision six of~~
27 ~~this section] legally protected health activity.~~

28 [~~3.~~] 4. In a claim for unlawful interference with protected rights
29 under this section:

30 (a) compensatory damages, as well as costs and attorneys' fees,
31 including expert witness fees, shall be recoverable upon a demonstration
32 of unlawful interference; and

33 (b) additional damages of up to three times the amount of compensatory
34 damages shall be recoverable upon an additional demonstration that the
35 action against the plaintiff was commenced or continued for the purpose
36 of harassing, intimidating, punishing or otherwise maliciously inhibit-
37 ing the exercise of rights protected in New York, including but not
38 limited to [~~the rights in subdivision six of this section]~~ legally
39 protected health activity.

40 [~~4.~~] 5. Any action or proceeding brought pursuant to this section
41 shall be commenced no later than six years after the date on which the
42 [~~violation of this section is committed]~~ legally protected health activ-
43 ity.

44 [~~5.~~] 6. Nothing in this section shall affect or preclude the right of
45 any party to any recovery otherwise authorized by common law, or by
46 statute, law or rule.

47 [~~6. Rights specifically protected under this section shall include~~
48 ~~lawfully provided medical care including but not limited to reproductive~~
49 ~~and/or endocrine health care, and all medical, surgical, counseling or~~
50 ~~referral services relating to the human reproductive system, including~~
51 ~~but not limited to services relating to pregnancy, contraception, or the~~
52 ~~termination of a pregnancy.]~~

53 7. An action under this section shall be brought in the Supreme Court
54 of the state of New York.

55 § 18. Section 570.17 of the criminal procedure law, as amended by
56 chapter 138 of the laws of 2023, is amended to read as follows:

1 § 570.17 Extradition for legally protected health activity.

2 1. For purposes of this section, the following terms shall have the
3 following meanings:

4 (a) "Reproductive health [~~services~~] care" shall mean and include all
5 services, care, or products of a medical, surgical, psychiatric, thera-
6 peutic, diagnostic, mental health, behavioral health, preventative,
7 rehabilitative, supportive, consultative, referral, prescribing, or
8 dispensing nature relating to the human reproductive system provided in
9 accordance with the constitution and the laws of this state, whether
10 provided in person or by means of telehealth or telehealth services,
11 which includes, but is not limited to, all services, care and products
12 relating to pregnancy, assisted reproduction, contraception, miscarriage
13 management or [~~the termination of a pregnancy, and self-managed termi-~~
14 ~~nations~~] abortion, including but not limited to care an individual
15 provides to themself.

16 (b) "Gender-affirming care" shall mean and include any type of care
17 provided to an individual to affirm their gender identity or gender
18 expression, including but not limited to care an individual provides to
19 themself; provided that surgical interventions on minors with variations
20 in their sex characteristics that are not sought and initiated by the
21 individual patient are not gender-affirming care.

22 (c) "Legally protected health activity" shall mean and include the
23 following acts and omissions by providers [~~and~~], facilitators, seekers,
24 and recipients of reproductive health [~~services~~] care and gender-affirm-
25 ing care, to the extent they are not in violation of the constitution or
26 the laws of this state [~~, provided that such provider is physically pres-~~
27 ~~ent in the state~~]:

28 (i) the [~~exercise~~] receipt or [~~attempted exercise by any person of~~
29 ~~rights~~] attempt to receive reproductive health [~~services as secured by~~
30 ~~the constitution or laws of this state or the provision of insurance~~
31 ~~coverage for such services or~~] care or gender-affirming care, regardless
32 of such person's location; [and]

33 (ii) any act or omission undertaken while physically present in this
34 state to aid or encourage, or attempt to aid or encourage, any person in
35 the [~~exercise~~] receipt of or [~~attempted exercise of rights~~] attempt to
36 receive reproductive health [~~services as secured by the constitution or~~
37 ~~laws of this state, or~~] care or gender-affirming care, regardless of the
38 location of the recipient or provider of such care;

39 (iii) the provision of or attempt to provide insurance coverage for
40 [~~such services or care, provided, however, that~~] reproductive health
41 care or gender-affirming care, by any entity located, headquartered, or
42 incorporated in the state, regardless of the location of the recipient
43 and provider of such care; or

44 (iv) the provision of [~~such~~] or attempt to provide reproductive health
45 [~~services~~] care or gender-affirming care by a person duly licensed under
46 the laws of this state and physically present in this state [~~and the~~
47 ~~provision of insurance coverage for such services or care shall be a~~
48 ~~legally protected health activity if the service or care is permitted~~
49 ~~under the laws of this state~~], regardless of the [~~patient's~~] recipient's
50 location.

51 2. Except as required by federal law, no demand for the extradition of
52 a person subject to criminal liability that is in whole or in part based
53 on the alleged provision or receipt of, assistance in provision or
54 receipt of, material support for, or any theory of vicarious, joint,
55 several or conspiracy liability for any legally protected health activ-
56 ity [~~performed in New York~~] shall be recognized by the governor unless

1 the executive authority of the demanding state shall allege in writing
2 that the accused was physically present in the demanding state at the
3 time of the commission of the alleged crime, and that thereafter [~~he,~~
4 ~~she or they~~] such accused fled from that state.

5 § 19. Subdivision 1 of section 659 of the family court act, as amended
6 by chapter 101 of the laws of 2024, is amended to read as follows:

7 1. A law that authorizes a child to be removed from their parent or
8 guardian based on the parent or guardian allowing their child to
9 [~~receive gender-affirming care~~] engage in legally protected health
10 activity, as defined by section 570.17 of the criminal procedure law, or
11 based on such parent or guardian themselves engaging in legally protected
12 health activity, is against the public policy of this state and shall
13 not be enforced or applied in a case pending in a court in this state.

14 § 20. Section 76 of the domestic relations law is amended by adding a
15 new subdivision 4 to read as follows:

16 4. The presence of a child in this state for the purpose of engaging
17 in legally protected health activity, as defined by section 570.17 of
18 the criminal procedure law, or for the purpose of such child's parent or
19 sibling engaging in legally protected health activity, shall be suffi-
20 cient to meet the requirements of paragraph (b) of subdivision one of
21 this section.

22 § 21. Subdivision 1 of section 76-c of the domestic relations law, as
23 added by chapter 386 of the laws of 2001, is amended to read as follows:

24 1. A court of this state has temporary emergency jurisdiction if the
25 child is present in this state and:

26 (a) the child has been abandoned; or

27 (b) it is necessary in an emergency to protect the child, a sibling or
28 parent of the child, including because the child is present in this
29 state because the child, or a sibling or parent of the child is unable
30 to obtain necessary medical care, including legally protected health
31 activity, as defined by section 570.17 of the criminal procedure law.

32 § 22. Section 76-f of the domestic relations law is amended by adding
33 a new subdivision 2-a to read as follows:

34 2-a. In a case where a child's or a sibling or parent of such child's
35 legally protected health activity, as defined by section 570.17 of the
36 criminal procedure law, is at issue, a court of this state shall not
37 determine that it is an inconvenient forum and shall find that it is a
38 more appropriate forum, where the law or policy of the other state that
39 may take jurisdiction limits the ability of a parent to allow their
40 child or a sibling or parent of such child to engage in such legally
41 protected health activity.

42 § 23. Subdivision 4 of section 76-g of the domestic relations law, as
43 added by chapter 386 of the laws of 2001, is amended to read as follows:

44 4. In making a determination under this section, a court shall not
45 consider as a factor weighing against the petitioner any taking of the
46 child, or retention of the child after a visit or other temporary relin-
47 quishment of physical custody, from the person who has legal custody, if
48 there is evidence that the taking or retention of the child was to
49 protect the petitioner from domestic violence or the child or sibling
50 from mistreatment or abuse, or was for the purpose of allowing the child
51 to engage in legally protected health activity, as defined by section
52 570.17 of the criminal procedure law, if the law or policy of the other
53 state limits the ability of a parent or legal guardian to allow their
54 child to engage in legally protected health activity.

55 § 24. Section 77-1 of the domestic relations law, as added by chapter
56 386 of the laws of 2001, is amended to read as follows:

1 § 77-1. Recognition and enforcement. 1. A court of this state shall
 2 accord full faith and credit to an order issued by another state and
 3 consistent with this article which enforces a child custody determi-
 4 nation by a court of another state unless the order has been vacated,
 5 stayed, or modified by a court having jurisdiction to do so under title
 6 two of this article, unless recognition and enforcement would violate
 7 subdivision one-c of section two hundred forty of this chapter or
 8 section one thousand eighty-five of the family court act.

9 2. A law that authorizes a state agency to remove a child from their
 10 parent or guardian based on such parent or guardian allowing their child
 11 to engage in legally protected health activity, as defined by section
 12 570.17 of the criminal procedure law, or based on such parent or guardi-
 13 an themselves engaging in such legally protected health activity, is
 14 against the public policy of this state and shall not be enforced or
 15 applied in a case pending in a court in this state.

16 § 25. The civil practice law and rules is amended by adding a new
 17 article 3-A to read as follows:

18 ARTICLE 3-A

19 CONFLICT OF LAW IN ACTIONS RELATED
 20 TO LEGALLY PROTECTED HEALTH ACTIVITY

21 Section 350. Legally protected health activities.

22 § 350. Legally protected health activities. Notwithstanding any gener-
 23 al or special law, common law, or conflict of law rule to the contrary,
 24 the laws of this state shall govern in any case or controversy heard in
 25 this state related to legally protected health activity, as defined by
 26 section 570.17 of the criminal procedure law.

27 § 26. Severability. If any clause, sentence, paragraph, subdivision,
 28 section or part of this act shall be adjudged by any court of competent
 29 jurisdiction to be invalid, such judgment shall not affect, impair, or
 30 invalidate the remainder thereof, but shall be confined in its operation
 31 to the clause, sentence, paragraph, subdivision, section or part thereof
 32 directly involved in the controversy in which such judgment shall have
 33 been rendered. It is hereby declared to be the intent of the legislature
 34 that this act would have been enacted even if such invalid provisions
 35 had not been included herein.

36 § 27. Construction. The provisions of this act shall be construed
 37 liberally in order to give full effect to the fundamental rights and the
 38 other protections contained herein and the accomplishment of its
 39 purposes. This shall be true regardless of whether federal civil rights
 40 laws, including those laws with provisions worded comparably to the
 41 provisions of this section, have been so construed.

42 § 28. This act shall take effect immediately.