

STATE OF NEW YORK

5480--B

2025-2026 Regular Sessions

IN ASSEMBLY

February 14, 2025

Introduced by M. of A. BRONSON, SIMON, SIMONE, REYES, HEVESI, SHIMSKY, CLARK, GONZALEZ-ROJAS, LUNSFORD, LEVENBERG, EPSTEIN, BURROUGHS, LASHER, R. CARROLL, ROMERO, MEEKS, SHRESTHA, GALLAGHER, O'PHARROW, FORREST, GLICK, DINOWITZ, ROSENTHAL, TORRES, McDONALD -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil practice law and rules, the education law, the public health law, the judiciary law, the insurance law, the general business law, the criminal procedure law, the executive law, the civil rights law, and the family court act, 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

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

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1 has furthered codified in numerous statutes the principle that every
2 individual has the right to privacy and equality with respect to their
3 personal medical decisions, including reproductive and gender-affirming
4 health care.

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

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

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

32 § 2. Section 3119 of the civil practice law and rules, as added by
33 chapter 29 of the laws of 2010, subdivision (g) as amended by chapter
34 138 of the laws of 2023, paragraph 1 of subdivision (g) as amended by
35 chapter 89 of the laws of 2024, and subdivision (h) as amended by chap-
36 ter 101 of the laws of 2024, is amended to read as follows:

37 § 3119. Uniform interstate depositions and discovery. (a) Definitions.
38 For purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (B) is related to such an investigation or proceeding, but falls with-
20 in an exception provided in subparagraph (i) of paragraph one of subdi-
21 vision (g) of this section. Such affirmation shall identify which excep-
22 tion applies to the request.

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

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

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

46 [~~(3)~~] (4) A subpoena under paragraph [~~two~~] three of this subdivision
47 must:

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

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

52 (iii) include the affirmation required by paragraph two of this subdi-
53 vision.

54 [~~(4)~~] (5) Notwithstanding paragraph one of this subdivision, and
55 except as provided by subdivision (g) of this section, if a party to an
56 out-of-state proceeding retains an attorney licensed to practice in this

1 state, and that attorney receives the original or a true copy of an
2 out-of-state subpoena, the attorney may issue a subpoena under this
3 section.

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

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

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

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

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

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

36 (2) the subpoena is accompanied by an affirmation compliant with para-
37 graph two of subdivision (b) of this section.

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

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

53 § 3. Subdivision (e) of section 3102 of the civil practice law and
54 rules, as separately amended by chapter 138 of the laws of 2023 and
55 chapter 101 of the laws of 2024, is amended and subdivision (f) is

1 relettered subdivision (g) and a new subdivision (f) is added to read as
2 follows:

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

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

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

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

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

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

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

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

1 § 6505-d. Evaluation of prior disciplinary history for authorization
 2 to practice. An applicant seeking licensure, certification, or authori-
 3 zation pursuant to this title who has been subject to disciplinary
 4 action by a duly authorized professional disciplinary agency of another
 5 jurisdiction solely on the basis of having [~~performed, recommended, or~~
 6 ~~provided an abortion pursuant to section twenty-five hundred ninety-~~
 7 ~~nine-bb of the public health law, or gender-affirming care, as defined~~
 8 ~~in paragraph (c) of subdivision one of section sixty-five hundred-thir-~~
 9 ~~ty-one-b of the education law] engaged in legally protected health
 10 activity, as defined by section 570.17 of the criminal procedure law,
 11 shall not be denied such licensure, certification, or authorization,
 12 unless the department determines that such action would have constituted
 13 professional misconduct in this state. Provided however, that nothing in
 14 this section shall be construed as prohibiting the department from eval-
 15 uating the conduct of such applicant and making a determination to be
 16 licensed, certified, or authorized to practice a profession under this
 17 title.~~

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

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

29 § 6. Subdivisions 1 and 2 of section 6531-b of the education law,
 30 subdivision 1 as added by chapter 220 of the laws of 2022, paragraph (c)
 31 of subdivision 1 as added by chapter 143 of the laws of 2023, and subdi-
 32 vision 2 as separately amended by chapters 138 and 143 of the laws of
 33 2023, are amended to read as follows:

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

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

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

1 (c) "Gender-affirming care" means any type of care provided to an
2 individual to affirm their gender identity or gender expression, includ-
3 ing but not limited to care an individual provides to themself; provided
4 that surgical interventions on minors with variations in their sex char-
5 acteristics that are not sought and initiated by the individual patient
6 are not gender-affirming care.

7 ~~2. [The performance, recommendation, or provision of any reproductive~~
8 ~~health services or gender-affirming care, as defined in subdivision one~~
9 ~~of this section, or any] Any~~ legally protected health activity, as
10 defined [~~in paragraph (b) of subdivision one of~~] by section 570.17 of
11 the criminal procedure law, by a health care practitioner acting within
12 their scope of practice, [~~for a patient who resides in a state wherein~~
13 ~~the performance, recommendation, or provision of such reproductive~~
14 ~~health services or gender-affirming care is illegal,~~] shall not, by
15 itself, constitute professional misconduct under this title, or title
16 two-A of article two of the public health law, or any other law, rule or
17 regulation governing the licensure, certification, or authorization of
18 such practitioner, nor shall any license, certification or authorization
19 of a health care practitioner be revoked, suspended, or annulled or
20 otherwise subject to any other penalty or discipline provided in the
21 public health law or this title solely on the basis that such health
22 care practitioner [~~performed, recommended, or provided any such repro-~~
23 ~~ductive health services or gender-affirming care for a patient who~~
24 ~~resides in a state wherein the performance, recommendation, or provision~~
25 ~~of such reproductive health services or gender-affirming care is ille-~~
26 ~~gal]~~ engaged in legally protected health activity, as defined by section
27 570.17 of the criminal procedure law.

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

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

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

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

55 § 8. Subdivisions 9-a and 9-c of section 230 of the public health law,
56 subdivision 9-a as amended by chapter 477 of the laws of 2008, subdivi-

1 sion 9-c as amended by chapter 143 of the laws of 2023, paragraph (a) of
2 subdivision 9-c as amended by chapter 101 of the laws of 2024, are
3 amended to read as follows:

4 9-a. At any time, if the board for professional medical conduct or the
5 office of professional medical conduct determines that there is a
6 reasonable belief that an act or omission that constitutes a crime under
7 the law of the state of New York, any other state, or the United States
8 has been committed by the licensee, the board for professional medical
9 conduct or office of professional medical conduct shall notify the
10 appropriate law enforcement official or authority except when the act or
11 omission constitutes legally protected health activity, as defined by
12 section 570.17 of the criminal procedure law.

13 9-c. (a) Neither the board for professional medical conduct nor the
14 office of professional medical conduct shall charge a licensee, acting
15 within their scope of practice, with misconduct as defined in sections
16 sixty-five hundred thirty and sixty-five hundred thirty-one of the
17 education law, or cause a report made to the director of such office to
18 be investigated beyond a preliminary review as set forth in clause (A)
19 of subparagraph (i) of paragraph (a) of subdivision ten of this section,
20 where such report is determined to be based solely upon [~~the perform-~~
21 ~~ance, recommendation, or provision of any reproductive health services~~
22 ~~as defined in section sixty-five hundred thirty one b of the education~~
23 ~~law, or gender affirming care, as defined in paragraph (c) of subdivi-~~
24 ~~sion one of section sixty-five hundred thirty one b of the education~~
25 ~~law, for a particular patient by such licensee where such patient~~
26 ~~resides in a state wherein the performance, recommendation or provision~~
27 ~~of such reproductive health services or gender affirming care is ille-~~
28 ~~gal] any legally protected health activity, as defined by section 570.17
29 of the criminal procedure law.~~

30 (b) When a licensee, acting within their scope of practice, and in
31 accordance with paragraph e of subdivision four of section sixty-five
32 hundred twenty-seven of the education law, [~~performs, recommends or~~
33 ~~provides any reproductive health services or gender affirming care for a~~
34 ~~patient who resides in a state wherein the performance, recommendation,~~
35 ~~or provision of any such reproductive health services or gender-affirm-~~
36 ~~ing care is illegal, such performance, recommendation, or provision of~~
37 ~~such reproductive health services or gender affirming care for such~~
38 ~~patient,] engages in legally protected health activity, as defined by
39 section 570.17 of the criminal procedure law, such legally protected
40 activity shall not, by itself, constitute professional misconduct. The
41 licensee shall otherwise abide by all other applicable professional
42 requirements.~~

43 § 9. Section 90 of the judiciary law is amended by adding a new subdi-
44 vision 2-b to read as follows:

45 2-b. Notwithstanding any general or special law or rule or regulation
46 to the contrary, no attorney licensed in this state may be removed or
47 otherwise subject to discipline, including reprimand, censure, monetary
48 fine, or the revocation, suspension, or cancellation of the attorney's
49 license, for advising or representing a client or prospective client
50 related to reproductive health care or gender-affirming care, as defined
51 by section 570.17 of the criminal procedure law, if the sole reason for
52 such removal or discipline is that (i) the client offered, provided,
53 facilitated, or received reproductive health care or gender-affirming
54 care that is unlawful in another state; (ii) another state's laws create
55 actual or potential liability for the reproductive health care or
56 gender-affirming care offered, provided, facilitated, or received by the

client; or (iii) the attorney is subject to actual or potential liability, removal, or discipline in another jurisdiction based on the reproductive health care or gender-affirming care offered, provided, facilitated, or received by their client, so long as the attorney's conduct complies with the laws of this state and meets the standards set forth in the Rules of Professional Conduct promulgated by the judicial departments of the appellate division of the New York state supreme court.

§ 10. Subsection (a) of section 3436-a of the insurance law, as separately amended by chapter 138 of the laws of 2023 and chapter 101 of the laws of 2024, is amended and two new subsections (e) and (f) are amended to read as follows:

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

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

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

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

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

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

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

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

9 (ii) it is related to such an investigation or proceeding, but falls
10 within an exception provided in paragraph one of subdivision (g) of
11 section three thousand one hundred nineteen of the civil practice law
12 and rules, and identifies which exception applies to the information
13 request;

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

17 (i) notified the attorney general within seventy-two hours of receiv-
18 ing such inquiry, investigation, subpoena, or summons; indicated in such
19 notice whether such person or entity intends to comply with such
20 inquiry, investigation, subpoena, or summons; provided a copy of such
21 inquiry, investigation, subpoena, or summons and any related materials
22 to the attorney general; and

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

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

32 3. A person or entity who submits a false affirmation in violation of
33 subdivision two of this section shall be subject to the jurisdiction of
34 the courts of this state for any suit, penalties, or damages arising out
35 of such false affirmation.

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

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

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

48 4. The attorney general of this state may commence an action or
49 special proceeding to enforce the provisions of this section, including
50 but not limited to an application or motion for an order enjoining ongo-
51 ing or future violations of this section. The attorney general shall not
52 commence such an action unless the attorney general has reason to
53 believe the defendant or respondent intends to comply or has complied
54 with an inquiry, investigation, subpoena, or summons regarding legally
55 protected health activity.

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

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

7 (c) The courts of this state shall assess a statutory penalty of
8 fifteen thousand dollars per violation against any person or entity
9 found to have intentionally, knowingly, willingly, or recklessly
10 complied with an inquiry, investigation, subpoena, or summons regarding
11 legally protected health activity in violation of this section. This
12 shall be in addition to any other legal or equitable remedy lawfully
13 available.

14 5. Any person or entity that is located, headquartered, or incorpo-
15 rated in New York state and receives, is served with, or is subject to a
16 civil, criminal, or regulatory inquiry, investigation, subpoena, or
17 summons for information regarding legally protected health activity may
18 institute a civil action to obtain declaratory relief, or such other
19 relief deemed necessary and proper by the court, stating that this
20 section prohibits their compliance with the inquiry, investigation,
21 subpoena, or summons.

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

25 (b) The attorney general is authorized to intervene in any such action
26 brought pursuant to this section.

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

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

33 6. Any person or entity that issues or causes to be issued a civil,
34 criminal, or regulatory inquiry, investigation, subpoena, or summons to
35 a person or entity located, headquartered, or incorporated in New York
36 state shall be subject to the jurisdiction of the courts of this state
37 for any action, suit, penalties, or damages arising out of this section.

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

44 8. Nothing in this section shall be constructed to prohibit compliance
45 with the investigation of any activity which would violate the laws of
46 this state. Nothing in this section shall be constructed to prohibit
47 sharing information regarding legally protected health activity in
48 response to the written request of a person who received the reproduc-
49 tive health care or gender-affirming care or their legal representative
50 as provided in paragraph one of subdivision (g) of section three thou-
51 sand one hundred nineteen of the civil practice law and rules, or in
52 response to the written request of a person or entity who is the subject
53 of an investigation or proceeding that seeks to impose civil or criminal
54 liability, professional sanctions, or any other legal consequences upon
55 them for legally protected health activity. In each case, information
56 shall only be shared to the extent necessary to fulfill such request.

1 9. Nothing in this section shall prohibit disclosure of deidentified
2 information in compliance with federal grant reporting requirements;
3 obligatory federal investigative demands, including but not limited to
4 subpoenas, summonses, and audits; or other reporting requirements under
5 federal law, or identified information when strictly necessary to comply
6 with a federal audit of specific services for which payment has been
7 made by the federal government. Nothing in this section shall prohibit
8 compliance with a valid federal court order.

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

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

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

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

18 3-a. A police officer [~~may~~] shall not arrest any person for any legal-
19 ly protected health activity [~~within this state~~] as defined in section
20 570.17 of this chapter.

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

24 § 837-x. Cooperation with certain out-of-state investigations. 1. For
25 purposes of this section, the following terms shall have the following
26 meanings:

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

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

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

35 2. (a) No state or local government employee or entity or other person
36 acting on behalf of state or local government shall cooperate with or
37 provide information to any out-of-state individual or out-of-state agen-
38 cy or department regarding any legally protected health activity [~~in~~
39 ~~this state~~], or otherwise expend or use time, moneys, facilities, prop-
40 erty, equipment, personnel or other resources in furtherance of any
41 investigation or proceeding that seeks to impose civil or criminal
42 liability [~~or~~], professional sanctions, or any other legal consequences
43 upon a person or entity for any legally protected health activity
44 [~~occurring in this state~~]; except that the commissioner of health may
45 share deidentified information as strictly necessary to respond to a
46 public health emergency or an imminent threat to public health, or to
47 consult and cooperate with the appropriate agencies of the federal
48 government or of other states in accordance with the functions, powers,
49 and duties of the department as outlined under section two hundred one
50 of the public health law, and may share identified information in such
51 circumstances only when strictly necessary and with the consent of the
52 [~~patient~~] person. For purposes of this section, "deidentified" means
53 that the information cannot identify or be made to identify or be asso-
54 ciated with a particular individual, directly or indirectly, and is
55 subject to technical safeguards and policies and procedures that prevent

1 reidentification, whether intentionally or unintentionally, of any indi-
2 vidual.

3 (b) Nothing in this section shall prohibit the investigation of any
4 reproductive health [~~services~~] care or gender-affirming care rendered in
5 violation of the laws of this state, provided that no information relat-
6 ing to any medical procedure performed on a specific individual [~~may~~]
7 shall be shared with an out-of-state agency or any other individual.
8 Nothing in this section shall prohibit compliance with a valid, court-
9 issued subpoena or warrant which does not relate to [~~a law-seeking~~] any
10 effort to impose civil or criminal liability [~~or~~], professional sanc-
11 tions, or any other legal consequences for a legally protected health
12 activity, or in response to the written request of a person who is the
13 subject of such an investigation [~~or~~], proceeding, or other effort, to
14 the extent necessary, in each case, to fulfill such request.

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

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

21 § 16. Section 837-x of the executive law, as amended by chapter 101 of
22 the laws of 2024, is REPEALED.

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

25 § 4550. Admissibility of evidence related to legally protected health
26 activity. Evidence relating to the involvement of a party engaging in
27 [~~one or more~~] legally protected health activity, as defined [~~in para-~~
28 ~~graph (b) of subdivision one of~~] by section 570.17 of the criminal
29 procedure law[~~, relating to providing reproductive health services to~~
30 ~~persons not physically present in this state~~] shall not be offered
31 against such party as evidence that such party has engaged in any wrong-
32 doing, whether civil, criminal, professional, or otherwise by virtue of
33 [~~such recipients of such services not being physically present in this~~
34 ~~state~~] engaging in such legally protected health activity. Nothing in
35 this section shall prevent a party from offering such evidence in a
36 proceeding that (i) sounds in tort or contract, (ii) is actionable, in
37 an equivalent or similar manner, under the laws of this state, and (iii)
38 was brought by the [~~patient~~] person who received reproductive health
39 [~~services~~] care or gender-affirming care, or the [~~patient's~~] person's
40 legal representative in a manner consistent with subparagraph (iii) of
41 paragraph one of subdivision (g) of section three thousand one hundred
42 nineteen of this chapter.

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

46 § 70-b. Unlawful interference with protected rights. 1. For the
47 purposes of this section, the term "legally protected health activity"
48 shall have the same meaning as defined by section 570.17 of the criminal
49 procedure law.

50 2. A claim of unlawful interference with protected rights is estab-
51 lished under this section. Such claim shall arise when a person demon-
52 strates that they [~~exercised or attempted to exercise, or facilitated or~~
53 ~~attempted to facilitate the exercise of a right protected under the~~
54 ~~constitution of the state of New York and/or protected or permitted by~~
55 ~~the laws of the state of New York, to obtain or provide the medical care~~
56 ~~described in subdivision six of this section, and such exercise,~~

1 ~~provision, facilitation, or attempt thereof~~ engaged in legally
2 protected health activity that results in litigation or criminal charges
3 brought against that person in any court in the United States or its
4 territories.

5 ~~[2.]~~ 3. Such claim shall arise when any person or entity commences an
6 action in any court, in the United States or any of its territories, in
7 which the allegations against the person, whether civil or criminal,
8 involve ~~[accessing, providing, facilitating, or attempting to access,~~
9 ~~provide, or facilitate the medical care described in subdivision six of~~
10 ~~this section]~~ legally protected health activity.

11 ~~[3.]~~ 4. In a claim for unlawful interference with protected rights
12 under this section:

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

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

23 ~~[4.]~~ 5. Any action or proceeding brought pursuant to this section
24 shall be commenced no later than six years after the date on which the
25 ~~[violation of this section is committed]~~ claim under this section
26 arises.

27 ~~[5.]~~ 6. Nothing in this section shall affect or preclude the right of
28 any party to any recovery otherwise authorized by common law, or by
29 statute, law or rule.

30 ~~[6. Rights specifically protected under this section shall include~~
31 ~~lawfully provided medical care including but not limited to reproductive~~
32 ~~and/or endocrine health care, and all medical, surgical, counseling or~~
33 ~~referral services relating to the human reproductive system, including~~
34 ~~but not limited to services relating to pregnancy, contraception, or the~~
35 ~~termination of a pregnancy.]~~

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

38 § 19. Section 570.17 of the criminal procedure law, as amended by
39 chapter 138 of the laws of 2023, is amended to read as follows:

40 § 570.17 Extradition for legally protected health activity.

41 1. For purposes of this section, the following terms shall have the
42 following meanings:

43 (a) "Reproductive health [~~services~~] care" shall mean and include all
44 services, care, or products of a medical, surgical, psychiatric, thera-
45 peutic, diagnostic, mental health, behavioral health, preventative,
46 rehabilitative, supportive, consultative, referral, prescribing, or
47 dispensing nature relating to the human reproductive system provided in
48 accordance with the constitution and the laws of this state, whether
49 provided in person or by means of telehealth or telehealth services,
50 which includes, but is not limited to, all services, care and products
51 relating to pregnancy, assisted reproduction, contraception, miscarriage
52 management or ~~[the termination of a pregnancy, and self-managed termi-~~
53 ~~nations]~~ abortion, including but not limited to care an individual
54 provides to themself.

55 (b) "Gender-affirming care" shall mean and include any type of care
56 provided to an individual to affirm their gender identity or gender

1 expression, including but not limited to care an individual provides to
2 themselves; provided that surgical interventions on minors with variations
3 in their sex characteristics that are not sought and initiated by the
4 individual patient are not gender-affirming care.

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

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

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

22 (iii) the provision of or attempt to provide insurance coverage for
23 [~~such services or care, provided, however, that~~] reproductive health
24 care or gender-affirming care, by any entity located, headquartered, or
25 incorporated in the state, regardless of the location of the recipient
26 or provider of such care; or

27 (iv) the provision of [~~such~~] or attempt to provide reproductive health
28 [~~services~~] care or gender-affirming care by a person duly licensed under
29 the laws of this state and physically present in this state [~~and the~~
30 ~~provision of insurance coverage for such services or care shall be a~~
31 ~~legally protected health activity if the service or care is permitted~~
32 ~~under the laws of this state~~], regardless of the [~~patient's~~] recipient's
33 location.

34 2. Except as required by federal law, no demand for the extradition of
35 a person subject to criminal liability that is in whole or in part based
36 on the alleged provision or receipt of, assistance in provision or
37 receipt of, material support for, or any theory of vicarious, joint,
38 several or conspiracy liability for any legally protected health activ-
39 ity [~~performed in New York~~] shall be recognized by the governor unless
40 the executive authority of the demanding state shall allege in writing
41 that the accused was physically present in the demanding state at the
42 time of the commission of the alleged crime, and that thereafter [~~he,~~
43 ~~she or they~~] such accused fled from that state.

44 § 20. Section 659 of the family court act, as amended by chapter 101
45 of the laws of 2024, is amended to read as follows:

46 § 659. Consideration of law allowing gender-affirming care. 1. It is
47 the intent of the legislature that children or their parents should be
48 able to obtain necessary medical care, including legally protected
49 health activity, as defined by section 570.17 of the criminal procedure
50 law.

51 2. A law that authorizes a child to be removed from their parent or
52 guardian based on the parent or guardian allowing their child to
53 [~~receive gender-affirming care~~] engage in legally protected health
54 activity, as defined by section 570.17 of the criminal procedure law, or
55 based on such parent or guardian themselves engaging in legally protected

1 health activity, is against the public policy of this state and shall
2 not be enforced or applied in a case pending in a court in this state.

3 [~~2~~] 3. No court in this state shall admit or consider a finding of
4 abuse, neglect or maltreatment based on the parent or guardian allowing
5 their child to [~~receive or seek gender-affirming care~~] engage in legally
6 protected health activity, as defined by section 570.17 of the criminal
7 procedure law, or based on such parent or guardian themselves engaging in
8 legally protected health activity, as evidence in any proceeding with
9 respect to that parent or guardian and any of their children, unless
10 such conduct would constitute abuse, neglect or maltreatment under the
11 laws of this state.

12 [~~3. For purposes of this section, "gender-affirming care" shall have~~
13 ~~the same meaning as defined in paragraph (c) of subdivision one of~~
14 ~~section sixty-five hundred thirty-one b of the education law.]~~

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

17 ARTICLE 3-A

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

20 Section 350. Legally protected health activities.

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

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

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

41 § 24. This act shall take effect immediately.