

# STATE OF NEW YORK

8713

## IN SENATE

January 7, 2026

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to certain crimes of interference with health care services or religious worship

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

1 Section 1. Section 240.70 of the penal law, as added by chapter 635  
2 of the laws of 1999, is amended to read as follows:  
3 § 240.70 Criminal interference with health care services or religious  
4 worship in the second degree.  
5 1. A person is guilty of criminal interference with health services or  
6 religious worship in the second degree when:  
7 (a) by force or threat of force or by physical obstruction, [~~he or~~  
8 ~~she~~] such person intentionally injures, intimidates or interferes with,  
9 or attempts to injure, intimidate or interfere with, another person  
10 because such other person was or is [~~obtaining or providing reproductive~~  
11 ~~health services~~] engaging in legally protected health activity; or  
12 (b) by force or threat of force or by physical obstruction, [~~he or~~  
13 ~~she~~] such person intentionally injures, intimidates or interferes with,  
14 or attempts to injure, intimidate or interfere with, another person in  
15 order to discourage such other person or any other person or persons  
16 from [~~obtaining or providing reproductive health services~~] engaging in  
17 legally protected health activity; or  
18 (c) by force or threat of force or by physical obstruction, [~~he or~~  
19 ~~she~~] such person intentionally injures, intimidates or interferes with,  
20 or attempts to injure, intimidate or interfere with, another person  
21 because such person was or is seeking to exercise the right of religious  
22 freedom at a place of religious worship; or  
23 (d) [~~he or she~~] such person intentionally damages the property of a  
24 health care facility, or the physical location from which a person  
25 engages in legally protected health activity, or attempts to do so,  
26 because such facility provides reproductive health services or the  
27 location is the site of legally protected health activity, or inten-  
28 tionally damages the property of a place of religious worship.

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

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1 2. A parent or legal guardian of a minor shall not be subject to pros-  
2 ecution for conduct otherwise prohibited by paragraph (a) or (b) of  
3 subdivision one of this section which is directed exclusively at such  
4 minor.

5 3. For purposes of this section:

6 (a) the term "health care facility" means a hospital, clinic, physi-  
7 cian's office or other facility that provides reproductive health  
8 services, and includes the building or structure in which the facility  
9 is located;

10 (b) the term "interferes with" means to restrict a person's freedom of  
11 movement;

12 (c) the term "intimidates" means to place a person in reasonable  
13 apprehension of physical injury to [~~himself or herself~~] themselves or to  
14 another person;

15 (d) the term "physical obstruction" means rendering impassable ingress  
16 to or egress from a facility that provides reproductive health services  
17 or to or from a place of religious worship, or rendering passage to or  
18 from such a facility or place of religious worship unreasonably diffi-  
19 cult or hazardous; [~~and~~]

20 (e) the term "reproductive health services" [~~means health care~~  
21 ~~services provided in a hospital, clinic, physician's office or other~~  
22 ~~facility and includes medical, surgical, counseling or referral services~~  
23 ~~relating to the human reproductive system, including services relating~~  
24 ~~to pregnancy or the termination of a pregnancy.~~] shall mean and include  
25 all services, care, or products of a medical, surgical, psychiatric,  
26 therapeutic, diagnostic, mental health, behavioral health, preventative,  
27 rehabilitative, supportive, consultative, referral, prescribing, or  
28 dispensing nature relating to the human reproductive system provided in  
29 accordance with the constitution and the laws of this state, whether  
30 provided in person or by means of telehealth or telehealth services,  
31 which includes, but is not limited to, all services, care and products  
32 relating to pregnancy, assisted reproduction, contraception, miscarriage  
33 management or the termination of a pregnancy, and self-managed termi-  
34 nations; and

35 (f) the term "legally protected health activity" shall mean and  
36 include the following acts and omissions by providers and facilitators  
37 of reproductive health services, to the extent they are not in  
38 violation of the constitution or the laws of this state, provided that  
39 such provider is physically present in the state:

40 (i) the exercise or attempted exercise by any person of rights to  
41 reproductive health services as secured by the constitution or laws of  
42 this state or the provision of insurance coverage for such services or  
43 care; and

44 (ii) any act or omission undertaken to aid or encourage, or attempt to  
45 aid or encourage, any person in the exercise or attempted exercise of  
46 rights to reproductive health services as secured by the constitution or  
47 laws of this state, or to provide insurance coverage for such services  
48 or care; provided, however, that the provision of such reproductive  
49 health services by a person duly licensed under the laws of this state  
50 and physically present in this state and the provision of insurance  
51 coverage for such services or care shall be a legally protected health  
52 activity if the service or care is permitted under the laws of this  
53 state, regardless of the patient's location.

54 Criminal interference with health care services or religious worship  
55 in the second degree is a class [~~A misdemeanor~~] E felony.

1 § 2. Section 240.71 of the penal law, as amended by chapter 493 of the  
2 laws of 2009, is amended to read as follows:

3 § 240.71 Criminal interference with health care services or religious  
4 worship in the first degree.

5 A person is guilty of criminal interference with health care services  
6 or religious worship in the first degree when [~~he or she~~] such person  
7 commits the crime of criminal interference with health care services or  
8 religious worship in the second degree and has been previously convicted  
9 of the crime of criminal interference with health care services or reli-  
10 gious worship in the first or second degree or aggravated interference  
11 with health care services in the first or second degree.

12 Criminal interference with health care services or religious worship  
13 in the first degree is a class [~~E~~] D felony.

14 § 3. Section 240.72 of the penal law, as added by chapter 493 of the  
15 laws of 2009, is amended to read as follows:

16 § 240.72 Aggravated interference with health care services in the second  
17 degree.

18 A person is guilty of the crime of aggravated interference with health  
19 care services in the second degree when [~~he or she~~] such person commits  
20 the crime of criminal interference with health care services or reli-  
21 gious worship in violation of paragraph (a) of subdivision one of  
22 section 240.70 of this article and thereby causes physical injury to  
23 such other person who was obtaining or providing, or was assisting  
24 another person to obtain or provide reproductive health services.

25 Aggravated interference with health care services in the second degree  
26 is a class [~~E~~] D felony.

27 § 4. This act shall take effect on the sixtieth day after it shall  
28 have become a law.