

# STATE OF NEW YORK

8807

## IN SENATE

January 8, 2026

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

AN ACT to amend the insurance law and the general business law, in relation to procedures for protections of legally protected health activities

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

1 Section 1. Subsections (b) and (c) of section 3436-a of the insurance  
2 law, subsection (b) as added and subsection (c) as amended by section 4  
3 of part LL of chapter 57 of the laws of 2023, are amended to read as  
4 follows:

5 (b) Every insurer that issues or renews medical malpractice or profes-  
6 sional liability insurance covering a health care provider licensed to  
7 practice in this state shall be prohibited from refusing to issue or  
8 renew, canceling, or charging or imposing an increased premium or rate  
9 for, or excluding, limiting, restricting, or reducing coverage under a  
10 medical malpractice or professional liability insurance policy based  
11 solely upon the legal use or prescription in this state of any drug  
12 prescribed for the purpose of an abortion, including both generic and  
13 brand name drugs, that has not been approved by the food and drug admin-  
14 istration for abortion, provided, however, that such drug shall be a  
15 recognized medication for abortion in one of the following established  
16 reference compendia:

17 (1) The WHO Model Lists of Essential Medicines;

18 (2) The WHO Abortion Care Guidance; or

19 (3) The National Academies of Science, Engineering, and Medicine  
20 Consensus Study Report.

21 (c) As used in this section, "adverse action" shall mean but not be  
22 limited to: (1) refusing to renew or execute a contract or agreement  
23 with a health care provider; (2) making a report or commenting to an  
24 appropriate private or governmental entity regarding practices of such  
25 provider which may violate abortion laws in other states; and (3)  
26 increasing in any charge for, or a reduction or other adverse or unfa-  
27 vorable change in the terms of coverage or amount for, any medical malp-

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

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1 ractice or professional liability insurance contract or agreement with a  
2 health care provider.

3 § 2. The section heading and subdivisions 1 and 4 of section 394-f of  
4 the general business law, as added by section 1 of part U of chapter 57  
5 of the laws of 2023, are amended to read as follows:

6 Warrants for ~~[reproductive health-related]~~ electronic data related to  
7 legally protected health activities. 1. For the purposes of this  
8 section, the following terms shall have the following meanings:

9 a. "Electronic communication" means any transfer of signs, signals,  
10 writing, images, sounds, data, or intelligence of any nature transmitted  
11 in whole or in part by a wire, radio, electromagnetic, photoelectronic  
12 or photo-optical system; provided, however, such term shall not include:

13 i. any telephonic or telegraphic communication.  
14 ii. any communication made through a tone only paging device.  
15 iii. any communication made through a tracking device consisting of an  
16 electronic or mechanical device which permits the tracking of the move-  
17 ment of a person or object.

18 iv. any communication that is disseminated by the sender through a  
19 method of transmission that is configured so that such communication is  
20 readily accessible to the public.

21 b. "Electronic communication services" means any service which  
22 provides to users thereof the ability to send or receive wire or elec-  
23 tronic communications.

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

26 d. "Legally protected health activity" shall have the same meaning as  
27 defined by section 570.17 of the criminal procedure law.

28 e. "Prohibited violation" means any investigation or proceeding that  
29 seeks to impose civil or criminal ~~[offense defined under the laws of~~  
30 ~~another state that creates civil or criminal liability or any theory of~~  
31 ~~vicarious, joint, several or conspiracy liability for, in whole or in~~  
32 ~~part based on or arising out of, either of the following]~~ liability,  
33 professional sanctions, or any other legal consequences upon a person  
34 for any legally protected health activity, unless such [out-of-state]  
35 proceeding i. sounds in tort or contract; ii. is actionable, in an  
36 equivalent or similar manner, under the laws of this state; ~~[or]~~ and  
37 iii. was brought by the ~~[patient]~~ person who received reproductive  
38 health care or gender-affirming care, or the ~~[patient's]~~ person's legal  
39 representative[+

40 ~~(1) providing, facilitating, or obtaining reproductive health care~~  
41 ~~services that are lawful under New York law, or~~

42 ~~(2) intending or attempting to provide, facilitate, or obtain repro-~~  
43 ~~ductive health care services that are lawful under New York law],~~  
44 provided the person has given express consent unless express consent is  
45 not feasible due to their injury or death.

46 ~~[d.]~~ f. "Reproductive health [care services" means any services  
47 related to the performance or aiding within the performance of an  
48 abortion performed within this state that is performed in accordance  
49 with the applicable law of this state, ending, seeking to end, or aiding  
50 another in ending their pregnancy within this state, or procuring or  
51 aiding in the procurement of an abortion within this state] care" shall  
52 have the same meaning as defined by section 570.17 of the criminal  
53 procedure law.

54 4. The attorney general may commence a civil action or special  
55 proceeding to ~~[compel any corporation headquartered or incorporated in~~  
56 ~~New York that provides electronic communications services or remote~~

1 ~~computing services to the general public to comply with~~ enforce the  
2 provisions of this section.

3 § 3. Subdivisions 2, 4 and 9 of section 394-i of the general business  
4 law, as added by a chapter of the laws of 2025 amending the civil prac-  
5 tice law and rules and other laws relating to protecting individuals who  
6 provide or receive legally protected health activity from criminal or  
7 civil liability or professional sanctions imposed by jurisdictions  
8 outside the state, as proposed in legislative bills numbers S. 4914-B  
9 and A. 5480-C, are amended to read as follows:

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

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

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

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

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

32 (i) (1) notified the attorney general within [seventy-two hours] (A)  
33 five business days of receiving such inquiry, investigation, subpoena,  
34 or summons; ~~[indicated in such notice whether such person or entity~~  
35 ~~intends to comply with such inquiry, investigation, subpoena, or~~  
36 ~~summons]~~ or (B) five business days prior to any compliance with such  
37 inquiry, investigation, subpoena, or summons, whichever comes first; and

38 (2) provided a copy of such inquiry, investigation, subpoena, or  
39 summons and any related materials to the attorney general, unless the  
40 person or entity seeking such information regarding legally protected  
41 health activity obtains an order providing otherwise that is enforceable  
42 in New York issued by a court of competent jurisdiction; and

43 (ii) made reasonable attempts to notify the individual or individuals  
44 who provided, sought, received, facilitated, or otherwise engaged in  
45 such legally protected health activity to which such inquiry, investi-  
46 gation, subpoena, or summons pertains at least thirty days prior to  
47 providing any responsive information, unless ~~[otherwise ordered by]~~ the  
48 person or entity seeking such information regarding legally protected  
49 health activity obtains an order providing otherwise that is enforceable  
50 in New York issued by a 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; unless the  
54 person or entity seeking such information regarding legally protected  
55 health activity obtains an order providing otherwise that is enforceable  
56 in New York issued by a court of competent jurisdiction.

1 4. The attorney general of this state may commence [~~an~~] a civil action  
2 or special proceeding to enforce the provisions of this section, includ-  
3 ing but not limited to an application or motion for an order enjoining  
4 ongoing or future violations of this section. [~~The attorney general~~  
5 ~~shall not commence such an action unless the attorney general has reason~~  
6 ~~to believe the defendant or respondent intends to comply or has complied~~  
7 ~~with an inquiry, investigation, subpoena, or summons regarding legally~~  
8 ~~protected health activity.~~]

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

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

15 (c) The courts of this state shall assess a statutory penalty of  
16 [~~fifteen~~] ten thousand dollars per violation against any person or enti-  
17 ty found to have intentionally, knowingly, willingly, or recklessly  
18 complied with an inquiry, investigation, subpoena, or summons regarding  
19 legally protected health activity in violation of this section. This  
20 shall be in addition to any other legal or equitable remedy lawfully  
21 available.

22 9. Nothing in this section shall prohibit disclosure of deidentified  
23 information in compliance with federal grant reporting requirements or  
24 other reporting requirements under federal law, or identified informa-  
25 tion when strictly necessary to comply with a federal audit of specific  
26 services for which payment has been made by the federal government.  
27 Nothing in this section shall prohibit compliance with [~~a valid federal~~  
28 ~~court order~~] an order enforceable in New York entered by a court of  
29 competent jurisdiction.

30 § 4. This act shall take effect on the same date and in the same  
31 manner as a chapter of the laws of 2025 amending the civil practice law  
32 and rules and other laws relating to protecting individuals who provide  
33 or receive legally protected health activity from criminal or civil  
34 liability or professional sanctions imposed by jurisdictions outside the  
35 state, as proposed in legislative bills numbers S. 4914-B and A. 5480-C,  
36 takes effect.