STATE OF NEW YORK

5480--A

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 -- committee discharged, bill amended, 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 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:

Section 1. Legislative findings and intent. The legislature declares that it is the public policy of New York state that every individual possesses a fundamental right of privacy and equality with respect to their personal medical decisions, and should be able to safely effectuate those decisions, including by seeking and obtaining reproductive health care or gender-affirming care, free from the threat that they may be penalized for such legally protected care.

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

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

LBD00432-04-5

personal medical decisions, including reproductive and gender-affirming health care.

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

To secure the fundamental right to bodily autonomy and ensure access to health care, the legislature finds it is critical to enact protections to shield those who seek, provide, or facilitate reproductive or gender-affirming health care from efforts to restrict or penalize them for doing so.

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

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

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

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

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

(3) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

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

(i) attend and give testimony at a deposition;

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

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

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

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

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

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

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

(A) is not related to any investigation or proceeding that seeks to impose civil or criminal liability, professional sanctions, or any other legal consequences upon a person for any legally protected health activity; or

(B) is related to such an investigation or proceeding, but falls within an exception provided in subparagraph (i) of paragraph one of subdivision (g) of this section. Such affirmation shall identify which exception applies to the request.

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

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

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

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

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

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

(iii) include the affirmation required by paragraph two of this subdivision.

[~~(4)~~] (5) Notwithstanding paragraph one of this subdivision, and except as provided by subdivision (g) of this section, if a party to an out-of-state proceeding retains an attorney licensed to practice in this state, and that attorney receives the original or a true copy of an

out-of-state subpoena, the attorney may issue a subpoena under this section.

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

(d) Deposition, production and inspection. Sections two thousand three hundred three, two thousand three hundred five, two thousand three hundred six, two thousand three hundred seven, two thousand three hundred eight and this article apply to subpoenas issued under subdivision (b) of this section.

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

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

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

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

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

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

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

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

(e) Action pending in another jurisdiction. Except as provided in section three thousand one hundred nineteen of this article, when under any mandate, writ or commission issued out of any court of record in any other state, territory, district or foreign jurisdiction, or whenever upon notice or agreement, it is required to take the testimony of a witness in the state, [~~he or she~~] **such witness** may be compelled to appear and testify in the same manner and by the same process as may be employed for the purpose of taking testimony in actions pending in the state. The supreme court or a county court shall make any appropriate order in aid of taking such a deposition; provided that no order [~~may~~] **shall** be issued under this section in connection with an out-of-state proceeding relating to any legally protected health activity, as defined in [~~paragraph (b) of subdivision one of~~] 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, which occurred in this state~~], unless**:**

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

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

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

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

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

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

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

§ 6505-d. Evaluation of prior disciplinary history for authorization to practice. An applicant seeking licensure, certification, or authorization pursuant to this title who has been subject to disciplinary

action by a duly authorized professional disciplinary agency of another jurisdiction solely on the basis of having [~~performed, recommended, or provided an abortion pursuant to section twenty-five hundred ninety-nine-bb of the public health 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~~] **engaged in legally protected health activity, as defined by section 570.17 of the criminal procedure law**, shall not be denied such licensure, certification, or authorization, unless the department determines that such action would have constituted professional misconduct in this state. Provided however, that nothing in this section shall be construed as prohibiting the department from evaluating the conduct of such applicant and making a determination to be licensed, certified, or authorized to practice a profession under this title.

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

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

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

1. As used in this section, the following terms shall have the following meanings:

(a) "Reproductive health [~~services~~] **care**" shall **mean and** include[~~:~~

~~(i) abortion pursuant to section twenty-five hundred ninety-nine-bb of the public health law;~~

~~(ii) emergency contraception as defined in section twenty-eight hundred five-p of the public health law; and~~

~~(iii) medical, surgical, counseling or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy~~] **all services, care, or products of a medical, surgical, psychiatric, therapeutic, diagnostic, mental health, behavioral health, preventative, rehabilitative, supportive, consultative, referral, prescribing, or dispensing nature relating to the human reproductive system provided in accordance with the constitution and the laws of this state, whether provided in person or by means of telehealth or telehealth services, which includes, but is not limited to, all services, care, and products relating to pregnancy, assisted reproduction, contraception, miscarriage management or abortion, including but not limited to care an individual provides to themself**.

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

(c) "Gender-affirming care" means any type of care provided to an individual to affirm their gender identity or gender expression**, including but not limited to care an individual provides to themself**; provided that surgical interventions on minors with variations in their sex char-

acteristics that are not sought and initiated by the individual patient are not gender-affirming care.

2. [~~The performance, recommendation, or provision of any reproductive health services or gender-affirming care, as defined in subdivision one of this section, or any~~] Any legally protected health activity, as defined [~~in paragraph (b) of subdivision one of~~] by section 570.17 of the criminal procedure law, by a health care practitioner acting within their scope of practice, [~~for a patient who resides in a state wherein the performance, recommendation, or provision of such reproductive health services or gender-affirming care is illegal,~~] shall not, by itself, constitute professional misconduct under this title, or title two-A of article two of the public health law, or any other law, rule or regulation governing the licensure, certification, or authorization of such practitioner, nor shall any license, certification or authorization of a health care practitioner be revoked, suspended, or annulled or otherwise subject to any other penalty or discipline provided in the public health law or this title solely on the basis that such health care practitioner [~~performed, recommended, or provided any such reproductive health services or gender-affirming care for a patient who resides in a state wherein the performance, recommendation, or provision of such reproductive health services or gender-affirming care is illegal~~] engaged in legally protected health activity, as defined by section 570.17 of the criminal procedure law.

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

§ 6509-f. Limited exemption from professional misconduct; legally protected health activity. 1. As used in this section, the term "health care practitioner" means a person who is licensed, certified, or authorized under this title 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 this title or any other person designated as a health care practitioner by law, rule, or regulation.

2. Any legally protected health activity, as defined by section 570.17 of the criminal procedure law, by a health care practitioner acting within their scope of practice, shall not, by itself, constitute professional misconduct under this title, or any other law, rule or regulation governing the licensure, certification, or authorization of such practitioner, nor shall any license, certification, or authorization of a health care practitioner be revoked, suspended, or annulled, or otherwise subject to any other penalty or discipline provided in the public health law or this title solely on the basis that such health care practitioner engaged in legally protected health activity.

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

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

9-c. (a) Neither the board for professional medical conduct nor the office of professional medical conduct shall charge a licensee, acting within their scope of practice, with misconduct as defined in sections

sixty-five hundred thirty and sixty-five hundred thirty-one of the education law, or cause a report made to the director of such office to be investigated beyond a preliminary review as set forth in clause (A) of subparagraph (i) of paragraph (a) of subdivision ten of this section, where such report is determined to be based solely upon [~~the performance, recommendation, or provision of any reproductive health services as defined in section sixty-five hundred thirty-one-b of the education 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, for a particular patient by such licensee where such patient resides in a state wherein the performance, recommendation or provision of such reproductive health services or gender-affirming care is illegal~~] **any legally protected health activity, as defined by section 570.17 of the criminal procedure law**.

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

§ 9. 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.

§ 10. 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:

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

(i) it is not related to, and that any information obtained shall not be used in, any investigation or proceeding that seeks to impose civil or criminal liability, professional sanctions, or any other legal consequences upon a person or entity for any legally protected health activity; or

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

(b) the person or entity receiving or subject to such inquiry, investigation, subpoena, or summons regarding legally protected health activity has:

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

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

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

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

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

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

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

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

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

(b) Notwithstanding any contrary provision of law, the attorney general may seek all available legal and equitable remedies.

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

5. Any 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 may institute a civil action to obtain declaratory relief, or such other relief deemed necessary and proper by the court, stating that this section prohibits their compliance with the inquiry, investigation, subpoena, or summons.

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

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

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

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

6. Any person or entity that issues or causes to be issued a civil, 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 this state~~], or otherwise expend or use time, moneys, facilities, prop-

erty, equipment, personnel or other resources in furtherance of any investigation or proceeding that seeks to impose civil or criminal liability [~~or~~], professional sanctions, or any other legal consequences upon a person or entity for any legally protected health activity [~~occurring in this state~~]; except that the commissioner of health may share deidentified information as strictly necessary to respond to a public health emergency or an imminent threat to public health, or to consult and cooperate with the appropriate agencies of the federal government or of other states in accordance with the functions, powers, and duties of the department as outlined under section two hundred one of the public health law, and may share identified information in such circumstances only when strictly necessary and with the consent of the [~~patient~~] person. For purposes of this section, "deidentified" means that the information cannot identify or be made to identify or be associated with a particular individual, directly or indirectly, and is subject to technical safeguards and policies and procedures that prevent reidentification, whether intentionally or unintentionally, of any individual.

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

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

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

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

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

§ 4550. Admissibility of evidence related to legally protected health activity. Evidence relating to the involvement of a party engaging in [~~one or more~~] legally protected health activity, as defined [~~in paragraph (b) of subdivision one of~~] by section 570.17 of the criminal procedure law[~~, relating to providing reproductive health services to persons not physically present in this state~~] shall not be offered against such party as evidence that such party has engaged in any wrongdoing, whether civil, criminal, professional, or otherwise by virtue of [~~such recipients of such services not being physically present in this state~~] engaging in such legally protected health activity. Nothing in this section shall prevent a party from offering such evidence in a proceeding that (i) sounds in tort or contract, (ii) is actionable, in an equivalent or similar manner, under the laws of this state, and (iii) was brought by the [~~patient~~] person who received reproductive health [~~services~~] care or gender-affirming care, or the [~~patient's~~] person's legal representative in a manner consistent with subparagraph (iii) of

paragraph one of subdivision (g) of section three thousand one hundred nineteen of this chapter.

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

§ 70-b. Unlawful interference with protected rights. 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. A claim of unlawful interference with protected rights is established under this section. Such claim shall arise when a person demonstrates that they [~~exercised or attempted to exercise, or facilitated or attempted to facilitate the exercise of a right protected under the constitution of the state of New York and/or protected or permitted by the laws of the state of New York, to obtain or provide the medical care described in subdivision six of this section, and such exercise, provision, facilitation, or attempt thereof~~] engaged in legally protected health activity that results in litigation or criminal charges brought against that person in any court in the United States or its territories.

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

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

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

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

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

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

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

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

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

§ 570.17 Extradition for legally protected health activity.

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

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

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

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

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

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

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

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

2. Except as required by federal law, no demand for the extradition of a person subject to criminal liability that is in whole or in part based on the alleged provision or receipt of, assistance in provision or receipt of, material support for, or any theory of vicarious, joint, several or conspiracy liability for any legally protected health activity [~~performed in New York~~] shall be recognized by the governor unless the executive authority of the demanding state shall allege in writing

that the accused was physically present in the demanding state at the time of the commission of the alleged crime, and that thereafter [~~he, she or they~~] **such accused** fled from that state.

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

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

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

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

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

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

(a) the child has been abandoned**;** or

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

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

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

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

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

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

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

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

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

ARTICLE 3-A

CONFLICT OF LAW IN ACTIONS RELATED TO LEGALLY PROTECTED HEALTH ACTIVITY

Section 350. Legally protected health activities.

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

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

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

§ 28. This act shall take effect immediately.