

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:

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 effectuate
5 those decisions, including by seeking and obtaining reproductive
6 health care or gender-affirming care, free from the threat that they may
7 be penalized for such legally protected care.
8 The legislature finds and reaffirms that the state has a paramount
9 interest in protecting access to health care, including reproductive
10 health care and gender-affirming health care, as such health care is
11 fundamental to each person's exercise of bodily autonomy, dignity, and
12 equal citizenship. The state has enshrined the fundamental right to
13 bodily autonomy and reproductive decision-making in its constitution. It
14 has furthered codified in numerous statutes the principle that every
15 individual has the right to privacy and equality with respect to their

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

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

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

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

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

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

35 § 3119. Uniform interstate depositions and discovery. (a) Definitions.
36 For purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 [~~3~~] (4) A subpoena under paragraph [~~two~~] three of this subdivision
45 must:

46 (i) incorporate the terms used in the out-of-state subpoena; [~~and~~]
47 (ii) contain or be accompanied by the names, addresses and telephone
48 numbers of all counsel of record in the proceeding to which the subpoena
49 relates and of any party not represented by counsel; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

54 § 6505-d. Evaluation of prior disciplinary history for authorization
55 to practice. An applicant seeking licensure, certification, or authori-
56 zation pursuant to this title who has been subject to disciplinary

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

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

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

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

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

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

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

53 (c) "Gender-affirming care" means any type of care provided to an
 54 individual to affirm their gender identity or gender expression, includ-
 55 ing but not limited to care an individual provides to themselves; provided
 56 that surgical interventions on minors with variations in their sex char-

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

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

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

26 § 6509-f. Limited exemption from professional misconduct; legally
27 protected health activity. 1. As used in this section, the term "health
28 care practitioner" means a person who is licensed, certified, or author-
29 ized under this title and acting within their lawful scope of practice
30 and includes, but is not limited to persons subject to articles one
31 hundred thirty-one, one hundred thirty-one-B, one hundred thirty-six,
32 one hundred thirty-seven, one hundred thirty-seven-A, one hundred thir-
33 ty-nine, one hundred forty, one hundred fifty-three, one hundred fifty-
34 four, one hundred fifty-six, one hundred fifty-nine, or one hundred
35 sixty-three of this title or any other person designated as a health
36 care practitioner by law, rule, or regulation.

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

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

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

54 9-c. (a) Neither the board for professional medical conduct nor the
55 office of professional medical conduct shall charge a licensee, acting
56 within their scope of practice, with misconduct as defined in sections

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

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

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

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

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

55 (f) As used in this section, "health care provider" shall mean a
56 person who is licensed, certified, or authorized under title eight of

1 the education law and acting within their lawful scope of practice and
2 includes, but is not limited to persons subject to articles one hundred
3 thirty-one, one hundred thirty-one-B, one hundred thirty-six, one
4 hundred thirty-seven, one hundred thirty-seven-A, one hundred thirty-
5 nine, one hundred forty, one hundred fifty-three, one hundred fifty-
6 four, one hundred fifty-six, one hundred fifty-nine, or one hundred
7 sixty-three of the education law or any other person designated as a
8 health care provider by law, rule, or regulation.

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

11 § 394-i. Legally protected health activities. 1. For the purposes of
12 this section, the term "legally protected health activity" shall have
13 the same meaning as defined by section 570.17 of the criminal procedure
14 law.

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

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

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

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

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

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

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

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

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

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

9 (ii) 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 that such false affirmation accompanied.

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

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

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

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

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

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

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

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

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

53 6. Any person or entity that issues or causes to be issued a civil,
54 criminal, or regulatory inquiry, investigation, subpoena, or summons to
55 a person or entity located, headquartered, or incorporated in New York

1 state shall be subject to the jurisdiction of the courts of this state
2 for any action, suit, penalties, or damages arising out of this section.

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

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

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

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

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

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

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

35 3-a. A police officer [~~may~~] shall not arrest any person for any legal-
36 ly protected health activity [~~within this state~~] as defined in section
37 570.17 of this chapter.

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

41 § 837-x. Cooperation with certain out-of-state investigations. 1. For
42 purposes of this section, the following terms shall have the following
43 meanings:

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

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

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

52 2. (a) No state or local government employee or entity or other person
53 acting on behalf of state or local government shall cooperate with or
54 provide information to any out-of-state individual or out-of-state agen-
55 cy or department regarding any legally protected health activity [~~in~~
56 ~~this state~~], or otherwise expend or use time, moneys, facilities, prop-

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

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

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

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

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

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

41 § 4550. Admissibility of evidence related to legally protected health
42 activity. Evidence relating to the involvement of a party engaging in
43 ~~[one or more]~~ legally protected health activity, as defined ~~[in para-~~
44 ~~graph (b) of subdivision one of]~~ by section 570.17 of the criminal
45 procedure law~~[, relating to providing reproductive health services to~~
46 ~~persons not physically present in this state]~~ shall not be offered
47 against such party as evidence that such party has engaged in any wrong-
48 doing, whether civil, criminal, professional, or otherwise by virtue of
49 ~~[such recipients of such services not being physically present in this~~
50 ~~state]~~ engaging in such legally protected health activity. Nothing in
51 this section shall prevent a party from offering such evidence in a
52 proceeding that (i) sounds in tort or contract, (ii) is actionable, in
53 an equivalent or similar manner, under the laws of this state, and (iii)
54 was brought by the ~~[patient]~~ person who received reproductive health
55 ~~[services]~~ care or gender-affirming care, or the ~~[patient's]~~ person's
56 legal representative in a manner consistent with subparagraph (iii) of

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

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

6 § 70-b. Unlawful interference with protected rights. 1. For the
7 purposes of this section, the term "legally protected health activity"
8 shall have the same meaning as defined by section 570.17 of the criminal
9 procedure law.

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

21 [~~2.~~] 3. Such claim shall arise when any person or entity commences an
22 action in any court, in the United States or any of its territories, in
23 which the allegations against the person, whether civil or criminal,
24 involve [~~accessing, providing, facilitating, or attempting to access,~~
25 ~~provide, or facilitate the medical care described in subdivision six of~~
26 ~~this section]~~ legally protected health activity.

27 [~~3.~~] 4. In a claim for unlawful interference with protected rights
28 under this section:

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

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

39 [~~4.~~] 5. Any action or proceeding brought pursuant to this section
40 shall be commenced no later than six years after the date on which the
41 [~~violation of this section is committed]~~ claim under this section
42 arises.

43 [~~5.~~] 6. Nothing in this section shall affect or preclude the right of
44 any party to any recovery otherwise authorized by common law, or by
45 statute, law or rule.

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

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

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

56 § 570.17 Extradition for legally protected health activity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (a) the child has been abandoned; or

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

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

33 2-a. In a case where a child's or a sibling or parent of such child's
34 legally protected health activity, as defined by section 570.17 of the
35 criminal procedure law, is at issue, a court of this state shall not
36 determine that it is an inconvenient forum and shall find that it is a
37 more appropriate forum, where the law or policy of the other state that
38 may take jurisdiction limits the ability of a parent to allow their
39 child or a sibling or parent of such child to engage in such legally
40 protected health activity.

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

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

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

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

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

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

18 ARTICLE 3-A

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

21 Section 350. Legally protected health activities.

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

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

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

42 § 28. This act shall take effect immediately.