STATE OF NEW YORK

10627

IN SENATE

June 1, 2026

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

AN ACT to amend the general business law, in relation to instances in which a person or entity in the state of New York shall comply with or provide information in response to an inquiry, investigation, subpoena, or summons related to procedures for protections of legally protected health activities

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

Section 1. Subdivisions 2 and 9 of section 394-i of the general business law, as amended by a chapter of the laws of 2026 amending the insurance law and the general business law relating to procedures for protections of legally protected health activities, as proposed in legislative bills numbers S. 8807 and A. 9501, are amended to read as follows:

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~~] **the investigation or proceeding (1) sounds in tort or contract,**

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

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(2) is actionable, in an equivalent or similar manner, under the laws of this state, and (3) was brought by the person who received reproductive health care or gender-affirming care, or such person's legal representative, so long as such person gives express consent unless express consent is not feasible due to their injury or death;

(iii) it is related to such an investigation or proceeding but is at the request of a person or entity who is the subject of the investigation or proceeding and against whom civil or criminal liability, professional sanctions, or any other legal consequences for legally protected health activity are sought, or their legal representative; or

(iv) information regarding legally protected health activity may be incidentally included in the response to, but is not the focus of, the inquiry, investigation, subpoena, or summons, and 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;

(b) for an inquiry, investigation, subpoena or summons accompanied by an affirmation pursuant to subparagraph (i) of paragraph (a) of this subdivision, the person or entity receiving or subject to such inquiry, investigation, subpoena, or summons regarding legally protected health activity has:

(i) (1) notified the attorney general within (A) five business days of receiving such inquiry, investigation, subpoena, or summons; or (B) five business days prior to any compliance with such inquiry, investigation, subpoena, or summons, whichever comes first; [~~and~~]

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

(3) 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, unless the person or entity seeking such information regarding legally protected health activity obtains an order providing otherwise that is enforceable in New York issued by a court of competent jurisdiction; 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 the person or entity seeking such information regarding legally protected health activity obtains an order providing otherwise that is enforceable in New York issued 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; unless the person or entity seeking such information regarding legally protected health activity obtains an order providing otherwise that is enforceable in New York issued by a court of competent jurisdiction~~] for an inquiry, investigation, subpoena or summons accompanied by an affirmation pursuant to subparagraph (iii) of paragraph (a) of this subdivision, the person or entity receiving or subject to such inquiry, investigation, subpoena, or summons has satisfied the requirements of subparagraph (ii) of paragraph (b) of this subdivision.

9. [~~Nothing in this section shall prohibit~~] **The requirements set forth in subdivision two of this section shall not apply to the** disclosure of deidentified information in compliance with federal **or state** grant reporting requirements or other reporting requirements under federal **or state** law, or identified information when strictly necessary to comply with a federal **or state** audit of specific services for which payment has been made by the federal **or state** government **to facilitate payment or review of a claim for payment of health care services by a payor, or in response to an investigation or inquiry by a New York state administrative agency**. [~~Nothing in this section shall prohibit compliance with an order enforceable in New York entered by a court of competent jurisdiction.~~]

§ 2. Subdivision 8 of section 394-i of the general business law, as added by chapter 694 of the laws of 2025, is amended and a new subdivision 11 is added to read as follows:

8. Nothing in this section shall be construed to prohibit compliance with the investigation of any activity which would violate the laws of this state. Nothing in this section shall [~~be construed to~~] prohibit [~~sharing information regarding legally protected health activity in response to the written request of a person who received the reproductive health care or gender-affirming care or their legal representative as provided in paragraph one of subdivision (g) of section three thousand one hundred nineteen of the civil practice law and rules, or in response to the written request of a person or entity who is the subject of an investigation or proceeding that seeks to impose civil or criminal liability, professional sanctions, or any other legal consequences upon them for legally protected health activity. In each case, information shall only be shared to the extent necessary to fulfill such request~~] **compliance with an order enforceable in New York state entered by a court of competent jurisdiction**.

11. Nothing in this section shall apply to a written request for or authorization to disclose information regarding reproductive health care, as defined by paragraph (a) of subdivision one of section 570.17 of the criminal procedure law, or gender-affirming care, as defined by paragraph (b) of subdivision one of section 570.17 of the criminal procedure law, that is made by the person who received such care or their legal representative.

§ 3. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2026 amending the insurance law and the general business law relating to procedures for protections of legally protected health activities, as proposed in legislative bills numbers S. 8807 and A. 9501, takes effect.