

# 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:

1 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  
2 insurance law and the general business law relating to procedures for  
3 protections of legally protected health activities, as proposed in  
4 legislative bills numbers S. 8807 and A. 9501, are amended to read as  
5 follows:  
6

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

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

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

21 (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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1 (2) is actionable, in an equivalent or similar manner, under the laws of  
2 this state, and (3) was brought by the person who received reproductive  
3 health care or gender-affirming care, or such person's legal represen-  
4 tative, so long as such person gives express consent unless express  
5 consent is not feasible due to their injury or death;

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

11 (iv) information regarding legally protected health activity may be  
12 incidentally included in the response to, but is not the focus of, the  
13 inquiry, investigation, subpoena, or summons, and any information  
14 obtained shall not be used in any investigation or proceeding that seeks  
15 to impose civil or criminal liability, professional sanctions, or any  
16 other legal consequences upon a person or entity for any legally  
17 protected health activity;

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

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

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

32 (3) a minimum of thirty days has passed since such person or entity  
33 notified the attorney general of such inquiry, investigation, subpoena,  
34 or summons pursuant to paragraph (b) of this subdivision, unless the  
35 person or entity seeking such information regarding legally protected  
36 health activity obtains an order providing otherwise that is enforceable  
37 in New York issued by a court of competent jurisdiction; and

38 (ii) made reasonable attempts to notify the individual or individuals  
39 who provided, sought, received, facilitated, or otherwise engaged in  
40 such legally protected health activity to which such inquiry, investi-  
41 gation, subpoena, or summons pertains at least thirty days prior to  
42 providing any responsive information, unless the person or entity seek-  
43 ing such information regarding legally protected health activity obtains  
44 an order providing otherwise that is enforceable in New York issued by a  
45 court of competent jurisdiction; and

46 ~~(c) [a minimum of thirty days has passed since such person or entity~~  
47 ~~notified the attorney general of such inquiry, investigation, subpoena,~~  
48 ~~or summons pursuant to paragraph (b) of this subdivision; unless the~~  
49 ~~person or entity seeking such information regarding legally protected~~  
50 ~~health activity obtains an order providing otherwise that is enforceable~~  
51 ~~in New York issued by a court of competent jurisdiction]~~ for an inquiry,  
52 investigation, subpoena or summons accompanied by an affirmation pursu-  
53 ant to subparagraph (iii) of paragraph (a) of this subdivision, the  
54 person or entity receiving or subject to such inquiry, investigation,  
55 subpoena, or summons has satisfied the requirements of subparagraph  
56 (ii) of paragraph (b) of this subdivision.

1 9. [~~Nothing in this section shall prohibit~~] The requirements set forth  
2 in subdivision two of this section shall not apply to the disclosure of  
3 deidentified information in compliance with federal or state grant  
4 reporting requirements or other reporting requirements under federal or  
5 state law, or identified information when strictly necessary to comply  
6 with a federal or state audit of specific services for which payment has  
7 been made by the federal or state government to facilitate payment or  
8 review of a claim for payment of health care services by a payor, or in  
9 response to an investigation or inquiry by a New York state administra-  
10 tive agency. [~~Nothing in this section shall prohibit compliance with an~~  
11 ~~order enforceable in New York entered by a court of competent jurisdic-~~  
12 ~~tion.~~]

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

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

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

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