STATE OF NEW YORK

8713

IN SENATE

January 7, 2026

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

AN ACT to amend the penal law, in relation to certain crimes of interference with health care services or religious worship

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

Section 1. Section 240.70 of the penal law, as added by chapter 635 of the laws of 1999, is amended to read as follows:

§ 240.70 Criminal interference with health care services or religious worship in the second degree.

1. A person is guilty of criminal interference with health services or religious worship in the second degree when:

(a) by force or threat of force or by physical obstruction, [~~he or she~~] **such person** intentionally injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with, another person because such other person was or is [~~obtaining or providing reproductive health services~~] **engaging in legally protected health activity**; or

(b) by force or threat of force or by physical obstruction, [~~he or she~~] **such person** intentionally injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with, another person in order to discourage such other person or any other person or persons from [~~obtaining or providing reproductive health services~~] **engaging in legally protected health activity**; or

(c) by force or threat of force or by physical obstruction, [~~he or she~~] **such person** intentionally injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with, another person because such person was or is seeking to exercise the right of religious freedom at a place of religious worship; or

(d) [~~he or she~~] **such person** intentionally damages the property of a health care facility, **or the physical location from which a person engages in legally protected health activity,** or attempts to do so, because such facility provides reproductive health services **or the location is the site of legally protected health activity**, or intentionally damages the property of a place of religious worship.

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

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2. A parent or legal guardian of a minor shall not be subject to prosecution for conduct otherwise prohibited by paragraph (a) or (b) of subdivision one of this section which is directed exclusively at such minor.

3. For purposes of this section:

(a) the term "health care facility" means a hospital, clinic, physician's office or other facility that provides reproductive health services, and includes the building or structure in which the facility is located;

(b) the term "interferes with" means to restrict a person's freedom of movement;

(c) the term "intimidates" means to place a person in reasonable apprehension of physical injury to [~~himself or herself~~] themself or to another person;

(d) the term "physical obstruction" means rendering impassable ingress to or egress from a facility that provides reproductive health services or to or from a place of religious worship, or rendering passage to or from such a facility or place of religious worship unreasonably difficult or hazardous; [~~and~~]

(e) the term "reproductive health services" [~~means health care services provided in a hospital, clinic, physician's office or other facility and includes medical, surgical, counseling or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy.~~] 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; and

(f) the term "legally protected health activity" shall mean and include the following acts and omissions by providers and facilitators of reproductive health services, 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 or attempted exercise by any person of rights to reproductive health services as secured by the constitution or laws of this state or the provision of insurance coverage for such services or care; and

(ii) any act or omission undertaken to aid or encourage, or attempt to aid or encourage, any person in the exercise or attempted exercise of rights to reproductive health services as secured by the constitution or laws of this state, or to provide insurance coverage for such services or care; provided, however, that the provision of such reproductive health services 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 location.

Criminal interference with health care services or religious worship in the second degree is a class [~~A misdemeanor~~] E felony.

§ 2. Section 240.71 of the penal law, as amended by chapter 493 of the laws of 2009, is amended to read as follows:

§ 240.71 Criminal interference with health care services or religious worship in the first degree.

A person is guilty of criminal interference with health care services or religious worship in the first degree when [~~he or she~~] **such person** commits the crime of criminal interference with health care services or religious worship in the second degree and has been previously convicted of the crime of criminal interference with health care services or religious worship in the first or second degree or aggravated interference with health care services in the first or second degree.

Criminal interference with health care services or religious worship in the first degree is a class [~~E~~] **D** felony.

§ 3. Section 240.72 of the penal law, as added by chapter 493 of the laws of 2009, is amended to read as follows:

§ 240.72 Aggravated interference with health care services in the second degree.

A person is guilty of the crime of aggravated interference with health care services in the second degree when [~~he or she~~] **such person** commits the crime of criminal interference with health care services or religious worship in violation of paragraph (a) of subdivision one of section 240.70 of this article and thereby causes physical injury to such other person who was obtaining or providing, or was assisting another person to obtain or provide reproductive health services.

Aggravated interference with health care services in the second degree is a class [~~E~~] **D** felony.

§ 4. This act shall take effect on the sixtieth day after it shall have become a law.