NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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REGULAR SESSION

LIEUTENANT GOVERNOR KATHLEEN C. HOCHUL, President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

I ask everyone present to please rise and repeat with me the Pledge of Allegiance.

(Whereupon, the assemblage recited the Pledge of Allegiance to the Flag.)

THE PRESIDENT: Our invocation today will be given by Rabbi Stuart Verstandig. And I want to acknowledge he's also joined by his son, Sam. And he serves the Young Israel of Kew Garden Hills, in Flushing.

Rabbi?

RABBI VERSTANDIG: As we open today's session, we ask God for a blessing upon our State of New York and of the United States of America. May we as a nation be guided by the divine to rediscover the sacred flame of our national heritage, which so many have given their lives to safeguard.

Let the wounds of separation and division be healed by opening our hearts to listen to the truth on all sides, allowing us to find a higher truth that includes all. May we learn to honor and enjoy our diversity and

differences as a people, even as we more deeply discover our fundamental commonalities.

May we as a people undergo a transformation that will draw forth individuals to lead our nation who embody courage, compassion, and a higher vision.

May our leaders inspire us and we so inspire each other with our potential as individuals and as a nation, that a new spirit of forgiveness, caring and honesty be born in our nation.

May we as a united people move with clear, directed purpose to take our place within the community of nations to help build a better future for all humankind.

May we as a nation rededicate ourselves to truly living as one nation under God, indivisible, with liberty and justice for all.

As we celebrated yesterday, remember when Martin Luther King, Jr., once said, and I quote: "The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands in times of challenge and controversy."

These indeed are days of challenge and controversy. Senators, may your decisions here today be wise and guided by the values of our forefathers.

May God grant life, liberty and the pursuit of happiness to all people. May God give strength to the leadership of New York State and the people of the United States, and may God protect the great State of New York and bless us forever and always.

Amen.

THE PRESIDENT: The reading of the Journal.

THE SECRETARY: In Senate, Monday, January 21, 2019, the Senate met pursuant to adjournment. The Journal of Saturday, January 19, 2019, was read and approved. On motion, the Senate adjourned.

THE PRESIDENT: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports of state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Madam President, can you please call on Senator Griffo.

THE PRESIDENT: Senator Griffo.

SENATOR GRIFFO: Madam President, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate Bill 175, by Senator Helming.

THE PRESIDENT: So ordered.

SENATOR GRIFFO: I also move, Madam President, that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate Bill 1594, by Senator O'Mara.

THE PRESIDENT: So ordered.

SENATOR GRIFFO: Thank you.

THE PRESIDENT: Senator Gianaris.

SENATOR GIANARIS: Madam President, there will be an immediate meeting of the Rules Committee in Room 332 of the Capitol.

THE PRESIDENT: There's an immediate meeting of the Rules Committee in Room 332 of the Capitol.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 2:34 p.m.)

(Whereupon, the Senate reconvened at 2:55 p.m.)

THE PRESIDENT: The Senate will come to order.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President.

I believe there's a Rules Committee report at the desk.

THE PRESIDENT: There is a Committee on Rules report at the desk, and the Secretary will read.

THE SECRETARY: Senator Stewart-Cousins, from the Committee on Rules, reports the following bills:

Senate Print 240, by Senator Krueger, an act to amend the Public Health Law;

Senate 659A, by Senator Salazar, an

act to amend the Insurance Law and the Social Services Law;

Senate 660, by Senator Metzger, an act to amend the Labor Law;

Senate 1250, by Senator Sepúlveda, an act to amend the Education Law;

Senate 1262, by Senator Mayer, an act to amend the Education Law;

Senate 1675, by Senator Skoufis, an act to amend the Real Property Tax Law;

Senate 1889, by Senator Skoufis, an act to amend the Education Law;

Senate 1904, by Senator Gaughran, an act to amend Chapter 97 of the Laws of 2011;

Senate 2039, by Senator Seward, an act to amend the Insurance Law and a chapter of the Laws of 2018 amending the Insurance Law;

Senate 2040, by Senator LaValle, an act to amend the Public Authorities Law;

Senate 2041, by Senator Benjamin, an act to amend the Public Authorities Law;

Senate 2042, by Senator Gounardes, an act to amend the Civil Service Law;

Senate 2043, by Senator Seward, an act to amend Chapter 589 of the Laws of 2015

amending the Insurance Law; and

Senate 2044, by Senator Ritchie, an act to amend the Agriculture and Markets Law.

All bills ordered direct to third reading.

THE PRESIDENT: Senator Gianaris.

SENATOR GIANARIS: I move to accept the Rules Committee report.

THE PRESIDENT: All those in favor of accepting the report from the Rules Committee signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed?

(No response.)

THE PRESIDENT: The report of the Rules Committee is accepted.

Senator Gianaris.

SENATOR GIANARIS: Madam President, there is a Senate calendar at the desk. We will be taking up a few bills from this calendar.

And at the outset, let me just indicate to my colleagues that I think the bill of most interest will be taken up on debate at the end. So I would encourage those on our side, if they have extensive comments, they may want to

save them for the bill that will be -- that we expect to be held for debate. Of course with the exception of the sponsors on the next two, who I'm sure will be speaking on their bills.

So with that, can we begin by calling up Calendar Number 34.

THE PRESIDENT: The Secretary will read.

THE PRESIDENT: Calendar Number 34, by Senator Salazar, Senate 659A, an act to amend the Insurance Law and the Social Services Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 6. This act shall take effect January 1, 2020.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Salazar to explain your vote.

SENATOR SALAZAR: Thank you, Madam President.

I'm proud to have introduced this legislation and to be voting to pass the CCCA today. What this signifies to New Yorkers is that we want to empower them, especially to

empower women to exercise autonomy over our bodies and, in turn, to have more autonomy over our destinies.

When private insurers refuse to cover the cost of a patient's contraception, it presents a severe risk to the patient's economic reproductive freedom and to their health. No one's healthcare decisions should be dependent on what they can afford to pay.

While this legislation will allow more New Yorkers to access the 18 types of contraception approved by the FDA, it is my hope and commitment that eventually we will go further, that we will eliminate the barriers that many New Yorkers face because healthcare is not free at point of service. But in the future, we will have single-payer healthcare and universal healthcare in New York State.

But I am proud to be voting to support this legislation today to make sure that we are expanding access to contraception.

Thank you.

THE PRESIDENT: Announce the result.

THE SECRETARY: Those recorded in

negative on Calendar Number 34 are Senators Amedore, Antonacci, Felder, Funke, Gallivan, Helming, Jordan, Lanza, Ortt, Ranzenhofer and Ritchie.

Ayes, 51. Nays, 11.

THE PRESIDENT: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Madam President, I'd like to pause to note that this is Senator Salazar's first bill to pass the Senate.

(Standing ovation.)

THE PRESIDENT: Senator Gianaris.

SENATOR GIANARIS: Can we please take up Senate Calendar Number 35.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 35, by Senator Metzger, Senate Print 660, an act to amend the Labor Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Metzger to explain your vote.

SENATOR METZGER: Thank you, Madam President.

First I'd like to acknowledge and thank Senator Liz Krueger for her leadership on this bill, which she first introduced five years ago.

We are on a dangerous, slippery slope in this country when it comes to protecting an individual's right to privacy and autonomy in decision-making about family planning and reproductive health. Since enactment of the Affordable Care Act, over 100 lawsuits have been filed by employers determined to deny workers coverage of reproductive health services and products based on the employer's own personal and political beliefs.

In its 2014 decision in the Hobby Lobby case, the Supreme Court for the first time recognized a qualification for a religious exemption by a corporation.

As Justice Ruth Bader Ginsburg argued: "The court has essentially treated for-profit corporations as people capable of

exercising religion, putting us on a dangerous path with regard to employees' privacy and personal freedoms."

The Boss Bill seeks to prevent this further encroachment by employers into the private decisions of employees on matters that have nothing to do with the performance of their job.

Choosing whether, when and how to have children is a decision for individuals and their families. No one should have fear that they will lose their job or be demoted because of their own private reproductive health decisions.

Thank you.

THE PRESIDENT: Thank you, Senator.

Announce the result.

THE SECRETARY: Those recorded in the negative on Calendar Number 35 are Senators Amedore, Antonacci, Funke, Gallivan and Jordan. Also Senator Ortt.

Ayes, 56. Nays, 6.

THE PRESIDENT: The bill is passed.

(Applause from galleries.)

THE PRESIDENT: Senator Gianaris.

SENATOR GIANARIS: Now,

Madam President, may we please take up Senate Bill Number 33, by Senator Krueger.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 33, by Senator Krueger, Senate Print 240, an act to amend the Public Health Law.

SENATOR GRIFFO: Lay it aside.

THE PRESIDENT: Lay it aside.

SENATOR GIANARIS: Madam President, may we now take up the controversial reading of the calendar, please.

THE PRESIDENT: The Secretary will ring the bell, and the Secretary will read.

THE SECRETARY: Calendar Number 33, by Senator Krueger, Senate Print 240, an act to amend the Public Health Law.

THE PRESIDENT: Senator Griffo.

SENATOR GRIFFO: Madam President, I believe there's an amendment at the desk. I waive the reading of that amendment and ask that you call upon Senator Young for an explanation.

THE PRESIDENT: Thank you, Senator Griffo.

Upon review of the amendment, in

accordance with Rule 6, Section 4B, I rule it nongermane and out of order at this time.

SENATOR GRIFFO: Madam President, I appeal the ruling of the chair and ask that you recognize Senator Young, that she may be heard upon that appeal.

THE PRESIDENT: The appeal has been made and recognized, and the Senator may be heard.

But before we begin debate, I want to remind all of our guests that we must maintain decorum in this chamber, and we ask that you remain silent while observing from the gallery. All Senators have the right to be heard, and without interruption, and our stenographer needs to be able to hear what they're saying. So I appreciate everyone's cooperation at this time. Thank you.

Senator Young.

SENATOR YOUNG: Thank you, Madam President.

These amendments are germane for the following reasons. The amendment establishing the Maternal Mortality Review Board is germane because it creates a vital and long-overdue

public health initiative to address pregnancy-related deaths.

The high rates of maternal mortality and morbidity across the United States, and particularly in New York State, are a grave concern that call for immediate legislative attention due to the devastating impact on pregnant women, their families, and the entire New York State community.

The legislative intent of the RHA states that "The Legislature finds that comprehensive reproductive healthcare, including contraception and abortion, is a fundamental component of a woman's health, privacy and equality."

The Governor held an event earlier this month to announce intentions for a constitutional amendment to protect abortion access. He was joined by Hillary Clinton, who stated: "Even in places like New York, which is home to some of the leading healthcare institutions in the world, we are in the midst of an epidemic of maternal mortality which disproportionately affects black women."

The RHA legislative intent goes on

to state: "The goal of medical regulation should be to improve the quality and availability of healthcare services."

Under this legislation, the board would establish systems to study causes of death of pregnant women or death within 12 months of the end of the pregnancy, or adverse health outcomes resulting from pregnancy, labor or delivery, by compiling and analyzing relevant information to devise solutions for New York's unacceptably high rates of maternal morbidity and mortality.

The "Policy and Purpose" section of the RHA states that "Every individual who becomes pregnant has the fundamental right to choose to carry the pregnancy to term, to give birth to a child, or to have an abortion."

All pregnant women should be entitled to conditions that assure the healthiest possible pregnancy and short- and long-term health outcomes. The RHA explicitly states that there is a right to choose to carry a pregnancy to term and a right to give birth. The analysis of public health data on maternal mortality and morbidity that would be performed by the board is

essential to assuring equitable access to care for the women that choose to carry a pregnancy to term and/or choose to give birth, as the RHA states.

The language advanced to establish the Maternal Mortality Review Board is identical to the bill this house voted 62-to-zero to pass last spring, Senate 8907, sponsored by then-Health Chair Senator Hannon. The bill, Senate 1819, has been reintroduced by Senator Rivera without changes.

Like the RHA, the board is included, for the second year in a row, in the Executive's budget proposal.

Furthermore, the provisions establishing the Liv Act are germane because the RHA repeals the only existing state statutes intended to address illegal abortions -- domestic violence victims, for example. Liv Abreu joined us earlier today. Her attacker was charged under the abortion statutes that are being repealed today by the RHA.

The Liv Act would establish a new section in the penal code that expressly recognizes the pregnant woman as the victim of

violence, and that to do so violates a woman's reproductive freedom. When violence is done to a pregnant woman, her reproductive freedom is trampled, and the law should continue to provide a remedy recognizing this harm.

The provisions that restore medical recordkeeping requirements are germane to the bill in that they merely restore provisions the bill intends to repeal. Medical recordkeeping and reporting always has been crucial, and continues to be, to public health, and repealing recordkeeping for situations that may occur is counterproductive.

So yes, Madam President, these amendments are germane.

THE PRESIDENT: Thank you, Senator.

I'll remind the house that the vote is on the procedures of the house and the ruling of the chair.

Those in favor of overruling the chair signify by saying aye.

(Response of "Aye.")

SENATOR GRIFFO: Show of hands, please.

THE PRESIDENT: A show of hands has

been ordered.

(Show of hands.)

THE SECRETARY: Ayes, 22.

THE PRESIDENT: The ruling of the chair stands, and the bill-in-chief is before the house.

Senator Griffo.

SENATOR GRIFFO: Madam President, would you recognize Senator Ritchie, please.

THE PRESIDENT: Senator Ritchie.

SENATOR RITCHIE: Madam President, would the sponsor yield for a few questions?

THE PRESIDENT: Will the sponsor yield?

SENATOR KRUEGER: Yes, Madam President.

SENATOR RITCHIE: Good afternoon, Senator Krueger.

Your bill has been characterized as codifying Roe vs. Wade. Can you explain to me the differences between Roe vs. Wade and the Reproductive Health Act?

SENATOR KRUEGER: Thank you, Madam President.

New York State law was passed in

1970, pre-Roe v. Wade in 1973. So it's technically 46 years since Roe v. Wade was determined by the U.S. Supreme Court, and we've been out of compliance with our existing law since that time, because our law predates Roe v. Wade. So our law does not explicitly -- existing law in New York State does not explicitly codify in our health statutes the rights to abortion.

What this bill does is it moves abortion out of the criminal code and into the health code where it belongs, so that providers are free to provide treatment to their patients.

It ensures that the health of a pregnant person, not just their life, is a factor for access to abortion later in pregnancy. It protects a patient from being forced to carry a nonviable pregnancy to term. And it confirms that all medical professionals licensed to provide abortions within their scope of practice are able to do so.

THE PRESIDENT: Senator Ritchie.

SENATOR RITCHIE: Would the sponsor continue to yield?

THE PRESIDENT: Will the sponsor

continue to yield?

SENATOR KRUEGER: Certainly, Madam President.

SENATOR RITCHIE: Can you explain why you repealed the criminal provisions pertaining to abortion in the Penal Law?

SENATOR KRUEGER: Thank you.

Madam President, through you, it's a medical procedure. It actually should never have been in the criminal code. But again, it was 1970 the last time we took up the law in New York State, so I won't presume what people were thinking in 1970. But since 1973, it's been very explicit under federal law and under a series of federal and state constitutional lawsuits that this is a healthcare service and should be in our health statute.

THE PRESIDENT: Thank you, Senator.

Senator Ritchie.

SENATOR RITCHIE: Will the sponsor continue to yield?

THE PRESIDENT: Will the sponsor continue to yield?

SENATOR KRUEGER: Certainly.

SENATOR RITCHIE: Do you believe it

is good public policy to repeal criminal violations for individuals who take by force a woman's right to carry a pregnancy to term?

SENATOR KRUEGER: I apologize, I couldn't quite hear you. Can you repeat that? Through you, Madam President.

SENATOR RITCHIE: Do you believe it is good public policy to repeal criminal violations for individuals who take by force a woman's right to carry a pregnancy to term?

SENATOR KRUEGER: Thank you, Madam President.

I don't think that abortion should be within the criminal code. I believe very strongly in New York State's laws that in fact provide a criminal penalty when someone attacks a woman, a pregnant woman, a man. We have very specific criminal laws that can and are applied by prosecutors when someone attempts to murder someone, one attempts a violent felony against someone, one kidnaps and forces someone against their will into a situation where they can do harm to them. So I'm very confident that New York State law allows for all kinds of appropriate criminal penalties if someone is

attacked, whether or not they are pregnant.

But no, abortion was never a crime, since we've established in 1970 the right and in 1973 forward. So I don't believe the appropriate place for criminal penalties are in -- are related to the abortion law per se.

THE PRESIDENT: Thank you, Senator.

Senator Ritchie.

SENATOR RITCHIE: Will the sponsor continue to yield?

THE PRESIDENT: Will the sponsor continue to yield?

SENATOR KRUEGER: Yes, I will.

SENATOR RITCHIE: Do you think individuals who assault pregnant women should be held accountable for such assaults?

SENATOR KRUEGER: Through you, Madam President, I think anyone who assaults anyone in this state should be held accountable under our laws. And I'm confident that whether or not we pass the Reproductive Health Act today, we have those protections throughout our criminal code.

THE PRESIDENT: Senator Ritchie.

SENATOR RITCHIE: Will the sponsor

continue to yield?

SENATOR KRUEGER: I do.

THE PRESIDENT: Will the sponsor continue to yield?

SENATOR KRUEGER: Yes, Madam President.

SENATOR RITCHIE: Can you explain -- or provide us why pregnant women are offered special benefits in other areas of the law, such as maternity leave, special workplace accommodations, and anti-discrimination laws, but they will not be allowed in the Penal Law now?

SENATOR KRUEGER: So it's an interesting question about whether women are offered special accommodations in lots of our other laws. Many of us spent our lives thinking women actually don't have equal treatment under many of our laws, including employment laws, and that we need more work there also.

But I am quite confident that a medical procedure -- abortion -- does not need to be within the criminal code and that our criminal code allows for many different options for a district attorney to charge someone with a crime against a woman or a man.

THE PRESIDENT: Senator Ritchie.

SENATOR RITCHIE: Would the sponsor continue to yield?

THE PRESIDENT: Will the sponsor continue to yield?

SENATOR KRUEGER: Yes, I will, Madam President.

SENATOR RITCHIE: Currently New York requires abortions to be performed by a physician. What new professions are statutorily authorized by this legislation to perform abortions?

SENATOR KRUEGER: Thank you. Through you, Madam President. Sorry, just turning to the right page. Thank you.

So medical providers that have abortion care within their scope of practice. This currently includes some physicians as well as some advanced-practice clinicians, physician assistants, nurse practitioners, and licensed midwives.

THE PRESIDENT: Senator Ritchie.

SENATOR RITCHIE: Would the sponsor continue to yield?

THE PRESIDENT: Will the sponsor

continue to yield?

SENATOR KRUEGER: Yes, Madam President.

THE PRESIDENT: The Senator yields.

SENATOR RITCHIE: Can you explain who will make the ultimate decision who or what type of doctor or nurse practitioner would be able to perform the abortion?

SENATOR KRUEGER: Yes, in New York State you are a licensed physician, M.D. or D.O., and advanced-practice clinicians function under your authority.

So there may be a physician who hires physician assistants and/or nurse practitioners and/or licensed midwives who are performing procedures within their scope of practice in that field.

The State Education Department regulates the licensing of professions and establishes the definitions of who meets that licensing criteria and the scope of practice.

THE PRESIDENT: Senator Ritchie.

SENATOR RITCHIE: If the sponsor would continue to yield.

THE PRESIDENT: Will the sponsor

yield?

SENATOR KRUEGER: Yes, Madam President.

THE PRESIDENT: The Senator yields.

SENATOR RITCHIE: What specific training will these health professionals receive before performing abortions?

SENATOR KRUEGER: Through you, Madam President, I am not a trainer of healthcare providers nor a healthcare provider. The State Education Department establishes specific licensing and scope of practice. And we have many, many practitioners under advanced-practice-clinician categories in New York State.

Interestingly, Madam President, in 1970, when our law was written, we had nothing known as a physician assistant, a nurse practitioner, or a licensed midwife. They simply didn't exist as licensed professions. Hence, the 1970 law was silent on them.

But since then we have established specific healthcare professions with licensing and scope of practice and training that is defined as appropriate for different activities and different kinds of healthcare, and so these

categories are included.

Through you, Madam President.

THE PRESIDENT: Thank you, Senator.

Senator Ritchie.

SENATOR RITCHIE: Would the sponsor continue to yield?

SENATOR KRUEGER: Yes, I will.

THE PRESIDENT: The Senator yields.

SENATOR RITCHIE: Section 4164 of the Public Health Law concerns recordkeeping. It is good public policy and practice to maintain data in records of medical procedures. Does this bill keep current recordkeeping procedures for abortions and live births?

SENATOR KRUEGER: Through you, Madam President, this bill doesn't say anything about changing procedures on tracking or records. So I'm not that familiar with the Public Health Law on recordkeeping, but this bill does nothing to change it.

THE PRESIDENT: Thank you, Senator.

Senator Ritchie.

SENATOR RITCHIE: Will the sponsor continue to yield?

THE PRESIDENT: Does the sponsor

continue to yield?

SENATOR KRUEGER: Yes, I will.

THE PRESIDENT: The Senator yields.

SENATOR KRUEGER: Are there any protections under this bill for religious organizations and hospitals from having to perform abortions?

SENATOR KRUEGER: This bill does nothing to change existing protections for individuals or institutions. Both the state and federal law contain provisions that protect individuals and hospitals from being forced to provide abortion. The Reproductive Health Act does not eliminate existing state or federal conscience provisions that protect institutions and providers with moral objection to abortion.

The existing protections in the law are included in the New York Civil Rights Law, 79.I; in the NYCRR, 405.9(B)10. Protections under federal law include 42 USC 300a-7; 42 USC 1396u-2(b)(3), 42 USC 238n, and 42 USC 1395w-22(j)(3)(b), Madam President.

THE PRESIDENT: Senator Ritchie.

SENATOR RITCHIE: Would the sponsor continue to yield?

THE PRESIDENT: Will the sponsor continue to yield?

SENATOR KRUEGER: Certainly, Madam President.

THE PRESIDENT: The Senator yields.

SENATOR RITCHIE: Are religious hospitals protected if they take steps to protect a viable fetus?

SENATOR KRUEGER: Through you, Madam President, it is the responsibility of the medical professional, in coordination with the patient, to handle any circumstances that may take place between them and their patient. So whether or not they're in a religious facility or any other facility, that same standard would apply.

THE PRESIDENT: Thank you, Senator.

Senator Ritchie.

SENATOR RITCHIE: Though I disagree with Senator Krueger on this bill, I want to thank her for her responses.

And I want to say that I am still strongly opposed to this bill and will be voting in the negative.

THE PRESIDENT: Thank you, Senator.

Any other Senators wishing to be heard?

Senator Lanza.

SENATOR LANZA: Yes, Madam President. Would the sponsor yield for a couple of questions?

THE PRESIDENT: Will the sponsor yield?

SENATOR KRUEGER: Certainly, Madam President.

THE PRESIDENT: The sponsor yields.

SENATOR LANZA: Thank you, Madam President. Through you.

Senator Krueger, I listened very intently to the discussion. Just a couple of points of concern.

You said that the reason this is being taken out of the penal code is because it is a medical practice and medical care. As you're aware, if someone in the State of New York practices medicine, performs a surgery or does another medical procedure without having a medical license, a person that's not a doctor, for instance, a quack, currently under our law that would be a crime.

Do you believe that should continue to be the case?

SENATOR KRUEGER: So under New York State laws, there are various medical practitioners who are licensed to provide healthcare services within their scope of practice. It includes doctors, nurses, nurse practitioners, advanced-practice clinicians, nurse midwives.

So each and all of them, any of those professions, have certain standards that they must comply with. Of course they can be at risk of malpractice. And if they commit any criminal activity, each and every one of them potentially would face a criminal charge if they in fact performed a criminal act.

THE PRESIDENT: Senator Lanza.

SENATOR LANZA: Madam President, would the sponsor continue to yield?

THE PRESIDENT: Will the sponsor continue to yield?

SENATOR KRUEGER: Certainly, Madam President.

THE PRESIDENT: The Senator yields.

SENATOR LANZA: Through you, Madam

President. I'm not sure you understood my question, Senator Krueger. What I'm saying is that -- what I'm asking is if a person who is not a doctor, not a healthcare provider, is a quack --

SENATOR KRUEGER: Okay.

SENATOR LANZA: -- and performs surgery on someone or tricks them into paying them to perform another medical procedure for which they are not licensed to do in the State of New York, currently that is a crime. That is within the penal code. Do you believe that should continue to be the case?

SENATOR KRUEGER: So this bill makes no changes in any standards of New York State law for finding someone in violation of pretending to be a doctor or a healthcare professional and providing healthcare services that they are not licensed to do.

So that is currently the law in New York State, as we know, and there's nothing in the bill that changes that.

SENATOR LANZA: Through you, Madam President, will the sponsor continue to yield?

THE PRESIDENT: Will the sponsor continue to yield?

SENATOR KRUEGER: Yes, I will, Madam President.

THE PRESIDENT: The Senator yields.

SENATOR LANZA: Through you, Madam President. I'll take that as a yes, you do agree that that ought to continue to be a crime, in spite of the fact that it's within the context of medical procedure.

I also listened to you respond to questions from Senator Ritchie concerning protections for pregnant women against domestic violence. And I heard you say that there are adequate protections for victims in that context currently within the Penal Law. And Senator Krueger, I believe that that is the way you would want it.

A concern I have -- and it's more of a suggestion for your consideration more than it is a question -- is this. Under the current Penal Law -- or I should say if this becomes law in the State of New York, someone who punches a woman who's not pregnant and another person who intentionally assaults and punches a pregnant

woman with the intention of having that person abort their fetus would be treated precisely the same.

It seems to me that under those circumstances, there are not, once this becomes law, adequate protections for pregnant women against domestic violence.

SENATOR KRUEGER: Through you, Madam President, I want to thank the sponsor for that question.

I'll start out by pointing out that all the major domestic violence organizations within the State of New York have endorsed the Reproductive Health Act and have made very clear that they do not believe removal of abortion from the criminal code puts women at any greater risk of domestic violence. And they also believe that there are criminal charges that can be applied in any and all circumstances when women, whether pregnant or not, are being attacked.

As we know, New York State's first-degree assault, a Class B felony carrying a penalty of five to 25 years -- criminal abortion charges, which we are trying to remove from the law, only carry penalties of two to seven years,

and they run concurrent. So the actual charges always default to the stricter charge and longer time in prison.

Judges have the discretion when sentencing to increase the penalty for particularly violent or brutal crimes. And you might very well see a judge accepting an argument of a DA that the attack on a pregnant woman as you described meets that standard of a particularly violent or brutal crime, and a first-degree assault carries a penalty up to 25 years.

So again, I'm quite confident that our courts, our DAs, and our criminal code give us a broad range of penalties to apply to people who commit heinous crimes on others, including pregnant women.

SENATOR LANZA: Madam President, would the sponsor yield for one more question?

THE PRESIDENT: Will the sponsor yield for one more question?

SENATOR KRUEGER: I will even yield for more than one more question.

THE PRESIDENT: Thank you, Senator.

SENATOR LANZA: I'll keep that in

mind.

Thank you, Madam President. Through you. In spite of what that group has said to you, clearly they do not understand the penal code and the relevant statutes, statutes which are -- which bear on this subject.

With respect to assault, the attendant circumstances which aggravate it from one level to another, up to assault 1, as you described, have to do with a number of attendant circumstances. But with respect to that which is relevant to this, it is the injury to the victim.

Were this to be law, the death of the fetus is not an injury to the woman. And therefore, that would not be an aggravating circumstance raising the level of the crime to an assault 1.

So again, Senator Krueger, if this becomes law, punching a woman who's not pregnant in the stomach will be treated precisely the same under our penal code as punching a pregnant woman with the intent of ending her pregnancy and in fact doing so. Do you think that should be the case?

SENATOR KRUEGER: Through you,

Madam President, I have to disagree with my colleague.

I have gone over this with criminal attorneys, and they make it clear to me that judges do have the discretion and that attacking a pregnant woman is a criminal action and can be punished as a harm to the pregnant woman who is being assaulted.

Even earlier today I believe you held a press conference with a woman who went through a tragic situation a few months ago where her boyfriend -- I believe it was a boyfriend -- stabbed her multiple times and basically kidnapped her and held her captive. So the DA is charging with attempted murder and with violent felony assault.

If we have the abortion standard that we do now, he can also charge with abortion, but that's a very short time period of any kind of prison time that would concurrent with the much longer penalties of attempted murder or felony assault.

So I think sometimes we get confused that actually having abortion in the criminal code offers our DAs and our judges a greater

scope for penalty, because it does not. But it actually does put at risk women who have actually found themselves in situations they did not imagine themselves in, in places that have abortion in its criminal code.

So we don't disadvantage any women who have been -- hopefully not, but going through terrible circumstances, by changing our laws. But we do protect a far greater number of women to be able to get, without discrimination, the healthcare services they need throughout the state when they need them.

SENATOR LANZA: Thank you, Madam President. On the bill.

THE PRESIDENT: Senator Lanza on the bill.

SENATOR LANZA: Thank you, Madam President. And on the bill just to this point in particular.

I disagree with what my colleague just said in that last discussion with respect to the protections that will exist for the pregnant women under the circumstances that I described.

The bottom line is under the current Penal Law, once this becomes law, assaulting a

woman who's not pregnant -- punching her, for instance, in the abdomen -- will be treated precisely the same in a criminal way as someone punching a pregnant woman in the stomach with the intent to end the pregnancy and in fact ending that pregnancy. Surely that should not be the state of the law here in New York moving forward.

And my suggestion would be to propose a criminal law which would address the concern which I've raised here without changing where this statute finds itself in our law here in New York. It would be very simple to do so, and it ought to be done, because we don't want women to find themselves in a situation -- we know domestic violence in the State of New York happens, sadly, many times a day, and we want to make sure that women have the protection that they deserve to have in the State of New York moving forward.

Thank you, Madam President.

(Scattered applause from gallery.)

THE PRESIDENT: Are there any other Senators who wish to be heard?

Seeing and hearing none, the debate is closed.

The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 14. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Montgomery to explain your vote.

SENATOR MONTGOMERY: Thank you, Madam President.

I just rise to, first of all, thank the sponsor, Senator Krueger, who has been working on this for many, many years, and the Leader even before that, and to thank Senator Salazar for the companion bill that was argued.

And I must say that this is really such a celebration of -- as you know, Madam Chair, having been chair of the New York State Suffrage Commission, this is really one of the most important aspects of what suffrage has represented. Women's healthcare, women's reproductive health was very much part of the suffrage movement. And today we codify one of the particular issues related to women's health,

and that is reproductive health.

Reproductive health is very much a part of who we are, what our needs are. We're not separated from every aspect. And this procedure, which is the procedure that the decision between a woman and her doctor come to agree that is best for that woman, is part of the health decisions that we have to deal with with every other part of our bodies as well.

So codifying this, removing it from the criminal code, making it part of health is important. And Madam Chair, I think -- Madam President, I think that there's no other vote that is more important as a symbol of women's suffrage victories in our nation as the vote we're taking today.

So I vote aye.

THE PRESIDENT: Thank you, Senator.

Senator Montgomery recorded in the affirmative.

Senator Harckham to explain your vote.

SENATOR HARCKHAM: Thank you, Madam Chair.

First I would like to thank

Senator Krueger for sponsoring this bill, and for all the Senators who worked on this for many, many years before -- certainly before I got here.

I also want to thank advocates on both sides of this issue from my district who I saw in the hallways today and met with. I thank them for their advocacy and for traveling up here.

My daughters grew up in a political household, and they often worked on campaigns, I think, out of a sense of obligation. Well, this campaign they worked on because they wanted to, and their friends worked on because they wanted to. And their friends' mothers worked on this because they wanted to, because of this issue.

This was the motivating issue that drove so many women in my district -- as young as 13 knocking on doors, and we had one woman 97 years old knocking on doors, because they were so motivated, both positively and negatively. The negative motivation was what was happening in Washington and what was a very real threat to their healthcare choice and the right for them to determine their own course of healthcare and what to do with their bodies. And on the positive

side, that if we made change politically, we could make change today.

And so I am very fortunate to be here and very proud to say aye on behalf of my daughters and all of the other daughters, from 13 to 97. Thank you.

(Applause from the gallery.)

THE PRESIDENT: Thank you, Senator.

Senator Harckham recorded in the affirmative.

Senator Little to explain your vote.

SENATOR LITTLE: Thank you, Madam President.

I think we can all agree today that abortion is a highly sensitive issue. And I don't rise today in judgment of anyone, but I only want to make the point that Roe v. Wade was legal in New York State -- or abortion was legal in New York State before Roe v. Wade.

I don't believe the legislation before us is necessary, and I am very concerned about how this bill has been drafted, some of the language that is in it.

In the past two weeks I've had many, many calls and emails to my office, and the vast

majority of them have asked me not to vote for this piece of legislation. I am pro-life. I value the sanctity of life. And I will respectfully be voting no on this piece of legislation today.

Thank you.

(Applause from the gallery.)

THE PRESIDENT: I wish to remind our guests in the gallery that no additional applause or voices should be heard at this time. Only the Senators have a right to be heard.

Senator Little to be recorded in the negative.

Senator Martinez to explain your vote.

SENATOR MARTINEZ: Thank you, Madam President.

First of all, I would like to thank the sponsor for her leadership on this issue.

Today we are faced with uncertainty. Every year women throughout the state are put in danger through our current inadequate laws. With the monumental Roe v. Wade Supreme Court decision under constant threat at the federal level, it is critical that we here in the great State of

New York codify the protections afforded therein and ensure that we protect access to safe healthcare options for women across the state by adopting this resolution.

Regardless of my personal opinions, a woman's right to choose and access to safe healthcare options are to be left between a woman and her medical professionals. It is for these reasons that I put my personal opinions aside to support this bill and vote in the affirmative.

THE PRESIDENT: Senator Martinez to be recorded in the affirmative.

Senator Gallivan to explain your vote.

SENATOR GALLIVAN: Thank you, Madam President.

I have many concerns and objections about this legislation, but I'll confine my remarks to just one and stand for the unborn child.

I remember, when my youngest son was born, going with my wife to the doctor's appointments on a monthly basis. And I know that many of my colleagues have shared this experience, whether you were the pregnant one or

whether you were the male in the relationship, and whether it was the ultrasound or the sonogram, hearing the heartbeat and looking at that little baby moving around at a very early stage.

I know most recently Senator Jacobs no doubt had the experience, Senator Benjamin no doubt had the experience.

And I would make the argument, like many, that that little heartbeat and that little -- little thing moving around in the mother's womb is a unique human being. It doesn't meet our definition in the Penal Law of a person, but it has a heartbeat and it is moving and it has an identity.

And I would also venture to say that we have people in this very chamber -- we certainly know people, but there's those in this very chamber that were born premature, in their seventh month or in their eighth month.

So these unique human beings going forward that nobody today is speaking for. We often talk in this chamber about equal protection. Who is providing the protection for these unborn children?

And I hear oftentimes, with many, many different things that we talk about -- and I share this feeling that part of the job of government and part of what we're here for is to stand up and protect the innocent and protect the most vulnerable.

I'm very sad to say that in this case, though, today New York State has failed.

I vote nay.

THE PRESIDENT: Senator Gallivan to be recorded in the negative.

Senator Parker to explain your vote.

SENATOR PARKER: Thank you, Madam President.

I rise on behalf of the people in my district, the 21st District in Brooklyn, and particularly the women there who have sent me here to help protect their rights.

And I think that, you know, most of us will agree that a right to choose is one of those fundamental rights. We really shouldn't even have to go through this exercise of passing this bill. This should be just kind of a given in the framework of our state government. But it's not.

And the signals we've gotten from the federal government certainly show us that a woman's right to choose and a woman's decisions about her body are being threatened every single day by this federal government.

And so this was necessary. Without this, medical procedures that have been safe in practice for a number of years in this state will be illegal immediately if in fact things turn badly in the Supreme Court.

And so I'm proud to stand with my colleagues to vote for this bill. I want to thank Senator Krueger for her long toiling in the fields to stand up, you know, for a woman's right to choose; obviously Leader Cousins; and all my colleagues who have contributed to this day and have, you know, stood -- in the face of a lot of pressure not to do the right thing, they have found the courage and found the right things to do for not just the people of the state but particularly for the women of the State of New York.

Thank you.

THE PRESIDENT: Senator Parker to be recorded in the affirmative.

Senator Amedore to explain your vote.

SENATOR AMEDORE: Thank you, Madam President. I rise to explain my vote.

You know, I share with all of my colleagues in this great chamber the importance of women's health. But I find it hypocritical that we are talking today about women's health and yet we haven't heard about the quality and safety of women's health. Because what this bill actually does is put women's health and lives in jeopardy.

This bill is not simply a codification. It is a dangerous expansion that would allow for late-term abortions and would allow nondoctors to perform them.

Bottom line, this bill will put more lives in danger. I vote no.

THE PRESIDENT: Senator Amedore to be recorded in the negative.

Senator Savino to explain your vote.

SENATOR SAVINO: Thank you, Madam President.

I also want to thank Senator Krueger and Senator Stewart-Cousins for carrying this

bill and moving it through lo these many years since it was first introduced.

It's been said that this is a deeply personal issue, and it is -- for everyone not just in this chamber, but in this state. But I like to think about how different my life has been compared to prior generations. You know, I was 9 years old when Roe v. Wade was decided, so I came of age in an era where women had the right in this state and across the country to have access to a safe, legal abortion.

And I think back to my great-grandmother. She came to this country at the age of 17, met a young man on the boat, and before she docked at Ellis Island, she was already carrying the first of what would be 18 pregnancies -- 14 live births, the oldest of which was my grandmother. She buried six of her children before they made the age of five. That was a woman's lot in life. That's what happened.

She didn't have access to birth control, but I would guarantee you she wished she had. Even though she loved all of her children, the struggle of giving birth to that many children, caring for them, providing for them,

experiencing that level of loss was normal for women. That's what happened. Until birth control became available, when women were finally able to take control of their reproductive health so they could plan their families, so that they could be able to be the kind of mother that they wanted to be, not worrying about losing children to disease, making sure that you were able to feed them and clothe them.

That's what this is really about. It's not about abortion, although that's a part of it. It's not about contraception, but that's a part of it. It's about allowing women to really be fulfilled as women and as parents and choose the kind of family they want.

So yes, it's deeply personal. But I think that we're taking a step forward. I think of my great-grandmother and what she would say. She would say vote yes for this bill, give her and others the kind of opportunity that her great-granddaughter had to make choices, and the right ones, for her own family.

Thank you, Madam President.

THE PRESIDENT: Senator Savino to be recorded in the affirmative.

Senator Jordan to explain your vote.

SENATOR JORDAN: Thank you, Madam President.

Legislation has been rushed through this past week without enough thought. Voting reform bills were passed with no funding in place, no electronic poll books for EDs for integrity of registration and voting. And no statewide broadband, which is a fumble in terms of logistics.

GENDA was passed with a definition that could backfire against a well-meaning person because it wasn't readily apparent to that person how an individual perceived themselves on a particular day.

RHA, or late-term abortion, is another bill not given enough thought but will pass anyway given the super-majority in both houses. The Liv Act presented today was to correct what RHA forgot when it stripped abortion from the Penal Law.

Not only do I take issue that bad bills are being passed for the sake of a hurried progressive agenda, but I specifically take issue with RHA. I'm pro-life. But even if you're

pro-choice, the bill should give anyone cause for concern.

The present law in New York won't change. For the first 24 weeks of pregnancy, a woman can have an abortion without an excuse, and that's sad enough. But RHA allows for abortion at any time up until the moment of birth to protect the patient's life or health. The breadth of this is just too broad. The lack of a definition of a patient's health makes abortion a free-for-all. It enables anyone to claim mental distress as part of their health concern.

We're a feel-good, throw-away society. If something interferes with your mental health, forget it. Get rid of it. If you don't like it, throw it away. If it's inconvenient, toss it. If it's too expensive to maintain, get rid of it. If it doesn't fit your lifestyle, throw it away.

A baby inside its mother is not an inanimate object, it's a life. It has a heartbeat, it can hiccup, it can kick, it can hear its mother's voice and music, it can feel pain.

The next time you throw something

away or hear a baby cry in pain, think of what you're allowing to be tossed away with a yes vote. And I speak for thousands of emails that I've received even before I took my oath of office.

I vote no.

THE PRESIDENT: Senator Jordan to be recorded in the negative.

Senator Carlucci to explain your your vote.

SENATOR CARLUCCI: Thank you, Madam President.

I too want to thank Leader Stewart-Cousins and Senator Krueger for supporting this important legislation.

And this legislation is about access to quality, safe reproductive healthcare for every woman in the State of New York. And about allowing every woman in the State of New York to have control over their own destiny.

Now more than ever, from what we hear coming out of Washington -- from members of the Supreme Court, from our president -- we in New York have to stand up to codify Roe v. Wade to make sure that every woman in New York State

has the right to choose and make those decisions for themselves.

So I will be supporting and voting yes on the Reproductive Health Act. I want to thank my colleagues for doing the same.

Thank you, Madam President.

THE PRESIDENT: Senator Carlucci to be recorded in the affirmative.

Senator Boyle to explain your vote.

SENATOR BOYLE: Madam President, to explain my vote.

We've had legal abortion in this state for almost 50 years. And I don't remember a great outcry or rallies saying that women did not have access to this.

What I hear about this bill over and over again is we are afraid the Trump administration, the Supreme Court, is going to overturn Roe vs. Wade. So my question is, why do we want to pass a law hewing our reproductive health laws closer to Roe vs. Wade? We already had it. It's just going to confuse people. I don't think the Supreme Court is going to overturn Roe vs. Wade. If they do, it's going to cause tremendous confusion on the part of

millions of our constituents here in New York State.

I particularly have a great concern with nondoctors performing these procedures.

I'll vote in the negative.

THE PRESIDENT: Senator Boyle to be recorded in the negative.

Senator Biaggi to explain your vote.

SENATOR BIAGGI: Thank you, Madam President.

First I want to start by thanking the sponsor of this bill. Senator Krueger, thank you very much for never giving up on the Reproductive Health Act. Also to Leader Stewart-Cousins for all of her work in support of this bill as well.

Fifteen months ago while working for the Governor, I was assigned to support the passing of this bill but was destined to fail, as I would soon learn. Two months ago, supported by a wave of grassroots enthusiasm, Planned Parenthood, NARAL, WCLA, NIRH, I had the great honor of being elected to join this body.

Today I am proud to play my part in making the Reproductive Health Act become law and

to finally finish the assignment I was given.

This is a pivotal moment for the women of New York, and it is long overdue. Today we vote to codify Roe v. Wade into law and finally remove abortion from our Penal Law to place it where it has always belonged, into our Health Law. And in doing so, we protect ourselves from a Supreme Court that will overturn Roe v. Wade at the first chance that they get. I wish we still didn't have to worry about that, but I'm proud of us for recognizing the threat and for acting.

I hope that all of New York is watching today and that they recognize that elections have consequences and that when you vote for people who stand up for your rights, your rights become protected. To disrupt the status quo and make this vote possible, it took communities across the state fighting to deliver a Democratic majority to this chamber. And a lot of powerful people said that it could never happen.

So often people who stand up to claim their rights, women who rise to claim their rights, people of color who rise to claim their

rights, are told no, not now, later. Soon. And today we say no, not later, not soon, now.

It is true, the work of claiming your rights can make other people uncomfortable. But then, being uncomfortable is part of the work. Today we counter what's going on at the highest levels of our government with a different kind of politics, a transformational politics of love and courage that takes the powers vested in our elected leaders and uses them to lift up and energize our communities.

I am proud of this Legislature, and I am humbled to be part of today's historic vote for women. Madam President, I vote aye.

THE PRESIDENT: Senator Biaggi to be recorded in the affirmative.

Senator Seward to explain your vote.

SENATOR SEWARD: Thank you, Madam President, to explain my vote.

You know, personally I consider the New York law going back to 1970, as well as the Roe v. Wade and other subsequent court decisions, to be what I would call settled law and precedent. And I understand the push to update and modernize our reproductive and women's health

laws in the state. But my concern is that this legislation before us today goes way beyond simply codifying Roe v. Wade, to the detriment of women's health.

For example, allowing nondoctors to perform abortions under this legislation before us. And it would also repeal a number of key Public Health Law provisions that protect both the mother and the viable unborn fetus. And to repeal these provisions is both inhumane and irresponsible, to say the least.

I have further concerns about this legislation actually removing the state's ability to prosecute any person who performs an abortion outside the legal parameters, enabling unsafe back-alley abortions. And it eliminates provisions that would increase penalties for assaulting a pregnant woman, causing the death of an unborn child.

So, Madam President, for these reasons I stand to say I vote in the negative.

THE PRESIDENT: Senator Seward to be recorded in the negative.

Senator Metzger to explain your vote.

SENATOR METZGER: Thank you, Madam President.

I am proud to cosponsor and cast my vote in support of the Reproductive Health Act today, and thank Senator Krueger for her leadership and our Majority Leader for her leadership and all of our colleagues who have worked on this.

This legislation has been long awaited by women and men throughout the state, nearly eight out of 10 of whom support a woman's right to choose.

I don't take this vote lightly, and I respect those who oppose abortion on the basis of their personal and religious beliefs. But I firmly believe that a woman has a fundamental right to full autonomy over her own body and that New York State's law did not adequately recognize this right or sufficiently protect women's health.

Today we modernize this law, classify it as a medical matter and not as a criminal matter.

As the representative of the most rural district in the Democratic Conference, I

want to emphasize the importance of the RHA's provision enabling licensed nurse practitioners, physician assistants and other qualified healthcare professionals to provide abortion services.

Health outcomes for women across the board are worse in rural areas, in part because of a lack of access to healthcare. This provision of the RHA will make abortions safer and more accessible in underserved rural communities where doctors are few and far between.

Thank you very much.

THE PRESIDENT: Senator Metzger to be recorded in the affirmative.

Senator Helming to explain your vote.

SENATOR HELMING: Thank you, Madam President.

First I'd like to say that I stand in judgment of no one. What your decision is, it's your personal decision. I have no opinion on that.

But I do find that so much of the discussion about the RHA has been misleading,

starting with the sponsor's memo that states that "This bill relates to access to reproductive services and updates New York State's abortion status to address constitutional flaws in our laws."

It's my opinion that the RHA is an extreme expansion of abortion rights that goes far beyond codifying Roe v. Wade. It does nothing to safeguard the rights of women who choose to bring their babies to term. In fact, it exposes them to additional risk.

By removing these regulations from penal law and putting them into health law, the Legislature is sending a message that New York does not value the choices of women who want to bring their babies to full term but don't have that opportunity because of the unlawful, criminal actions of another person.

Once again we'll be reading in the papers, the politicians will get all the headlines. And you know who won't be heard from again? The victims of violence. They'll pay the price for this action and the passage of this bill.

This radical proposal will

fundamentally alter our current laws and take away important protections for victims of all forms of violence and their unborn children. Earlier today we heard the tragic story of Liv, about the domestic violence and the abuse that she suffered and the end result, the loss of her unborn daughter.

Under the measure passed in the house today, it's my belief that law enforcement will not be able to levy more serious charges on those who kill unborn children. Whether it's during a domestic violence incident or a drunk driving case, this is just unconscionable. Ensuring justice for victims of violence should be a priority for each person here.

I also feel that allowing abortions up until the moment of birth is an extreme position and is definitely out of step with the feelings of the majority of the people that I represent.

And for those reasons, Madam President, I will be voting nay.

THE PRESIDENT: Senator Helming to be recorded in the negative.

Senator Mayer to explain your vote.

SENATOR MAYER: Thank you, Madam President.

First I want to thank the sponsor, Senator Krueger, and a special thanks to our leader, Senator Andrea Stewart-Cousins, who in 2007, when I was a staffer here, introduced the Reproductive Health Act and faced significant consequences in our district for her courage at that time.

I also want to thank the advocates, many of whom are here today, who have been relentless in making the case that regardless of one's personal choices, the ability to make the most private and intimate decision about whether to have a child belongs to a woman and her health practitioner.

And I want to acknowledge that they have changed the minds of people, including those who would not choose to have an abortion, in recognizing that it is a function of government to protect the personal autonomy of women and their ability to make this most, in many cases, difficult of choices.

I want to be particularly appreciative that we have moved the provisions

that govern abortion into the Public Health Law, where I have long thought they belonged, as do other procedures in health. And that this is an essential function of our democracy, granting personal autonomy to make difficult choices.

So I'm so pleased to be voting in the affirmative. It's a somber and serious subject; it deserves that kind of attention. I'm glad we have that today. But I'm proud to be voting in the affirmative, and I thank my colleagues on both sides of the aisle for their thoughtful remarks as we pass this historic piece of legislation.

Thank you.

THE PRESIDENT: Senator Mayer to be recorded in the affirmative.

Senator Rivera to explain your vote.

SENATOR RIVERA: Thank you, Madam President.

It has been said already but it has to be said one more time. Thank you, Senator Krueger, for bringing this to the floor. Thank you to our Majority Leader, who back in 2007, when Senator Mayer was a staffer here and I was a staffer there -- I was her chief of staff

back in 2007 when she brought this piece of legislation to the floor -- I'm sorry, when she brought it to the Senate. It's being brought to the floor today for the first time.

This is ultimately an issue about basic autonomy of women. That's what it boils down to. The idea that it is not -- that Roe v. Wade is not at risk from the national government is laughable. It is absolutely at risk. And ultimately changing that at the federal level leaves thousands if not millions of women all across the country with no protection.

We're making sure that that is not the case in the State of New York. I'm very proud to vote in the affirmative on this.

And for those of you -- I know that some of you actually care a lot about my Facebook posts. I got something this morning, it was a reminder -- you know that thing that says, you know, eight years ago, two years ago, three years ago. It said eight years ago -- this is true -- eight years ago, January 22, 2011, I wrote a Facebook post that said "Today is an important day, the 38th anniversary of Roe v. Wade. Let us not forget that we must continue to defend a

woman's right to choose." And so I posted it with a message today that says "Eight years ago I was commemorating the date with words, and today I celebrated it by moving the Reproductive Health Act out of the committee that I chair." So what a difference a majority makes.

I'm very proud to be standing here on this floor to vote in the affirmative. I am sad that we'll not be wearing these {indicating scarf} next year --

(Laughter.)

SENATOR RIVERA: -- but then again, I might just wear it the entire year in any event.

So again I vote in the affirmative, Madam President. Thank you.

THE PRESIDENT: Senator Rivera to be recorded in the affirmative.

Senator Stavisky to explain your vote.

SENATOR STAVISKY: Yes, thank you, Madam President.

And thank you to Senator Krueger, Senator Stewart-Cousins, but also the advocates who have really persisted. And today you're

seeing the fruits, I think, of the labor.

I think it was Senator Savino who mentioned pre-1970 days. And I remember those days where people had to go to another country, if they could afford it, or another state or a back alley if they couldn't afford traveling. And those days, fortunately, have changed. They've changed in a remarkable way.

And I am very proud here to say that in 1970 when the bill came before the Assembly, my husband voted for it, took a lot of heat back home in his district. And I very proudly vote aye today.

Thank you, Madam President.

THE PRESIDENT: Senator Stavisky to be recorded in the affirmative.

Senator Hoylman to explain your vote.

SENATOR HOYLMAN: Thank you, Madam President.

I join my colleagues in congratulating Senator Krueger and Leader Stewart-Cousins and Senator Metzger and Senator Salazar for this package of historic bills. And also to the activists. We have

drawerfuls of magenta scarves and bow ties and the like. So we'll have to figure out something to do with them moving forward.

But I was thinking about the fact that the last time we updated our laws, as Senator Krueger said, was 1970 in this regard. And if you think about it, like where in human health have we not updated the laws for that long a period? And if you think about it, it's like the fact that we have been frozen in time here in the Senate is going to change.

So I'd like just to mention in 1970 the Beatles were still a group, a postage stamp was 6 cents, people still mailed letters. Marcus Welby, M.D., was the top-rated TV show. So all of that I think points to the fact that we are finally addressing an issue that's long overdue.

And I was speaking to a couple in my office in New York City last week. Erika Christensen -- I think a number of you know her story, but it bears repeating. In 2016 Erika, at 31 weeks pregnant, went for a medical visit and found out the fetus she was carrying would not be able to survive after delivery.

Because of our outdated abortion

laws, she had to fly to Colorado, Madam President, to begin the process of a third-trimester abortion. She flew back to New York and had a stillbirth. And then she became an advocate and started to share her story publicly.

In Colorado, while she was there, she wrote: "I lay on the table, looking up at the ceiling. My internal questions played like a tape over and over in my mind: Why am I here? Did New York expect me to carry this baby to term only to watch him suffer and die? Since then, I've tried to answer that second question. The only answer," she writes, "I've come up with is yes."

Today on the floor I think we all owe New Yorkers like Erika our heartfelt apology for not having acted sooner.

And at the same time Erika was flying out to Colorado in 2016, Donald Trump was asked about what he wanted to see happen to Roe v. Wade. And he said, I quote: "Well, if we put another two or perhaps three justices on the Supreme Court, that's really what's going to happen, that will happen" -- I'm apologizing for

Donald Trump's writing --

(Laughter.)

SENATOR HOYLMAN: -- "and automatically, in my opinion, because I am putting pro-life justices on the court."

Well, we know Donald Trump has already gotten two justices on the court. Nationwide, abortion rights are under threat. We are not acting a moment too soon in New York.

Thank you, Madam President.

THE PRESIDENT: Senator Hoylman to be recorded in the affirmative.

Again, please restrain the applause and the outbursts at this time. We need to maintain decorum in these chambers.

Senator Liu to explain your vote.

SENATOR LIU: Thank you, Madam President, for the opportunity to explain my vote on the Reproductive Health Act.

First let me congratulate Senator Salazar on the passage of the Comprehensive Contraceptive Coverage Act, her bill, and also Senator Metzger on the passage of the Boss Bill. Like the RHA, those bills also address issues of women's health.

And I want to thank Senator Krueger for her steadfast leadership and advocacy on this very important issue at hand.

You know, in the interests of full disclosure, I'm a guy. I'm a man.

(Laughter.)

SENATOR LIU: And as a man, the State of New York does not tell me what to do with my body. They do not tell me how to restrict my choices of health. And the State of New York neither should tell a woman what to do with her body and to restrict her choices as well.

That's what this is about. It's about codifying, it is about making a -- recognizing a woman's right to choose as a matter of health. It doesn't belong in the criminal statutes, it belongs in our health laws for the State of New York.

So I proudly vote yes. I proudly cosponsor the Reproductive Health Act. I want to thank the advocates. Brad took my -- I was going to thank Erika Christensen and also Garin Marschall, of RHAVote, among many other advocates who have relentlessly pursued this issue.

This should have been passed a long time ago, but we pass it today, and I proudly vote aye. Thank you.

THE PRESIDENT: Senator Liu to be recorded in the affirmative.

Senator Thomas to explain your vote.

SENATOR THOMAS: Thank you, Madam President.

Thank you to the sponsor of this bill.

And I just want to say women's rights are human rights. And in 2019 we're still debating what a woman can do with her body, and this is unacceptable.

I've heard a number of my Republican colleagues ask why is this bill necessary. This bill is necessary because of the assault on women's rights by the federal government, and because of who has been appointed to the U.S. Supreme Court.

And in debates like this, I would like to quote Ruth Bader Ginsburg: "It is essential to woman's equality with man that she be the decisionmaker, that her choice be controlling. If you impose restraints that

impede her choice, you are disadvantaging her because of her sex."

On that basis, Madam President, I vote yes.

THE PRESIDENT: Senator Thomas to be recorded in the affirmative.

Senator Sepúlveda to explain your vote.

SENATOR SEPÚLVEDA: Thank you, Madam President, for allowing me to explain my vote.

I applaud the sponsors of these bills, Senators Krueger, Salazar, Metzger and of course our Senate Majority Leader, Andrea Stewart-Cousins, and my colleagues and the advocates for their strong work to protect New York constitutional rights with this historic act to protect a woman's right to choose, a choice that I believe should be exclusively a woman's choice and no one else.

As the Trump administration fights to reverse Roe v. Wade, New York must act now to recognize that a woman has the fundamental right to make her own medical decisions in all facets of healthcare, including her reproductive

choices.

Since the Roe decision, there have been constant attacks on a woman's reproductive rights. We cannot allow this constitutional right to erode any further than it already has.

The Reproductive Health Act would shield New York from this constant threat. Our conference has made historic strides here in the first couple of weeks, and I'm incredibly proud to be standing here today on the anniversary of the 1973 historic Supreme Court decision Roe v. Wade, in my pink bow tie, to vote in support of the Reproductive Act as we realize another legislative milestone.

I will be voting in the affirmative.

THE PRESIDENT: Senator Sepúlveda to be recorded in the affirmative.

Senator Ortt to explain your vote.

SENATOR ORTT: Thank you, Madam President.

I rise because I've heard a number of my colleagues from the Majority talk today about the assault by the federal government. But what must be recognized and pointed out is the fact that this bill has been around long before

President Trump was even in office, when we had a Democrat in the White House and there was no assault. So those claims are disingenuous at best and a fabrication at worst.

The reality is this bill can be distilled really into one clear aspect, and I want to attach my comments to my colleague Senator Gallivan's. The reality is this bill today clearly defines -- with the move from the criminal statute to a different part of the law, it basically says that we simply do not place any value, legally speaking, on the life of the unborn child, even up to the last minutes of -- almost up to birth.

There is no legal protection or legal value on that child's life, and the reason is because it undercuts the larger argument.

And so for those reasons, Madam President, I proudly and regrettably vote no.

THE PRESIDENT: Senator Ortt to be recorded in the negative.

Senator Jackson to explain your vote.

SENATOR JACKSON: Thank you,

Madam President.

I rise this afternoon and as many of you know, I said I represent a large part of Manhattan. And I say to you that during my campaign to become the New York State Senator representing the 31st Senatorial District, hundreds and hundreds and hundreds of activists communicated with me how important it is that we pass the Reproductive Health Act here in the New York State Senate. And many of them voted for me just for that reason. And if I did not vote for it tonight -- today or this afternoon, they would be very, very disappointed.

And I say to you that this bill has been pending for years and has not been done by the New York State Senate. And I understand people's personal beliefs. And in fact I've communicated to people in my district that there are people outside with placards handing me information and talking to me, and I respect their right to do that. And in fact you know that is true democracy in action.

And to say that today is a failure, I don't agree with that. This is a good day in New York State. We're passing a law -- and some

people may say, well, it's this or that, it's not perfect. Democracy isn't perfect. But this is going to help so many people deciding what they want to do and not be criminalized for it.

And so on behalf of all the people that are in favor of it from the 31st Senatorial District in Manhattan, I vote aye, and I thank you for your time and attention.

THE PRESIDENT: Senator Jackson to be recorded in the affirmative.

Senator Gaughran to explain your vote.

SENATOR GAUGHRAN: Thank you, Madam President. And I will be brief because I think we would like the Governor to sign this before the end of the day, and we're starting to run out of time.

But I too would like to thank so much Senator Krueger and Senator Stewart-Cousins for sponsoring this, and the organizations and the activists that have fought so hard for this for so many years.

And I do have to disagree with my Republican colleagues, while I respect everybody's right on this issue, and it's a very

personal decision. But I do have to disagree with their concept that this is perhaps theoretical. Unfortunately, I am convinced that we may be seeing Roe v. Wade overturned, and maybe sooner than later.

So it is vital that we pass this bill today. And Madam President, I vote aye.

THE PRESIDENT: Senator Gaughran to be recorded in the affirmative.

Senator Kaminsky to explain your vote.

SENATOR KAMINSKY: Thank you, Madam President.

I just want to not only thank the sponsor and our Majority Leader, but just make a quick point about the arguments that have been made for decades about this and how what we're doing today fits that.

So for years people have complained about the Supreme Court decision and how it usurped democracy and a state's ability to make decisions for themselves. There's been a steady drumbeat trying to push back on Roe v. Wade, laws passed all over the country saying that a woman must listen to a heartbeat of a fetus before

making a decision, parental consent, on and on and on, a steady erosion of the right that the Supreme Court put in place.

And then our state, after a clear mandate in an election where this was front and center and every scare tactic about this bill was put front and center, in church bulletins and on throughout, certainly in my district, voters made a decision that a woman's right to choose should be paramount in this state. Because in this state where they choose to live, it matters, and it matters to the point that we're going to be leading the country. And if you don't like that, then there are plenty of other places that have different laws, and we can vote with our feet if we want to.

But our voters sent us here with a clear mandate. That mandate is being exercised today in the most democratic, straightforward way. I'm very proud to support the Reproductive Health Act. I vote aye.

THE PRESIDENT: Senator Kaminsky to be recorded in the affirmative.

Senator Tedisco to explain your vote.

SENATOR TEDISCO: Madam President and my colleagues, for a while now the citizens of New York State have been waiting to see what the agenda will be like with the new legislature. And today I think they see it as a very sad day and a sad agenda.

I think today what they see, and over the past two weeks, is another addition to those two weeks so far, of a radical, extreme, regressive agenda for New York State. Let me repeat that: A radical, extreme, regressive agenda for New York State. Because I think we're moving backwards today.

I say it's regressive because just last week the extreme regressives in this room hailed the Governor for standing up -- and I'm not opposed to it -- and suggesting we have to increase the penalties for those who would perpetrate violence or harm on reporters in New York State. And I don't have a problem with that. I think it's a good thing. They're important.

Today Senator Lanza pointed out an irony. As we want to move legislation in that area, we want to minimize, reduce or eliminate

the protections for the most vulnerable in our population. And others have talked about that. Those who cannot protect themselves, those who do not have a voice. But, as others have stated here, those who are alive and living in the body of a woman -- really not the body of a woman, a separate body within a woman.

I would suggest to you if a child was born on the outside growing out, how would you feel about destroying it? Still part of the mom, the woman.

The most important thing we should be doing while this is legal now, this process, this procedure -- and we've always agreed upon that. Pro-choice and pro-life individuals have always agreed upon one thing. If it's legal and it's going to be done, we want to protect the life and the safety of the mom and the woman.

As has been pointed out, this bill really doesn't do that. You don't want an acupuncturist or a masseuse providing this particular procedure for a woman. That's not going to protect that individual. I don't know what the Education Department is going to decide. I know I would want a medical doctor to do this

procedure. We can respect women that much, if it is indeed legal.

But the irony is a bill put out to protect human beings, and today to minimize and maybe eliminate any protections against violence for an unborn child. I think we could do both. We should put it in one bill --

THE PRESIDENT: Senator Tedisco --

SENATOR TEDISCO: -- protect reporters and protect unborn children.

THE PRESIDENT: Senator Tedisco, your time has lapsed. How do you vote?

SENATOR TEDISCO: Thank you, Madam President.

THE PRESIDENT: How do you vote? How do you plan to vote?

SENATOR TEDISCO: I vote no.

THE PRESIDENT: Senator Tedisco to be recorded in the negative.

Senator Bailey, please explain your vote.

SENATOR BAILEY: Thank you, Madam President. I will be very brief.

Senator Krueger, thank you for your defense and dissertation about this very

important health topic. Leader Stewart-Cousins, thank you for introducing it upon your introduction to the State Senate. We are appreciative. And when I say "we," I don't mean just members of this body, I mean women all around the State of New York.

Ladies and gentlemen, we're talking about choice. This is not compulsory. There is nothing in this bill that says you must get an abortion if you qualify ABC or XYZ. This is about a choice.

I am not of the opinion that we should be taking choices away from people, much less a woman. Much less a woman having to do with her own body.

Senator Liu, you hit the nail on the head when you said that I would imagine there's no equivalent in this state law that indicates that a male should not have a procedure for him to reproduce. When we think about putting those restrictions on men, we should think about putting restrictions on women. We haven't done it for men, and today we're no longer going to do it for women.

Senator Krueger, thank you for

standing up. I vote aye, Madam President.

THE PRESIDENT: Senator Bailey to be recorded in the affirmative.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President.

I have just three words to say about the passage of RHA today. It's about time. I've heard a number of my colleagues talk about how we're moving too quickly and we've passed a lot of things in the last three legislative days. Well, they'd better get used to it, because we are just getting started and there are going to be a lot of things that are going to pass in this house that have been held up for way too long.

And by the way, it's not as if these bills have not had their day in the sun for public discussion. RHA was introduced over a decade ago. GENDA was first introduced in 2003. Some of the election reform bills we passed last week I introduced when I was in the Assembly.

So let's be clear, these are things that people want, these are things that people have been demanding, and these are things that have been held up for way too long. If we want

to talk about who's regressive and extreme, I would submit to the Minority that they're in the minority because they have been deemed regressive and extreme by the voters of this state.

We are the ones who have campaigned on these issues. We are the ones who won elections on these issues. And we know that the people of this state have been demanding progress on these and the additional issues you're going to see coming tomorrow and the week after that and the week after that and the week after that.

So I submit to my colleagues on the other side they'd better roll up their sleeves and get ready for some real work, because there has been things that have been held up and on the shelf in this state for way too long. And as for RHA and everything else we're going to pass, it is about time we're finally getting it done.

I vote aye.

THE PRESIDENT: Senator Gianaris to be recorded in the affirmative.

Senator Krueger to explain your vote.

SENATOR KRUEGER: Thank you, Madam President.

I want to thank my colleagues on both sides of the aisle.

I have to say I wish that my colleagues who oppose this bill had spent more time debating me, because then they might have learned more details about what is actually in this bill versus some of the things I've heard during the comments which are simply not true. There's nothing radical about this bill.

The decision about whether to have an abortion is deeply personal. It involves a complex weighting of woman's unique circumstances, her medical needs, her private morality, and her own body.

I value the sanctity of life, women's lives. And I remind everyone that what goes on in the course of a pregnancy can be extremely different from person to person. This is why it is a decision that must be made by a woman and her healthcare provider alone, not by us in government.

Our abortion laws, once groundbreaking, are now almost 50 years old. They did not meet the standard set by Roe v. Wade, and they do not reflect modern medical

practice. Even the earlier statements I heard about being worried about masseuses performing abortions -- I hope everybody knows that in modern times, four out of five abortions involve the taking of two pills provided by licensed, approved medical providers. Just two pills, licensed providers.

It should not have taken this long to get to this day. Forty-six years today since the Roe v. Wade decision in 1973. And I am so proud that Sarah Weddington is here on the floor with us today so we can thank her for her lifetime dedication. She debated the original bill before the federal Supreme Court. And I think everybody, wherever you are on this bill, I would just like to ask you to rise and applaud Sarah Weddington for her amazing life and work.

(Extended standing ovation.)

SENATOR KRUEGER: And you know, we still have not learned how to talk to each other about this complex issue. Thirty percent of American women will have an abortion by the age of 45. That's one out of four. And I doubt we could find one who said it was easy and who did not think long and hard about their decision.

And yet we still do not allow people a place to discuss their feelings, emotions and experiences because laws and attitudes make them feel at risk. We will never know how many New York women have suffered and even died because of our antiquated laws preventing them from getting the care they desperately needed, particularly low-income women and women of color.

But laws are not enough. We need to move further to ensure that our healthcare providers are trained and available in every county in our state and no one faces prohibitive costs in order to meet women's needs near where they live.

Today we are turning a page, and I'm very proud to be a small part of that with my colleagues here today and my leader, Andrea Stewart-Cousins. By enacting the Reproductive Health Act, the CCCA, and the Boss Bill, New York will once again take the lead in the nation on women's reproductive healthcare and we will help ensure that all New Yorkers have the freedom and opportunity to make their own decisions about their health and their families.

I proudly vote aye, Madam President.

THE PRESIDENT: Senator Krueger to be recorded in the affirmative.

Senator Kaplan to explain your vote.

SENATOR KAPLAN: A woman's decision to choose motherhood is deeply personal. It's a decision that should be made by her, without interference by the government. For too long, too many barriers have been put up to prevent women from freely accessing health services and exercising their right to make decisions about their reproductive health.

I applaud Senator Liz Krueger and our Majority Leader, Andrea Stewart-Cousins. I'm proud to stand here today as a cosponsor of this legislation and to vote in favor of its passage so that women's rights are protected in New York no matter what happens at the federal level.

Thank you.

THE PRESIDENT: Senator Kaplan to be recorded in the affirmative.

Seeing and hearing no other Senators that wish to explain their vote -- Senator Benjamin to explain your vote.

SENATOR BENJAMIN: Briefly, Madam President.

I was sitting here not planning to speak, but I was reflecting on the concept that I was hearing from the other side about hypocrisy, and I felt compelled to say something on that.

First of all, I want to commend Senator Krueger and those who have fought so hard in our galleries to make this day possible.

When you talk about hypocrisy, I want to talk about the hypocrisy of individuals who say they're pro-life but then when their daughter might be in a situation, they all of a sudden have a different perspective for their child, but they have a different view for everyone else.

And I think it's important that we don't be hypocritical today. A woman's right to choose should be her right. And we shouldn't have a standard for everybody else but when it comes to us, we want to have a second set of standards.

And so I think it's important that we are here today to let everyone know that in the State of New York a woman has a right to choose. And for that, I vote aye.

THE PRESIDENT: Senator Benjamin to

be recorded in the affirmative.

Seeing and hearing no other Senators that wish to explain their vote, Majority Leader Andrea Stewart-Cousins to close.

SENATOR STEWART-COUSINS: Thank you, Madam President.

So here we are again, breaking down yet another barrier. And today is a day that, as has been stated, marks 46 years since Roe v. Wade. So it's appropriate that we take up this issue and debate it as we have done today.

I appreciate my colleagues on the other side. You answered a question for me, the question that I've been asking since 2007, whether or not there would be a vote that would be similar to what happened in 1970, where some Republicans joined with Democrats to vote for a woman's choice.

And I understand that you feel the way you feel. But 46 years ago, the federal government decided that women needed to have control over their destinies. You know, women were dying needlessly. In a country where the medical services were the best in the world, because women had no choice, they resorted to

methods that in many cases ended their lives or ended the prospects for their lives.

Roe v. Wade said that we're better than that as a country and that women who have a choice can have a choice and can have the best care possible should they decide to have an abortion.

And we thought that the struggle to affirm women's rights were done. We thought that it was settled law. We thought there was no more going back. And yet we've watched brick by brick being placed in the path of women and their right to their own destiny.

When I first carried this bill in 2007, they did tell -- "Oh, no, no, no, we don't have to discuss this." I mean, I was frankly appalled when I came in. I didn't realize that the abortion laws were in the homicide codes. I really didn't know that. And I didn't realize that the 1973 law had more provisions than we had in 1970. I didn't know that.

And I thought that I'd come in and why don't we stop talking about homicide when we're talking about women's health issues. And why aren't we as up-to-date as the federal

government? After all, we were the leaders. I was shocked when we were told that "Oh, don't worry, it's not a problem. Nothing's going to happen."

So no, it's not about being disingenuous, it's about watching brick by brick the walls being built, walls that are meant to be barriers. We can't pretend that the case now and what can happen with women's choice and Roe v. Wade is not in jeopardy. Clearly our president has stated -- and, you know, my colleagues have said that he has made it clear that some days he thinks women should be punished for their reproductive choices. Maybe -- I think he -- maybe they should go to jail, we'll have to see.

But what is very clear is that there is no appetite for allowing women who have the right to their own destiny to be able to keep those decisions as their own personal decisions.

And so today we're saying no. We're saying not here in New York. We're saying that women's health matters. We're saying that her decisions about her life matter. And once again, we are leading the way.

Today we're also saying that

contraceptive care matters. It was interesting -- as an aside, I was talking to my son about the fact that we're passing these laws. He knew how -- the fact that the contraceptive was in month increments. My son knew that. It's not just a woman's issue.

So I'm happy that we're saying that contraceptive care matters, that we're saying that your boss should have no right to determine your reproductive choices around your health insurance.

And that being said, I really want to thank Senator Krueger, who's been, you know, just an incredible friend and a champion for women's rights. Thank you for being who you are.

I want to thank all of my colleagues who have, you know, made this day finally possible. Thank you, Jen, thank you, Julia, for doing incredible work. I mean, I think that we have the best freshman class ever.

But I really want to say that we have all thought a lot about this, each and every one of my colleagues. And you've heard how thoughtful everybody is, and my Republican colleagues as well. And I just want it to be

really clear. Nobody takes this lightly. Nobody thinks that these aren't serious decisions. Nobody, nobody believes that at any moment, if you are confronted with this, it cannot be anguished.

But the reality is what we are saying today is that we will get out of the way, that women will be able to make their decisions and lead their lives the way a democracy in America allows them to lead.

I vote aye.

THE PRESIDENT: Senator Andrea Stewart-Cousins to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 33 are Senators Addabbo, Akshar, Amedore, Antonacci, Boyle, Felder, Funke, Gallivan, Griffo, Helming, Jacobs, Jordan, Lanza, LaValle, Little, O'Mara, Ortt, Ranzenhofer, Ritchie, Robach, Serino, Seward, Tedisco and Young.

Ayes, 38. Nays, 24.

THE PRESIDENT: The bill is passed.

(Cheers; extended standing ovation.)

UNIDENTIFIED WOMAN IN GALLERY: May Almighty God have mercy on the State of New York.

(Continuing uproar.)

THE PRESIDENT: Order in the chambers.

Senator Gianaris.

We will have order in these chambers. The Sergeant-at-Arms will have order in these chambers.

SENATOR GIANARIS: Madam President, is there any further business at this desk until tomorrow, when we get to do it all again?

THE PRESIDENT: There is no further business at the desk.

SENATOR GIANARIS: That being the case, I move to adjourn until tomorrow, Wednesday, January 23rd, at 11:00 a.m.

THE PRESIDENT: On motion, the Senate stands adjourned until Wednesday, January 23rd, 11:00 a.m.

(Whereupon, at 4:48 p.m., the Senate adjourned.)