

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 January 22, 2019

11 2:29 p.m.

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13
14 REGULAR SESSION

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18 LIEUTENANT GOVERNOR KATHLEEN C. HOCHUL, President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

1 P R O C E E D I N G S

2 THE PRESIDENT: The Senate will
3 come to order.

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

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

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

13 Rabbi?

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

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

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

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

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

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

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

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

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

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

11 Amen.

12 THE PRESIDENT: The reading of the
13 Journal.

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

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

21 Presentation of petitions.

22 Messages from the Assembly.

23 Messages from the Governor.

24 Reports of standing committees.

25 Reports of select committees.

1 Communications and reports of state
2 officers.

3 Motions and resolutions.

4 Senator Gianaris.

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

7 THE PRESIDENT: Senator Griffo.

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

13 THE PRESIDENT: So ordered.

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

20 THE PRESIDENT: So ordered.

21 SENATOR GRIFFO: Thank you.

22 THE PRESIDENT: Senator Gianaris.

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

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

4 The Senate will stand at ease.

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

7 (Whereupon, the Senate reconvened at
8 2:55 p.m.)

9 THE PRESIDENT: The Senate will
10 come to order.

11 Senator Gianaris.

12 SENATOR GIANARIS: Thank you,
13 Madam President.

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

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

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

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

25 Senate 659A, by Senator Salazar, an

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

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

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

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

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

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

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

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

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

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

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

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

1 amending the Insurance Law; and

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

4 All bills ordered direct to third
5 reading.

6 THE PRESIDENT: Senator Gianaris.

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

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

12 (Response of "Aye.")

13 THE PRESIDENT: Opposed?

14 (No response.)

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

17 Senator Gianaris.

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

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

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

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

7 THE PRESIDENT: The Secretary will
8 read.

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

12 THE PRESIDENT: Read the last
13 section.

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

16 THE PRESIDENT: Call the roll.

17 (The Secretary called the roll.)

18 THE PRESIDENT: Senator Salazar to
19 explain your vote.

20 SENATOR SALAZAR: Thank you,
21 Madam President.

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

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

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

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

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

22 Thank you.

23 THE PRESIDENT: Announce the
24 result.

25 THE SECRETARY: Those recorded in

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

5 Ayes, 51. Nays, 11.

6 THE PRESIDENT: The bill is passed.
7 Senator Gianaris.

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

11 (Standing ovation.)

12 THE PRESIDENT: Senator Gianaris.

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

15 THE PRESIDENT: The Secretary will
16 read.

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

20 THE PRESIDENT: Read the last
21 section.

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

24 THE PRESIDENT: Call the roll.

25 (The Secretary called the roll.)

1 THE PRESIDENT: Senator Metzger to
2 explain your vote.

3 SENATOR METZGER: Thank you,
4 Madam President.

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

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

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

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

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

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

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

14 Thank you.

15 THE PRESIDENT: Thank you, Senator.
16 Announce the result.

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

21 Ayes, 56. Nays, 6.

22 THE PRESIDENT: The bill is passed.
23 (Applause from galleries.)

24 THE PRESIDENT: Senator Gianaris.

25 SENATOR GIANARIS: Now,

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

3 THE PRESIDENT: The Secretary will
4 read.

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

8 SENATOR GRIFFO: Lay it aside.

9 THE PRESIDENT: Lay it aside.

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

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

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

18 THE PRESIDENT: Senator Griffo.

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

23 THE PRESIDENT: Thank you, Senator
24 Griffo.

25 Upon review of the amendment, in

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

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

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

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

19 Senator Young.

20 SENATOR YOUNG: Thank you,
21 Madam President.

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

1 public health initiative to address
2 pregnancy-related deaths.

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

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

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

25 The RHA legislative intent goes on

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

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

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

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

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

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

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

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

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

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

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

14 So yes, Madam President, these
15 amendments are germane.

16 THE PRESIDENT: Thank you, Senator.

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

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

22 (Response of "Aye.")

23 SENATOR GRIFFO: Show of hands,
24 please.

25 THE PRESIDENT: A show of hands has

1 been ordered.

2 (Show of hands.)

3 THE SECRETARY: Ayes, 22.

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

7 Senator Griffo.

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

10 THE PRESIDENT: Senator Ritchie.

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

13 THE PRESIDENT: Will the sponsor
14 yield?

15 SENATOR KRUEGER: Yes,
16 Madam President.

17 SENATOR RITCHIE: Good afternoon,
18 Senator Krueger.

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

23 SENATOR KRUEGER: Thank you,
24 Madam President.

25 New York State law was passed in

1 1970, pre-Roe v. Wade in 1973. So it's
2 technically 46 years since Roe v. Wade was
3 determined by the U.S. Supreme Court, and we've
4 been out of compliance with our existing law
5 since that time, because our law predates
6 Roe v. Wade. So our law does not explicitly --
7 existing law in New York State does not
8 explicitly codify in our health statutes the
9 rights to abortion.

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

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

22 THE PRESIDENT: Senator Ritchie.

23 SENATOR RITCHIE: Would the sponsor
24 continue to yield?

25 THE PRESIDENT: Will the sponsor

1 continue to yield?

2 SENATOR KRUEGER: Certainly,
3 Madam President.

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

7 SENATOR KRUEGER: Thank you.

8 Madam President, through you, it's a
9 medical procedure. It actually should never have
10 been in the criminal code. But again, it was
11 1970 the last time we took up the law in New York
12 State, so I won't presume what people were
13 thinking in 1970. But since 1973, it's been very
14 explicit under federal law and under a series of
15 federal and state constitutional lawsuits that
16 this is a healthcare service and should be in our
17 health statute.

18 THE PRESIDENT: Thank you, Senator.
19 Senator Ritchie.

20 SENATOR RITCHIE: Will the sponsor
21 continue to yield?

22 THE PRESIDENT: Will the sponsor
23 continue to yield?

24 SENATOR KRUEGER: Certainly.

25 SENATOR RITCHIE: Do you believe it

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

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

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

11 SENATOR KRUEGER: Thank you,
12 Madam President.

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

1 attacked, whether or not they are pregnant.

2 But no, abortion was never a crime,
3 since we've established in 1970 the right and in
4 1973 forward. So I don't believe the appropriate
5 place for criminal penalties are in -- are
6 related to the abortion law per se.

7 THE PRESIDENT: Thank you, Senator.
8 Senator Ritchie.

9 SENATOR RITCHIE: Will the sponsor
10 continue to yield?

11 THE PRESIDENT: Will the sponsor
12 continue to yield?

13 SENATOR KRUEGER: Yes, I will.

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

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

24 THE PRESIDENT: Senator Ritchie.

25 SENATOR RITCHIE: Will the sponsor

1 continue to yield?

2 SENATOR KRUEGER: I do.

3 THE PRESIDENT: Will the sponsor
4 continue to yield?

5 SENATOR KRUEGER: Yes,
6 Madam President.

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

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

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

1 THE PRESIDENT: Senator Ritchie.

2 SENATOR RITCHIE: Would the sponsor
3 continue to yield?

4 THE PRESIDENT: Will the sponsor
5 continue to yield?

6 SENATOR KRUEGER: Yes, I will,
7 Madam President.

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

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

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

22 THE PRESIDENT: Senator Ritchie.

23 SENATOR RITCHIE: Would the sponsor
24 continue to yield?

25 THE PRESIDENT: Will the sponsor

1 continue to yield?

2 SENATOR KRUEGER: Yes,
3 Madam President.

4 THE PRESIDENT: The Senator yields.

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

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

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

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

22 THE PRESIDENT: Senator Ritchie.

23 SENATOR RITCHIE: If the sponsor
24 would continue to yield.

25 THE PRESIDENT: Will the sponsor

1 yield?

2 SENATOR KRUEGER: Yes, Madam
3 President.

4 THE PRESIDENT: The Senator yields.

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

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

15 Interestingly, Madam President, in
16 1970, when our law was written, we had nothing
17 known as a physician assistant, a nurse
18 practitioner, or a licensed midwife. They simply
19 didn't exist as licensed professions. Hence, the
20 1970 law was silent on them.

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

1 categories are included.

2 Through you, Madam President.

3 THE PRESIDENT: Thank you, Senator.

4 Senator Ritchie.

5 SENATOR RITCHIE: Would the sponsor
6 continue to yield?

7 SENATOR KRUEGER: Yes, I will.

8 THE PRESIDENT: The Senator yields.

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

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

21 THE PRESIDENT: Thank you, Senator.

22 Senator Ritchie.

23 SENATOR RITCHIE: Will the sponsor
24 continue to yield?

25 THE PRESIDENT: Does the sponsor

1 continue to yield?

2 SENATOR KRUEGER: Yes, I will.

3 THE PRESIDENT: The Senator yields.

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

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

17 The existing protections in the law
18 are included in the New York Civil Rights Law,
19 79.I; in the NYCRR, 405.9(B)10. Protections
20 under federal law include 42 USC 300a-7; 42 USC
21 1396u-2(b)(3), 42 USC 238n, and 42 USC
22 1395w-22(j)(3)(b), Madam President.

23 THE PRESIDENT: Senator Ritchie.

24 SENATOR RITCHIE: Would the sponsor
25 continue to yield?

1 THE PRESIDENT: Will the sponsor
2 continue to yield?

3 SENATOR KRUEGER: Certainly,
4 Madam President.

5 THE PRESIDENT: The Senator yields.

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

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

17 THE PRESIDENT: Thank you, Senator.
18 Senator Ritchie.

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

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

25 THE PRESIDENT: Thank you, Senator.

1 Any other Senators wishing to be
2 heard?

3 Senator Lanza.

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

7 THE PRESIDENT: Will the sponsor
8 yield?

9 SENATOR KRUEGER: Certainly,
10 Madam President.

11 THE PRESIDENT: The sponsor yields.

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

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

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

1 Do you believe that should continue
2 to be the case?

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

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

17 THE PRESIDENT: Senator Lanza.

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

20 THE PRESIDENT: Will the sponsor
21 continue to yield?

22 SENATOR KRUEGER: Certainly,
23 Madam President.

24 THE PRESIDENT: The Senator yields.

25 SENATOR LANZA: Through you, Madam

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

6 SENATOR KRUEGER: Okay.

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

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

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

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

1 THE PRESIDENT: Will the sponsor
2 continue to yield?

3 SENATOR KRUEGER: Yes, I will,
4 Madam President.

5 THE PRESIDENT: The Senator yields.

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

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

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

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

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

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

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

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

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

4 Judges have the discretion when
5 sentencing to increase the penalty for
6 particularly violent or brutal crimes. And you
7 might very well see a judge accepting an argument
8 of a DA that the attack on a pregnant woman as
9 you described meets that standard of a
10 particularly violent or brutal crime, and a
11 first-degree assault carries a penalty up to
12 25 years.

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

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

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

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

24 THE PRESIDENT: Thank you, Senator.

25 SENATOR LANZA: I'll keep that in

1 mind.

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

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

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

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

25 SENATOR KRUEGER: Through you,

1 Madam President, I have to disagree with my
2 colleague.

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

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

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

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

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

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

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

15 THE PRESIDENT: Senator Lanza on
16 the bill.

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

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

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

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

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

20 Thank you, Madam President.

21 (Scattered applause from gallery.)

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

24 Seeing and hearing none, the debate
25 is closed.

1 The Secretary will ring the bell.

2 Read the last section.

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

5 THE PRESIDENT: Call the roll.

6 (The Secretary called the roll.)

7 THE PRESIDENT: Senator Montgomery
8 to explain your vote.

9 SENATOR MONTGOMERY: Thank you,
10 Madam President.

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

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

1 and that is reproductive health.

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

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

17 So I vote aye.

18 THE PRESIDENT: Thank you, Senator.

19 Senator Montgomery recorded in the
20 affirmative.

21 Senator Harckham to explain your
22 vote.

23 SENATOR HARCKHAM: Thank you,
24 Madam Chair.

25 First I would like to thank

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

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

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

16 This was the motivating issue that
17 drove so many women in my district -- as young as
18 13 knocking on doors, and we had one woman
19 97 years old knocking on doors, because they were
20 so motivated, both positively and negatively.
21 The negative motivation was what was happening in
22 Washington and what was a very real threat to
23 their healthcare choice and the right for them to
24 determine their own course of healthcare and what
25 to do with their bodies. And on the positive

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

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

7 (Applause from the gallery.)

8 THE PRESIDENT: Thank you, Senator.

9 Senator Harckham recorded in the
10 affirmative.

11 Senator Little to explain your vote.

12 SENATOR LITTLE: Thank you,
13 Madam President.

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

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

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

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

6 Thank you.

7 (Applause from the gallery.)

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

12 Senator Little to be recorded in the
13 negative.

14 Senator Martinez to explain your
15 vote.

16 SENATOR MARTINEZ: Thank you,
17 Madam President.

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

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

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

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

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

13 Senator Gallivan to explain your
14 vote.

15 SENATOR GALLIVAN: Thank you,
16 Madam President.

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

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

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

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

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

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

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

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

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

9 I vote nay.

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

12 Senator Parker to explain your vote.

13 SENATOR PARKER: Thank you,
14 Madam President.

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

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

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

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

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

23 Thank you.

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

1 Senator Amedore to explain your
2 vote.

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

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

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

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

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

21 Senator Savino to explain your vote.

22 SENATOR SAVINO: Thank you, Madam
23 President.

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

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

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

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

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

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

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

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

23 Thank you, Madam President.

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

1 Senator Jordan to explain your vote.

2 SENATOR JORDAN: Thank you,
3 Madam President.

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

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

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

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

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

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

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

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

25 The next time you throw something

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

6 I vote no.

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

9 Senator Carlucci to explain your
10 your vote.

11 SENATOR CARLUCCI: Thank you,
12 Madam President.

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

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

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

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

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

6 Thank you, Madam President.

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

9 Senator Boyle to explain your vote.

10 SENATOR BOYLE: Madam President, to
11 explain my vote.

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

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

1 millions of our constituents here in New York
2 State.

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

5 I'll vote in the negative.

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

8 Senator Biaggi to explain your vote.

9 SENATOR BIAGGI: Thank you,
10 Madam President.

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

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

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

1 to finally finish the assignment I was given.

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

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

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

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

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

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

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

17 Senator Seward to explain your vote.

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

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

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

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

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

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

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

24 Senator Metzger to explain your
25 vote.

1 SENATOR METZGER: Thank you,
2 Madam President.

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

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

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

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

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

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

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

13 Thank you very much.

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

16 Senator Helming to explain your
17 vote.

18 SENATOR HELMING: Thank you,
19 Madam President.

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

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

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

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

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

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

25 This radical proposal will

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

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

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

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

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

25 Senator Mayer to explain your vote.

1 SENATOR MAYER: Thank you,
2 Madam President.

3 First I want to thank the sponsor,
4 Senator Krueger, and a special thanks to our
5 leader, Senator Andrea Stewart-Cousins, who in
6 2007, when I was a staffer here, introduced the
7 Reproductive Health Act and faced significant
8 consequences in our district for her courage at
9 that time.

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

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

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

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

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

14 Thank you.

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

17 Senator Rivera to explain your vote.

18 SENATOR RIVERA: Thank you,
19 Madam President.

20 It has been said already but it has
21 to be said one more time. Thank you,
22 Senator Krueger, for bringing this to the floor.
23 Thank you to our Majority Leader, who back in
24 2007, when Senator Mayer was a staffer here and I
25 was a staffer there -- I was her chief of staff

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

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

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

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

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

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

11 (Laughter.)

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

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

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

19 Senator Stavisky to explain your
20 vote.

21 SENATOR STAVISKY: Yes, thank you,
22 Madam President.

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

1 seeing the fruits, I think, of the labor.

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

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

14 Thank you, Madam President.

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

17 Senator Hoylman to explain your
18 vote.

19 SENATOR HOYLMAN: Thank you,
20 Madam President.

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

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

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

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

18 And I was speaking to a couple in my
19 office in New York City last week. Erika
20 Christensen -- I think a number of you know her
21 story, but it bears repeating. In 2016 Erika, at
22 31 weeks pregnant, went for a medical visit and
23 found out the fetus she was carrying would not be
24 able to survive after delivery.

25 Because of our outdated abortion

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

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

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

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

1 Donald Trump's writing --

2 (Laughter.)

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

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

10 Thank you, Madam President.

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

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

16 Senator Liu to explain your vote.

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

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

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

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

6 (Laughter.)

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

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

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

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

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

6 Senator Thomas to explain your vote.

7 SENATOR THOMAS: Thank you,
8 Madam President.

9 Thank you to the sponsor of this
10 bill.

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

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

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

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

3 On that basis, Madam President, I
4 vote yes.

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

7 Senator Sepúlveda to explain your
8 vote.

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

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

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

1 choices.

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

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

15 I will be voting in the affirmative.

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

18 Senator Ortt to explain your vote.

19 SENATOR ORTT: Thank you,
20 Madam President.

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

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

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

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

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

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

23 Senator Jackson to explain your
24 vote.

25 SENATOR JACKSON: Thank you,

1 Madam President.

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

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

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

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

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

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

11 Senator Gaughran to explain your
12 vote.

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

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

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

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

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

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

10 Senator Kaminsky to explain your
11 vote.

12 SENATOR KAMINSKY: Thank you,
13 Madam President.

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

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

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

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

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

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

24 Senator Tedisco to explain your
25 vote.

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

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

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

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

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

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

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

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

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

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

8 THE PRESIDENT: Senator Tedisco --

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

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

13 SENATOR TEDISCO: Thank you,
14 Madam President.

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

17 SENATOR TEDISCO: I vote no.

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

20 Senator Bailey, please explain your
21 vote.

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

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

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

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

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

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

25 Senator Krueger, thank you for

1 standing up. I vote aye, Madam President.

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

4 Senator Gianaris.

5 SENATOR GIANARIS: Thank you,
6 Madam President.

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

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

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

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

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

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

19 I vote aye.

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

22 Senator Krueger to explain your
23 vote.

24 SENATOR KRUEGER: Thank you,
25 Madam President.

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

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

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

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

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

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

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

18 (Extended standing ovation.)

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

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

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

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

25 I proudly vote aye, Madam President.

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

3 Senator Kaplan to explain your vote.

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

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

18 Thank you.

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

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

24 SENATOR BENJAMIN: Briefly, Madam
25 President.

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

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

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

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

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

25 THE PRESIDENT: Senator Benjamin to

1 be recorded in the affirmative.

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

5 SENATOR STEWART-COUSINS: Thank
6 you, Madam President.

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

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

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

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

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

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

14 When I first carried this bill in
15 2007, they did tell -- "Oh, no, no, no, we don't
16 have to discuss this." I mean, I was frankly
17 appalled when I came in. I didn't realize that
18 the abortion laws were in the homicide codes. I
19 really didn't know that. And I didn't realize
20 that the 1973 law had more provisions than we had
21 in 1970. I didn't know that.

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

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

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

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

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

25 Today we're also saying that

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

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

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

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

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

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

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

11 I vote aye.

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

15 Announce the results.

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

23 Ayes, 38. Nays, 24.

24 THE PRESIDENT: The bill is passed.

25 (Cheers; extended standing ovation.)

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

3 (Continuing uproar.)

4 THE PRESIDENT: Order in the
5 chambers.

6 Senator Gianaris.

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

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

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

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

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

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

23

24

25