

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 April 19, 2023

11 4:16 p.m.

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14 REGULAR SESSION

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18 SENATOR SHELLEY B. MAYER, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT MAYER: The Senate
will come to order.

I ask everyone present to please
rise and recite the Pledge of Allegiance.

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

ACTING PRESIDENT MAYER: In the
absence of clergy, let us bow our heads in a
moment of silent reflection or prayer.

(Whereupon, the assemblage respected
a moment of silence.)

ACTING PRESIDENT MAYER: Reading of
the Journal.

THE SECRETARY: In Senate, Tuesday,
April 18, 2023, the Senate met pursuant to
adjournment. The Journal of Monday, April 17,
2023, was read and approved. On motion, the
Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Cleare

1 moves to discharge, from the Committee on
2 Higher Education, Assembly Bill Number 1395C and
3 substitute it for the identical Senate Bill
4 1213B, Third Reading Calendar 590.

5 Senator Mayer moves to discharge,
6 from the Committee on Investigations and
7 Government Operations, Assembly Bill Number 5369
8 and substitute it for the identical Senate Bill
9 5622, Third Reading Calendar 591.

10 ACTING PRESIDENT MAYER: So
11 ordered.

12 Messages from the Governor.

13 Reports of standing committees.

14 Reports of select committees.

15 Communications and reports from
16 state officers.

17 Motions and resolutions.

18 Senator Gianaris.

19 SENATOR GIANARIS: Good afternoon,
20 Madam President.

21 On behalf of Senator Hoylman-Sigal,
22 on page 18 I offer the following amendments to
23 Calendar Number 410, Senate Print 3266, and ask
24 that said bill retain its place on the
25 Third Reading Calendar.

1 ACTING PRESIDENT MAYER: The
2 amendments are received, and the bill will retain
3 its place on the Third Reading Calendar.

4 Senator Gianaris.

5 SENATOR GIANARIS: There will be an
6 immediate meeting of the Judiciary Committee in
7 Room 332.

8 ACTING PRESIDENT MAYER: There will
9 be an immediate meeting of the Judiciary
10 Committee in Room 332.

11 SENATOR GIANARIS: The Senate
12 stands at ease.

13 ACTING PRESIDENT MAYER: The Senate
14 will stand at ease.

15 (Whereupon, the Senate stood at ease
16 at 4:18 p.m.)

17 (Whereupon, the Senate reconvened at
18 4:28 p.m.)

19 ACTING PRESIDENT MAYER: The Senate
20 will return to order.

21 Senator Gianaris.

22 SENATOR GIANARIS: Madam President,
23 there's a report of the Judiciary Committee at
24 the desk. Please take that up and recognize
25 Senator Hoylman-Sigal.

1 ACTING PRESIDENT MAYER: The
2 Secretary will read.

3 THE SECRETARY: Senator
4 Hoylman-Sigal, from the Committee on Judiciary,
5 reports the following nomination:

6 As an associate justice of the Court
7 of Appeals, Caitlin J. Halligan.

8 ACTING PRESIDENT MAYER: Senator
9 Hoylman-Sigal on the nomination.

10 SENATOR HOYLMAN-SIGAL: Thank you,
11 Madam President.

12 I rise to move the nomination of
13 Caitlin Halligan as an associate judge of the
14 New York State Court of Appeals.

15 I've known Ms. Halligan and her
16 family for over 25 years, and I'm proud to call
17 her a constituent of the 47th Senate District.

18 First, I want to extend my
19 sympathies to Caitlin and her husband Mark and
20 their family, as recently Mark's mother has
21 passed away.

22 But about Caitlin. She began her
23 undergraduate education at Princeton and then
24 went to Georgetown Law Center, where she
25 graduated magna cum laude. And she began her

1 legal career in Washington, D.C., clerking for a
2 judge on the D.C. Court of Appeals, which is
3 known as the second-most important court in the
4 United States.

5 But she didn't stop there. She
6 clerked for United States Supreme Court Justice
7 Stephen Breyer, and quickly found her way to
8 New York City where, after an extremely short
9 stint in private practice, she dedicated over a
10 decade of her career to the service of her fellow
11 New Yorkers.

12 Ms. Halligan has always been on the
13 cutting edge of the law.

14 I want to read briefly,
15 Madam President, from the transcript when
16 Ms. Halligan was being considered for the D.C.
17 Circuit back in 2011. Senator Schumer, who
18 supported her nomination, along with
19 Senator Gillibrand, says: "I always worry about
20 judges who have had no practical experience and
21 seek to impose from on high some decisions that
22 just do not work in the real world. We are not
23 going to find that with Ms. Halligan." I concur
24 with Senator Schumer.

25 When she first joined the

1 Attorney General's office, she was the first
2 chief of the new Internet Bureau, an office that
3 has grown and plays an increasing vital part in
4 the Attorney General's consumer protection
5 portfolio today.

6 She quickly rose through the ranks,
7 becoming the state's Solicitor General in 2001,
8 where she fought to hold gun manufacturers liable
9 for the devastation they propagate on our
10 communities, and successfully sued the Bush EPA
11 to regulate the greenhouse gas emissions that are
12 driving catastrophic climate change.

13 Later, she joined the Manhattan
14 district attorney's office, not as a prosecutor
15 but as the general counsel, where she managed
16 that thousand-plus office and she led the DA's
17 efforts to review wrongful convictions and begin
18 to remedy the injustices of mass incarceration
19 policies.

20 In 2010, President Barack Obama
21 nominated Ms. Halligan for a seat on the D.C.
22 Circuit Court of Appeals. Despite her stellar
23 qualifications and favorable report from the
24 Senate Judiciary Committee, Senate Republicans
25 shamefully filibustered her nomination for three

1 years.

2 They filibustered her for one reason
3 and one reason only, Madam President: The NRA.
4 The NRA vigorously opposed Ms. Halligan's
5 nomination, something that I would consider to be
6 a badge of honor for Ms. Halligan, due to her
7 work to combat gun violence and hold gun
8 manufacturers accountable.

9 Well, I'm happy to say that
10 Washington, D.C.'s loss is New York State's gain.
11 While Ms. Halligan moved into private practice,
12 she maintained a robust pro bono portfolio,
13 including litigation to continue the fight
14 against gun violence, protect rent-stabilized
15 tenants, and win equal pay for our back-to-back
16 World Cup-winning U.S. Women's National Soccer
17 Team.

18 She always kept her eye on returning
19 to full-time public service, however. And she
20 has been identified by the Commission on Judicial
21 Nomination short list for multiple vacancies on
22 the Court of Appeals throughout the years. In
23 fact, she may have the distinction of being the
24 only candidate who has actually been endorsed by
25 the New York Times for a seat on the New York

1 State Court of Appeals.

2 At one point in 2015, Ms. Halligan
3 was endorsed by the Times, but she was also being
4 considered simultaneously for a seat on the
5 United States Supreme Court.

6 I'm grateful that this time
7 Governor Hochul seized the opportunity to
8 nominate Ms. Halligan and put her talents to work
9 for New Yorkers.

10 Over the course of her career,
11 Ms. Halligan has argued six cases before the
12 United States Supreme Court, served as the
13 counsel of record for a party or amicus curiae
14 over 50 cases before that court, and argued
15 dozens of cases, dozens, before the New York
16 Court of Appeals -- so many cases she's actually
17 lost count.

18 Colleagues on both sides of the
19 aisle were clearly impressed with her intellect
20 and experience during yesterday's three-hour
21 Judiciary Committee hearing.

22 Caitlin Halligan will make a
23 fantastic Court of Appeals judge. She will be an
24 inspiration for young lawyers, particularly
25 women, across the state. And I'm sure the court

1 can become the best appellate court in the nation
2 with her on the bench.

3 When the time comes,
4 Madam President, I will be voting aye, and I
5 encourage my colleagues to do the same.

6 I move the nomination of
7 Caitlin Halligan to the floor, Madam President,
8 and ask you to recognize any Senator who wishes
9 to be heard on the nomination.

10 Thank you.

11 ACTING PRESIDENT MAYER: Thank you,
12 Senator Hoylman-Sigal.

13 Senator Palumbo on the nomination.

14 SENATOR PALUMBO: Thank you,
15 Madam President.

16 And I rise with respect to this
17 nomination not to necessarily even speak about
18 the nominee. I'm here to just make kind of a
19 general comment on behalf of my conference,
20 because Caitlin Halligan certainly is probably
21 the most experienced appellate attorney we have
22 possibly seen as a nominee for the Court of
23 Appeals, and has had extensive experience, has
24 been nominated for federal judgeships as well.
25 And Senator Hoylman-Sigal went through her

1 qualifications, which certainly exist.

2 So this really has nothing to do
3 with the nominee. I just want to speak generally
4 about the process and how we have arrived here,
5 because I think it's appropriate for us to just
6 comment about what advice and consent really is.

7 It's a Governor's prerogative to
8 appoint individuals to the Court of Appeals, and
9 the Senate provides advice and consent. And it's
10 been quite a long road to get here. I'm pleased
11 to see that this nominee was treated with the
12 dignity and respect that Court of Appeals
13 nominees deserve. There's vigorous debate on
14 either side, and a vote. So I'm glad to see that
15 this nominee was not treated like Hector LaSalle
16 as a nominee.

17 And my concern also is that this is
18 being done during a budget. This seems to be a
19 bit of a quid pro quo here, and I think that is
20 offensive to the process of nominating judges.

21 So I just had to stand really on
22 behalf of our conference just to say that this is
23 not how to do this. And I'm pretty saddened by
24 the way that this has gone. I'm glad to see that
25 we're finally here filling the seven judges of

1 the Court of Appeals seats, because that's what's
2 best for New Yorkers. And going forward is
3 what's best for New Yorkers.

4 I just hope that in the future we
5 don't have another debacle like we've seen over
6 these past few months when it comes to an area
7 that should be immune from politics.
8 Unfortunately, at this go-around, it wasn't.

9 Thank you, Madam President.

10 ACTING PRESIDENT MAYER: Senator
11 Ryan on the nomination.

12 SENATOR RYAN: Thank you,
13 Madam President.

14 Before I talk about favorability of
15 Ms. Halligan, I just have to respond to this idea
16 that somehow bringing a judge's confirmation up
17 during the budget is somehow improper. If this
18 were a court of law -- which I know my learned
19 colleague has been in -- the judge would say
20 that's a naked, bald allegation without one fact
21 or proof behind it.

22 So we would hope we would conduct
23 ourselves in a level where we don't make naked,
24 bald allegations with no proof behind them. But
25 let's hope for positivity in the future.

1 So I wanted to start by thanking
2 Ms. Halligan for her thoughtful responses to
3 everyone's questions yesterday. You can tell by
4 the responses that she's spent time as a teacher.
5 She was able to break the law down into its very
6 small pieces and help to build in understanding.

7 The hearings themselves that we've
8 been conducting have been terrific. And I would
9 thank my colleague, the chair of the
10 Judiciary Committee, Senator Hoylman-Sigal, for
11 conducting those.

12 And I would thank Governor Hochul
13 for bringing us such a strong candidate.

14 We never make appointments to our
15 state's judiciary lightly. I was happy to see
16 the short list, and Ms. Halligan was on this
17 short list. But you can look at her resume and
18 think she had essentially four or three full
19 careers -- a judicial clerk that sometimes people
20 would keep for a lifetime. A big firm attorney.
21 A teacher at esteemed universities like
22 Georgetown and Columbia. And then a small-firm
23 pro bono lawyer doing terrific impact litigation
24 cases. Each of those parts of her career would
25 have been a full career for a lot of lawyers.

1 So I would have to say it's a
2 super-, super-impressive resume, one that
3 includes a lot of appellate work, arguing in
4 front of the United States Supreme Court, arguing
5 in front of Court of Appeals. It's a very, very
6 complete resume. It's a resume you don't see
7 very often.

8 So I do applaud Ms. Halligan for her
9 lives' work -- during that time, she has
10 represented a broad range of clients. But I
11 think that sort of soup-to-nuts experience will
12 really serve her well on the Court of Appeals,
13 but it will also serve the Court of Appeals well.
14 And I think that is what this Court of Appeals
15 needs.

16 But it also gives me confidence that
17 each and every matter that comes in front of the
18 court that she will take a complete look at, and
19 she will set aside personal biases and beliefs to
20 concentrate on the rule of law.

21 So I'm happy today to stand in favor
22 of this nomination, and I look forward, after
23 this vote, to calling Ms. Halligan "Judge
24 Halligan."

25 So thank you very much,

1 Madam President.

2 ACTING PRESIDENT MAYER: Thank you,
3 Senator Ryan.

4 The question is on the nomination.
5 Call the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT MAYER: Announce
8 the results.

9 THE SECRETARY: In relation to the
10 nomination of Caitlin J. Halligan as an associate
11 justice of the Court of Appeals, those Senators
12 voting in the negative are Senators Ashby,
13 Borrello, Brisport, Griffo, Helming, Murray,
14 Oberacker, Ortt, Stec, Tedisco, Walczyk and
15 Senator Weik.

16 Ayes, 47. Nays, 12.

17 ACTING PRESIDENT MAYER: The
18 nominee, Caitlin Halligan, is confirmed as an
19 associate judge of the Court of Appeals.

20 (Extended standing ovation.)

21 ACTING PRESIDENT MAYER: Senator
22 Gianaris.

23 SENATOR GIANARIS: Thank you,
24 Madam President. It's nice to have a full
25 Court of Appeals again.

1 Can we please take up the reading of
2 the calendar.

3 ACTING PRESIDENT MAYER: The
4 Secretary will read.

5 THE SECRETARY: Calendar Number
6 261, Senate Print 204, by Senator Cleare, an act
7 to amend the Correction Law.

8 ACTING PRESIDENT MAYER: Read the
9 last section.

10 THE SECRETARY: Section 4. This
11 act shall take effect on the 180th day after it
12 shall have become a law.

13 ACTING PRESIDENT MAYER: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT MAYER: Announce
17 the results.

18 THE SECRETARY: Ayes, 59.

19 ACTING PRESIDENT MAYER: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 268, Senate Print 1817, by Senator Stavisky, an
23 act to amend the Vehicle and Traffic Law.

24 ACTING PRESIDENT MAYER: Read the
25 last section.

1 SENATOR GIANARIS: Lay it aside for
2 the day.

3 ACTING PRESIDENT MAYER: The bill
4 is laid aside for the day.

5 THE SECRETARY: Calendar Number
6 364, Senate Print 3280, by Senator Gounardes,
7 Concurrent Resolution of the Senate and Assembly
8 proposing an amendment to Section 6 of Article 5
9 of the Constitution.

10 ACTING PRESIDENT MAYER: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT MAYER: Announce
14 the results.

15 THE SECRETARY: Ayes, 59.

16 ACTING PRESIDENT MAYER: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 514, Senate Print 1818A, by Senator Stavisky, an
20 act to amend the Education Law.

21 ACTING PRESIDENT MAYER: Read the
22 last section.

23 THE SECRETARY: Section 3. This
24 act shall take effect immediately.

25 ACTING PRESIDENT MAYER: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT MAYER: Announce
4 the results.

5 THE SECRETARY: Ayes, 59.

6 ACTING PRESIDENT MAYER: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 534, Senate Print 3366, by Senator Harckham, an
10 act providing that a student enrolled in an
11 individualized education program during certain
12 school years may continue to receive educational
13 services.

14 ACTING PRESIDENT MAYER: Read the
15 last section.

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

18 ACTING PRESIDENT MAYER: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT MAYER: Senator
22 Weber to explain his vote.

23 SENATOR WEBER: Thank you.

24 I'd like to thank Senator Harckham
25 for bringing this very important legislation

1 forward. We've heard from a lot of constituents
2 within my district about the need for this
3 legislation, so I was proud to jump on as a
4 cosponsor and I'm proud to vote aye today for
5 this.

6 So thank you very much.

7 ACTING PRESIDENT MAYER: Senator
8 Weber to be recorded in the affirmative.

9 Announce the results.

10 THE SECRETARY: Ayes, 59.

11 ACTING PRESIDENT MAYER: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 568, Senate Print 3105, by Senator Mannion, an
15 act relating to assessing the staffing and other
16 issues causing the continued displacement of
17 individuals with developmental disabilities.

18 ACTING PRESIDENT MAYER: Read the
19 last section.

20 THE SECRETARY: Section 4. This
21 act shall take effect immediately.

22 ACTING PRESIDENT MAYER: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT MAYER: Announce

1 the results.

2 THE SECRETARY: Ayes, 59.

3 ACTING PRESIDENT MAYER: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 580, Senate Print 3021, by Senator Comrie, an act
7 to amend the Energy Law.

8 ACTING PRESIDENT MAYER: Read the
9 last section.

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

12 ACTING PRESIDENT MAYER: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT MAYER: Announce
16 the results.

17 THE SECRETARY: Ayes, 59.

18 ACTING PRESIDENT MAYER: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 584, Senate Print 1608, by Senator Serrano, an
22 act to amend the Parks, Recreation and Historic
23 Preservation Law.

24 ACTING PRESIDENT MAYER: Read the
25 last section.

1 THE SECRETARY: Section 3. This
2 act shall take effect immediately.

3 ACTING PRESIDENT MAYER: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT MAYER: Senator
7 Webb to explain her vote.

8 SENATOR WEBB: Thank you,
9 Madam President. I rise to explain my vote.

10 This legislation addresses an
11 important nexus of issues. One, it supports our
12 farmers by creating new markets for them to sell
13 their products. And what better location to
14 connect our communities with fresh foods than our
15 state and local parks.

16 Another nexus point with
17 Senator Serrano's bill is that this bill
18 addresses the predominance of food deserts in
19 rural districts like mine, to ensure that folks
20 who live in small towns and hamlets and
21 underserved communities can access fresh and
22 healthy food.

23 And finally, by providing
24 farmers with new local markets, this legislation
25 also helps to make sure that more of the food we

1 produce here in New York soil is eaten by
2 New York families.

3 I thank Senator Serrano for bringing
4 forth this legislation, and I will be voting aye
5 and I encourage my colleagues to do the same.

6 ACTING PRESIDENT MAYER: Senator
7 Webb to be recorded in the affirmative.

8 Announce the results.

9 THE SECRETARY: Ayes, 59.

10 ACTING PRESIDENT MAYER: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 590, Assembly Print Number 1395C, by
14 Assemblymember Epstein, an act to amend the
15 Education Law.

16 SENATOR LANZA: Lay it aside.

17 ACTING PRESIDENT MAYER: The bill
18 is laid aside.

19 THE SECRETARY: Calendar Number
20 591, Assembly Print Number 5369, by
21 Assemblymember Paulin, an act to amend the
22 Tax Law.

23 ACTING PRESIDENT MAYER: There is a
24 home-rule message at the desk.

25 Read the last section.

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

3 ACTING PRESIDENT MAYER: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT MAYER: Announce
7 the results.

8 THE SECRETARY: In relation to
9 Calendar 591, those Senators voting in the
10 negative are Senators Canzoneri-Fitzpatrick,
11 Harckham, Hinchey, Lanza, Martinez, Mattera,
12 Murray, Oberacker, Palumbo, Rhoads,
13 Scarcella-Spanton, Skoufis, Tedisco, Webb and
14 Weik. Also Senator Mannion.

15 Ayes, 43. Nays, 16.

16 ACTING PRESIDENT MAYER: The bill
17 is passed.

18 Senator Gianaris, that completes the
19 reading of today's calendar.

20 SENATOR GIANARIS: Can we move on
21 to the controversial calendar, please.

22 ACTING PRESIDENT MAYER: The
23 Secretary will ring the bell.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1 590, Assembly Print Number 1395C, by
2 Assemblymember Epstein, an act to amend the
3 Education Law.

4 ACTING PRESIDENT MAYER: Senator
5 Helming, why do you rise?

6 SENATOR HELMING: Thank you,
7 Madam President.

8 I rise -- I have a few questions for
9 the sponsor, if the sponsor will yield.

10 ACTING PRESIDENT MAYER: Senator
11 Cleare, do you yield?

12 SENATOR CLEARE: Yes.

13 ACTING PRESIDENT MAYER: The
14 Senator yields.

15 SENATOR HELMING: Thank you. Thank
16 you, Senator Cleare.

17 After reading this legislation, I
18 obviously had a few questions as a State Senator,
19 but also some concerns around safety as both a
20 mother and a grandmother.

21 I was trying to figure out what is
22 driving the need for this legislation. After
23 reviewing several of the SUNY and CUNY school
24 websites, it was very clear that SUNY and CUNY
25 already make comprehensive, quality healthcare

1 and health education available to all of their
2 students. So I read that, and again, I started
3 wondering why do we need this when they're
4 already offering these services?

5 So I made a few calls to a couple of
6 the SUNY schools, and the people that I spoke
7 with assured me that if a student comes to them
8 in need and is looking for referrals or
9 assistance, that they are currently providing
10 that service.

11 So I'm wondering, again, you know,
12 has SUNY or CUNY reached out? Are they looking
13 for clarification? Is that what's driving the
14 need for this bill?

15 SENATOR CLEARE: What's driving the
16 need, in the last two years young women have
17 contacted my office to state that their
18 particular college or university does not offer
19 medication abortion prescription drugs, and this
20 is of great concern to them.

21 And I've consulted SUNY on this
22 throughout this process, and they are supportive
23 of the bill.

24 SENATOR HELMING: Thank you.

25 Through you, Madam President, if the

1 sponsor will continue to yield.

2 ACTING PRESIDENT MAYER: Senator
3 Cleare, do you yield?

4 SENATOR CLEARE: Yes.

5 ACTING PRESIDENT MAYER: The
6 sponsor yields.

7 SENATOR HELMING: Senator Cleare,
8 are you aware of any data or any studies that
9 show that students enrolled at SUNY and CUNY
10 schools are currently struggling to access
11 medication abortion drugs?

12 SENATOR CLEARE: I do not have that
13 data. But this bill is going to require
14 reporting within the next couple of years to see
15 if there's any adjustments that need to be made.

16 But I'm going on the requests of the
17 young women that have come to us.

18 SENATOR HELMING: Through you,
19 Madam President, if the sponsor will continue to
20 yield.

21 ACTING PRESIDENT MAYER: Senator
22 Cleare, do you yield?

23 SENATOR CLEARE: I yield.

24 ACTING PRESIDENT MAYER: The
25 Senator yields.

1 SENATOR HELMING: Would it make
2 more sense to do the study up-front to determine
3 if there's really a need for this? And then, if
4 there is, bring back the legislation?

5 SENATOR CLEARE: I think women
6 coming to me saying they that need it is grounds
7 for us to provide this for them.

8 SENATOR HELMING: Madam President,
9 if the sponsor will continue to yield.

10 ACTING PRESIDENT MAYER: Senator
11 Cleare, do you yield?

12 SENATOR CLEARE: I will.

13 ACTING PRESIDENT MAYER: The
14 Senator yields.

15 SENATOR HELMING: Senator Cleare,
16 can you explain to me, who can prescribe the
17 medication abortion pills? Is it just a doctor
18 or -- or who can prescribe?

19 SENATOR CLEARE: It's a doctor or
20 anyone in the scope of practice. A nurse
21 practitioner.

22 SENATOR HELMING: Through you,
23 Madam President.

24 ACTING PRESIDENT MAYER: Do you
25 continue to yield, Senator Cleare?

1 SENATOR CLEARE: Yes.

2 ACTING PRESIDENT MAYER: The
3 Senator yields.

4 SENATOR HELMING: Senator Cleare,
5 one of the questions that's been asked of me is
6 can a pharmacist dispense without a doctor's
7 order?

8 SENATOR CLEARE: No.

9 SENATOR HELMING: Through you,
10 Madam President --

11 SENATOR CLEARE: Through you,
12 Madam President, no. I'm sorry, multiple
13 questions --

14 ACTING PRESIDENT MAYER: Senator
15 Cleare, do you continue to yield?

16 SENATOR CLEARE: No to the
17 question. Yes, I continue to yield.

18 ACTING PRESIDENT MAYER: The
19 Senator yields to one question at a time.

20 (Laughter.)

21 SENATOR HELMING: Thank you.

22 Senator Cleare, does this
23 legislation address safeguards for the student?
24 For instance, before a prescription for medicine
25 abortion is issued to a student, will a medical

1 history be taken to determine if there are any
2 contraindications that would put the student's
3 health or life at risk?

4 I know on the Planned Parenthood
5 website they mention things like inherited
6 bleeding disorders, heart or kidney disease, or
7 if the woman still has an IUD in place, it could
8 be dangerous.

9 SENATOR CLEARE: They will be
10 speaking to a doctor, and a doctor would be doing
11 that kind of preliminary questioning.

12 SENATOR HELMING: Through you,
13 Madam President. So --

14 ACTING PRESIDENT MAYER: Are you
15 asking the Senator to yield?

16 SENATOR HELMING: Will the Senator
17 yield for another question.

18 ACTING PRESIDENT MAYER: Senator
19 Cleare, do you continue to yield?

20 SENATOR CLEARE: Yes.

21 ACTING PRESIDENT MAYER: The
22 Senator yields.

23 SENATOR HELMING: So I understand
24 that you're saying that the student will consult
25 with a doctor. Can you tell me if that

1 consultation will include a physical examination
2 or a sonogram?

3 SENATOR CLEARE: That would be
4 something that the patient would discuss with the
5 doctor. That would be something that will be
6 determined by the doctor.

7 SENATOR HELMING: Thank you.

8 Through you, Madam President, if the
9 sponsor will continue to yield.

10 ACTING PRESIDENT MAYER: Do you
11 continue to yield?

12 SENATOR CLEARE: Yes.

13 ACTING PRESIDENT MAYER: The
14 Senator yields.

15 SENATOR HELMING: I guess I'm still
16 trying to figure this out. I read something
17 about telehealth services that was either in the
18 bill or in the sponsor's justification. And my
19 concern is that the FDA has approved medical
20 abortion pills for use up to 10 weeks.

21 And I'm just wondering, without a
22 physical exam or without a sonogram, how you
23 conclude -- unless the student knows, has a
24 definitive answer on how far along they are.

25 SENATOR CLEARE: Again, through

1 you, Madam President, the individual is
2 consulting with a doctor. I think it's standard
3 medical practice to find out how far along anyone
4 is that is pregnant.

5 SENATOR HELMING: Through you,
6 Madam President, if the sponsor will continue to
7 yield.

8 ACTING PRESIDENT MAYER: Do you
9 continue to yield?

10 SENATOR CLEARE: Yes.

11 ACTING PRESIDENT MAYER: The
12 Senator yields.

13 SENATOR HELMING: Is there anything
14 that's built into this legislation requiring care
15 and support for the student after they take the
16 medication?

17 SENATOR CLEARE: It's my
18 understanding providers will normally take care
19 of that and follow -- they will schedule
20 follow-ups with their patients.

21 SENATOR HELMING: Through you,
22 Madam President, if the sponsor will continue to
23 yield.

24 SENATOR CLEARE: Yes.

25 ACTING PRESIDENT MAYER: The

1 Senator continues to yield.

2 SENATOR HELMING: So in that
3 instance where the provider is actually a SUNY or
4 CUNY employee, you're saying they will do
5 follow-up with the student.

6 One of the things that I read on the
7 Planned Parenthood website that had me concerned
8 is that -- well, let me backtrack for a moment.

9 We all know that young women
10 attending college, they're really often
11 experiencing true independence for the first time
12 in their lives. They're away from their family,
13 they're away from their support systems. And one
14 of the things, again, according to the
15 Planned Parenthood website, is that serious
16 long-term emotional problems are more likely to
17 happen to women who don't have support around
18 their decision to end their pregnancy.

19 And that's why I'm asking the
20 question and want to make sure that there are
21 going to be safeguards and support systems built
22 in to make sure that these women are okay.

23 SENATOR CLEARE: Through you,
24 Madam President. That's going to be a continued
25 conversation between the patient and their doctor

1 in terms of their -- their health afterwards,
2 their entire health.

3 SENATOR HELMING: Through you,
4 Madam President, if the sponsor will continue to
5 yield.

6 ACTING PRESIDENT MAYER: Do you
7 continue to yield?

8 SENATOR CLEARE: Yes.

9 ACTING PRESIDENT MAYER: The
10 sponsor yields.

11 SENATOR HELMING: One final
12 question.

13 The way I read the bill and
14 interpreted it is that the bill applies to all
15 SUNY and CUNY students. And it got me to
16 wondering -- so I heard from many parents of
17 P-TECH students, during the whole mandated
18 vaccine requirement, that if you're in a P-TECH
19 program that's associated with a college, they
20 had to be vaccinated.

21 So I'm wondering, are high school
22 students who are enrolled in these local SUNY
23 schools, like for instance through the P-TECH
24 programs, will they have the same access?

25 SENATOR CLEARE: No. Through you,

1 Madam President, no. This is only for college
2 students.

3 SENATOR HELMING: Through you,
4 Madam President, how are college students
5 defined? Does this bill define college students?

6 SENATOR CLEARE: So this is offered
7 to students who are enrolled on campus, not
8 attending somewhere else and visiting or in a
9 program. But all students enrolled on campus,
10 Mr. President.

11 SENATOR HELMING: Through you,
12 Madam President, I would -- Senator Cleare, so
13 you're saying those P-TECH students aren't
14 considered enrolled in the college? Or like high
15 school students who pay a fee to participate,
16 take college courses and stuff, they're not
17 considered students?

18 SENATOR CLEARE: Not for these
19 purposes, is my understanding.

20 SENATOR HELMING: Through you,
21 Madam President, is that somewhere in this
22 legislation?

23 ACTING PRESIDENT MAYER: Do you
24 continue to yield, Senator Cleare?

25 SENATOR CLEARE: Yes, I do.

1 ACTING PRESIDENT MAYER: The
2 Senator yields.

3 Can you repeat your question,
4 Senator Helming?

5 SENATOR CLEARE: It's my
6 understanding that no one interpreting this bill
7 would apply this to high school students.

8 SENATOR HELMING: Okay. Thank you,
9 Madam President. Thank you, Senator Cleare.
10 Appreciate it. Thank you.

11 ACTING PRESIDENT MAYER: Are there
12 any other Senators wishing to be heard?

13 Seeing and hearing none, debate is
14 closed.

15 The Secretary will ring the bell.

16 Read the last section.

17 THE SECRETARY: Section 2. This
18 act shall take effect August 1, 2023.

19 ACTING PRESIDENT MAYER: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT MAYER: Senator
23 Webb to explain her vote.

24 SENATOR WEBB: Thank you,
25 Madam President.

1 I would like to thank Senator Cleare
2 for introducing this important piece of
3 legislation.

4 I want to clarify a couple of things
5 that I heard. As we know, reproductive care and
6 access to it is a very important issue that we
7 have been actively working in addressing here in
8 New York. And so as someone who worked as an
9 educator at SUNY, and a proud alum, I thought it
10 would be important to lift up my own experience
11 in working with students at SUNY as it pertains
12 to accessing healthcare.

13 And so in the work that I did at
14 Binghamton University in connecting students with
15 healthcare services, I would share that a number
16 of our students at SUNY, and dare I say CUNY,
17 have limited options at times, especially for
18 low-to-moderate-income students who are enrolled
19 at our public institutions such as SUNY and CUNY.

20 And so there are healthcare services
21 available on our campuses that do provide,
22 especially in districts like mine, for a number
23 of students that if those services didn't exist,
24 they wouldn't have access to adequate care.

25 And so with this particular

1 legislation and what it's looking to do, it's
2 very simple. It's looking to expand access to
3 reproductive care.

4 The questions around counseling and
5 other services, our SUNY and CUNY campuses also
6 provide counseling services. And I would be
7 remiss if I didn't give a nod to our
8 Mental Health chair, Senator Brouk, who has been
9 advocating for quite a while to expand access to
10 mental health services, and our SUNY and CUNY
11 campuses are no exception to that.

12 As the chair of Women's Issues, we
13 know how important it is that we have to address
14 these challenges as it pertains to access to
15 reproductive care, because it is healthcare. And
16 we also know that barriers exist. And we also
17 know that the stakes are very high.

18 In fact, today the Supreme Court has
19 ordered a temporary stay until Friday as we
20 continue to have this public discourse on an
21 FDA-already-approved, 20-year-plus drug,
22 mifepristone, which has been proven to be safe
23 and effective as a method for addressing
24 abortion.

25 We also have been working diligently

1 as a state to protect and increase access to this
2 important care. And although we have laws here
3 in New York that protect a woman's right to
4 choose, it is still the case that for so many
5 living in underinvested communities that the lack
6 of access to safe and reliable reproductive care
7 remains a barrier to true reproductive justice.

8 Now, I as a representative have six
9 major institutions of higher education in my
10 district, and I understand that our colleges and
11 universities play a major role in providing care.
12 And as I already mentioned, these institutions do
13 provide access.

14 And so my closing sentiment is
15 simply this. Madam President, we must continue
16 to stand up against attempts by other states to
17 strip people of their rights to safe and
18 accessible abortion care, and we must continue to
19 protect a woman's right to make decisions over
20 her own body. And that we must continue to
21 remain vigilant in our fight to defend these
22 rights.

23 I proudly vote aye for this
24 legislation.

25 Thank you, Madam President.

1 ACTING PRESIDENT MAYER: Senator
2 Webb to be recorded in the affirmative.

3 Senator Krueger to explain her vote.

4 SENATOR STEC: Thank you,
5 Madam President.

6 I also rise to congratulate
7 Senator Cleare for bringing this bill to us
8 today, and strongly support a yes vote.

9 I appreciate very much my colleague,
10 the chair of the Women's Issues Committee, for
11 addressing many of the things I wanted to say.

12 I will just again highlight it is
13 far more dangerous to actually continue an
14 unwanted pregnancy from a health perspective or a
15 mental health perspective than to make the
16 decision to have a medicine-driven abortion
17 provided under the prescription of people who are
18 recognized healthcare providers within their
19 scope of practice providing healthcare.

20 Most of these healthcare providers
21 get involved in far riskier health issues on
22 behalf of students. And it is crucial, I think,
23 particularly in some SUNY campuses that may be
24 significantly -- significant distances from urban
25 areas that may have more access, that we make

1 sure these students have the same access as all
2 women should have throughout the state.

3 And again, it takes no leaps either
4 in what the law of this land is or what the FDA
5 and medical professionals have recognized. In
6 fact, the medicines used for these kinds of
7 procedures have been proven by the FDA to be
8 safer than the drugs we buy over the counter for
9 headaches and cramps in our local pharmacy.

10 So I strongly support this bill, and
11 I appreciate the Senator from my own Island of
12 Manhattan for carrying this important bill on
13 behalf of all young women in the State of
14 New York.

15 Thank you.

16 ACTING PRESIDENT MAYER: Senator
17 Krueger to be recorded in the affirmative.

18 Senator Gonzalez to explain her
19 vote.

20 SENATOR GONZALEZ: Thank you,
21 Madam President.

22 I want to thank Senator Cleare so
23 much for her leadership on this issue.

24 As a woman, as a recent college
25 graduate, this is the type of essential care that

1 all students need. And at a time where we're
2 seeing what happened with Texas undermining our
3 right to a medication abortion, and the attempts
4 across the country to undermine all people's
5 right to an abortion, this is an essential moment
6 for New York.

7 We need to send a clear message that
8 in New York we want to provide abortion without
9 apology and on demand. That when other parts of
10 the country are at the will of the politics of
11 fear and misinformation and want to tell people
12 and women what to do with their bodies, that in
13 New York we do things differently.

14 So this bill is a really important
15 moment and step in a larger fight for access.
16 And in addition to knowing that college students
17 seek abortion access at higher rates and that we
18 have a lot of an influx of out-of-state folks
19 coming to New York to exercise their right to an
20 abortion, this is actually a bill that not only
21 helps college students, but it helps all
22 New Yorkers, because it takes some of the
23 pressure off from the clinics that are now seeing
24 that influx, that are now seeing that increase.

25 So it's in all of our best interests

1 to support this bill, and I will absolutely and
2 enthusiastically be voting yes on this bill.

3 Thank you.

4 ACTING PRESIDENT MAYER: Senator
5 Gonzalez to be recorded in the affirmative.

6 Senator Kennedy to explain his vote.

7 SENATOR KENNEDY: Thank you,
8 Madam President.

9 First I want to start by
10 congratulating Senator Cleare for her leadership,
11 for her vision, for bringing this extremely
12 important bill to the floor here today.

13 I also want to recognize my
14 colleagues Senator Webb, Senator Krueger, for
15 leading the charge on this very important space
16 at this very important moment in our state's
17 history and in our nation's history.

18 But how did we get here? We got
19 here because the Supreme Court of the United
20 States reversed a decades-long ruling, Roe v.
21 Wade -- when those same justices stepped up and
22 testified under oath before Congress that it was
23 a precedent and the law of the land and there was
24 no need to worry, nothing was going to happen.

25 And so the first opportunity that

1 the Supreme Court justices of the United States
2 had to reverse Roe, they did it. They lied to
3 us. They lied to the people of this country.
4 And they put women's lives in danger.

5 So what do we have now? We have
6 states across the United States ruling against
7 women, a war against women's rights, reversing
8 decades-long legislation at the state level, a
9 mish-mosh of laws where unquestionably women are
10 going to die in this country because Roe v. Wade
11 was reversed at the national level.

12 So what does this leave us to do?
13 Here in New York, we have to lead. We have to
14 lead by example, and we have to lead by
15 legislation, like Senator Cleare's legislation
16 today that puts the healthcare of women in their
17 own hands, particularly at the college level.

18 And, you know, women in college are
19 old enough, they're smart enough to make
20 decisions on behalf of their own bodies. Just
21 ask them. Just listen. It's very clear to all
22 of us that the law at the national level of
23 Roe v. Wade being overturned was the wrong
24 decision. It was a bone-headed decision, and it
25 was a bald-faced lie by the Supreme Court of the

1 United States.

2 So New York State now needs to lead.
3 This is one of many pieces of legislation that
4 will help to show the rest of this country how to
5 protect women, how to make sure that their
6 decisions on behalf of themselves and their own
7 bodies and healthcare provided to them is
8 protected.

9 And I'm looking forward to not only
10 seeing this move forward to the Governor's desk,
11 but also other pieces of legislation that will
12 prove New York State continues to lead in this
13 space.

14 I proudly vote aye.

15 ACTING PRESIDENT MAYER: Senator
16 Kennedy to be recorded in the affirmative.

17 Senator Stavisky to explain her
18 vote.

19 SENATOR STAVISKY: Thank you,
20 Madam President.

21 First let me thank Senator Cleare
22 for introducing this very, very significant piece
23 of legislation. It demonstrates our commitment
24 to students, particularly students in public
25 higher education. And it's part of what I hope

1 will be a continuing investment in their futures.

2 I think this goes beyond what we've
3 talked about. We just -- I just sat through,
4 with my colleagues, a total of about six hours of
5 testimony by candidates for the Court of Appeals.
6 And questions came up during those hearings about
7 separation of powers. And here we have, I think,
8 a perfect example where the FDA, part of the
9 executive branch of government, is being
10 challenged by the judicial branch of government.

11 And is this the first time, the
12 first example, the first instance of trying to
13 overturn an executive order? I hope not. I
14 think the question goes way beyond whether this
15 is safe. And the quote that I heard,
16 Senator Krueger, was that these pills are safer
17 than Tylenol.

18 I think we have to consider the
19 future of our young people today, and I proudly
20 vote aye.

21 ACTING PRESIDENT MAYER: Senator
22 Stavisky to be recorded in the affirmative.

23 Senator Cleare to explain her vote.

24 SENATOR CLEARE: Thank you very
25 much, Madam President.

1 There are nearly 700,000 students
2 enrolled at SUNY and CUNY schools. Many of them
3 count on campus -- upon on-campus health clinics
4 for a wide range of needed care.

5 In some areas of the state, the
6 on-campus clinic may be the only health provider
7 within miles for many students who commute only
8 via public transportation, thus making it
9 tremendously important that when a woman needs
10 access to timely reproductive healthcare, that it
11 be offered as directly accessible as possible.

12 As has been mentioned already, you
13 know, the stakes can be very high -- very high --
14 for those who are seeking care and making choices
15 about their bodies and about their future. This
16 bill provides young women safe and closer access
17 by requiring CUNY and SUNY to provide access to
18 medication abortion to students on campus, either
19 directly or, where necessary and proper, via
20 referral.

21 I thank my Assembly colleague Harvey
22 Epstein for his exceptional work on this issue,
23 as well as SUNY and CUNY leadership, who we
24 consulted with, and young women leaders all over
25 the state, particularly from the Reproductive

1 Justice Collective.

2 I thank my colleagues here today.

3 I proudly vote aye and encourage
4 everyone to please do the same. Thank you.

5 ACTING PRESIDENT MAYER: Senator
6 Cleare to be recorded in the affirmative.

7 Announce the results.

8 THE SECRETARY: In relation to
9 Calendar 590, those Senators voting in the
10 negative are Senators Ashby, Borrello,
11 Canzoneri-Fitzpatrick, Felder, Griffo, Helming,
12 Lanza, Mattera, Murray, Oberacker, Ortt, Palumbo,
13 Rhoads, Stec, Tedisco, Walczyk, Weber and Weik.

14 Ayes, 42. Nays, 18.

15 ACTING PRESIDENT MAYER: The bill
16 is passed.

17 Senator Gianaris, that completes the
18 reading of the controversial calendar.

19 SENATOR GIANARIS: Is there any
20 further business at the desk?

21 ACTING PRESIDENT MAYER: There is
22 no further business at the desk.

23 SENATOR GIANARIS: Move to adjourn
24 until tomorrow, Thursday, April 20th, at
25 10:00 a.m.

1 ACTING PRESIDENT MAYER: On motion,
2 the Senate stands adjourned until Thursday,
3 April 20th, at 10:00 a.m.

4 (Whereupon, at 5:14 p.m., the Senate
5 adjourned.)

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