

# NEW YORK

**NY Const. Art. 1, s. II is amended.** The Equal Protection of Law Amendment is a legislatively referred constitutional amendment. The ballot measure was approved on November 5, 2024. See below.

## **Equal Protection of Laws; Discrimination in Civil Rights Prohibited**

- A. No person shall be denied the equal protection of the laws of this state or any subdivision thereof. No person shall, because of race, color, ethnicity, national origin, age, disability, creed, or religion, or sex, including sexual orientation, gender identity, gender expression, pregnancy, pregnancy outcomes, and reproductive healthcare and autonomy, be subjected to any discrimination in his or her their civil rights by any other person or by any firm, corporation, or institution, or by the state or any agency or subdivision of the state pursuant to law
- B. Nothing in this section shall invalidate or prevent the adoption of any law, regulation, program, or practice that is designed to prevent or dismantle discrimination on the basis of a characteristic listed in this section, nor shall any characteristic listed in this section be interpreted to interfere with, limit, or deny the civil rights of any persons based upon any other characteristics identified in this section.

## **N.Y. Education Law § 6807 Exempt persons; special provisions.**

**1.** This article shall not be construed to affect or prevent:

b. Any physician, dentist, veterinarian or other licensed health care provider legally authorized to prescribe drugs under this title who is not the owner of a pharmacy or who is not in the employ of such owner, from supplying his patients with such drugs as the physician, dentist, veterinarian or other licensed health care provider legally authorized to prescribe drugs under this title deems proper in connection with his practice, provided, however, that all such drugs shall be dispensed in a container labeled with the name and address of the dispenser and patient, directions for use, and date of delivery, and in addition, such drug shall bear a label containing the propriety or brand name of the drug and, if applicable, the strength of the contents, unless the person issuing the prescription specifically states on the prescription in his own handwriting, that the name of the drug and the strength thereof should not appear on the label; provided further that if such drugs are controlled substances, they shall be dispensed pursuant to the requirements of the article thirty-three of public health law;

**b-1. Notwithstanding paragraph b of this section, the prescription label for mifepristone or misoprostol may include the name or address of the dispensing health care practice instead of the name of the dispenser.**

## **N.Y. Education Law § 6810 Prescriptions**

**1.** No drug for which a prescription is required by the provisions of the Federal Food, Drug, and Cosmetic Act or by the commissioner of health shall be distributed or dispensed to any person except upon a prescription written by a person legally authorized to issue such prescription. Such drug shall be compounded or dispensed by a licensed pharmacist, and no **such drug shall be**

dispensed without affixing to the immediate container in which the drug is sold or dispensed a label bearing the name and address of the owner of the establishment in which it was dispensed, the date compounded, the number of the prescription under which it is recorded in the pharmacist's prescription files, the name of the prescriber, the name and address of the patient, and the directions for the use of the drug by the patient as given upon the prescription. All labels shall conform to such rules and regulations as promulgated by the commissioner pursuant to section sixty-eight hundred twenty-nine of this article. The prescribing and dispensing of a drug which is a controlled substance shall be subject to additional requirements provided in article thirty-three of the public health law. The words "drug" and "prescription required drug" within the meaning of this article shall not be construed to include soft or hard contact lenses, eyeglasses, or any other device for the aid or correction of vision. Nothing in this subdivision shall prevent a pharmacy from furnishing a drug to another pharmacy which does not have such drug in stock for the purpose of filling a prescription.

**1-a. Notwithstanding subdivision one of this section, at the prescriber's request, the prescription label for mifepristone or misoprostol shall include the name or address of the prescribing health care practice instead of the name of the prescriber.**

**N.Y. Penal Law § 125.05. Homicide and related offenses; definition.**

The following definition is applicable to this article:

"Person," when referring to the victim of a homicide, means a human being who has been born and is alive.

**N.Y. Penal Law § 240.70. Criminal interference with health care services or religious worship in the second degree**

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

- (a) by force or threat of force or by physical obstruction, he or she intentionally injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with, another person because such other person was or is obtaining or providing reproductive health services; or
- (b) by force or threat of force or by physical obstruction, he or she intentionally injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with, another person in order to discourage such other person or any other person or persons from obtaining or providing reproductive health services; or
- (c) by force or threat of force or by physical obstruction, he or she intentionally injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with, another person because such person was or is seeking to exercise the right of religious freedom at a place of religious worship; or
- (d) he or she intentionally damages the property of a health care facility, or attempts to do so, because such facility provides reproductive health services, or intentionally damages the property of a place of religious worship.

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

**3. For purposes of this section:**

- (a)** the term “health care facility” means a hospital, clinic, physician’s office or other facility that provides reproductive health services, and includes the building or structure in which the facility is located;
  - (b)** the term “interferes with” means to restrict a person’s freedom of movement;
  - (c)** the term “intimidates” means to place a person in reasonable apprehension of physical injury to himself or herself or to another person;
  - (d)** the term “physical obstruction” means rendering impassable ingress to or egress from a facility that provides reproductive health services or to or from a place of religious worship, or rendering passage to or from such a facility or place of religious worship unreasonably difficult or hazardous; and
  - (e)** the term “reproductive health services” means health care services provided in a hospital, clinic, physician’s office or other facility and includes medical, surgical, counseling or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy.
- Criminal interference with health care services or religious worship in the second degree is a class A misdemeanor.

**N.Y. Penal Law § 240.71. Criminal interference with health care services or religious worship in the first degree**

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

Criminal interference with health care services or religious worship in the first degree is a class E felony.

**N.Y. Penal Law § 240.72. Aggravated interference with health care services in the second degree**

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

Aggravated interference with health care services in the second degree is a class E felony.

**N.Y. Pub. Health Law § 240.73. Aggravated interference with health care services in the first degree**

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

Aggravated interference with health care services in the first degree is a class C felony.

**N.Y. Pub. Health Law § 2599-aa. Policy and purpose.**

The legislature finds that comprehensive reproductive health care is a fundamental component of every individual's health, privacy and equality. Therefore, it is the policy of the state that:

1. Every individual has the fundamental right to choose or refuse contraception or sterilization.
2. Every individual who becomes pregnant has the fundamental right to choose to carry the pregnancy to term, to give birth to a child, or to have an abortion, pursuant to this article.
3. The state shall not discriminate against, deny, or interfere with the exercise of the rights set forth in this section in the regulation or provision of benefits, facilities, services or information.

**N.Y. Pub. Health Law § 2599-bb. Abortion.**

1. A health care practitioner licensed, certified, or authorized under title eight of the education law, acting within his or her lawful scope of practice, may perform an abortion when, according to the practitioner's reasonable and good faith professional judgment based on the facts of the patient's case: the patient is within twenty-four weeks from the commencement of pregnancy, or there is an absence of fetal viability, or the abortion is necessary to protect the patient's life or health.
2. This article shall be construed and applied consistent with and subject to applicable laws and applicable and authorized regulations governing health care procedures.

**N.Y. Crim. Proc. Law § 570.17 Extradition of abortion providers.**

Extradition for legally protected health activity.

1. For purposes of this section, the following terms shall have the following meanings:

- (a) "Reproductive health services" shall mean and include all services, care, or products of a medical, surgical, psychiatric, therapeutic, diagnostic, mental health, behavioral health, preventative, rehabilitative, supportive, consultative, referral, prescribing, or dispensing nature relating to the human reproductive system provided in accordance with the constitution and the laws of this state, whether provided in person or by means of telehealth or telehealth services, which includes, but is not limited to, all services, care and products relating to pregnancy, assisted reproduction, contraception, miscarriage management or the termination of a pregnancy, and self-managed terminations.
- (b) "Legally protected health activity" shall mean and include the following acts and omissions by providers and facilitators of reproductive health services, to the extent they are not in violation of the constitution or the laws of this state, provided that such provider is physically present in the state:
  - (i) the exercise or attempted exercise by any person of rights to reproductive health services as secured by the constitution or laws of this state or the provision of insurance coverage for such services or care; and
  - (ii) any act or omission undertaken to aid or encourage, or attempt to aid or encourage, any person in the exercise or attempted exercise of rights to reproductive health services as secured by the constitution or laws of this state, or to provide insurance coverage for such services or care; provided, however, that the provision of such reproductive health services by a person duly licensed under the laws of this state and physically present in this state and the provision of insurance coverage for such services or care shall be a legally protected health activity if the service or care is permitted under the laws of this state, regardless of the patient's location.

2. Except as required by federal law, no demand for the extradition of a person subject to criminal liability that is in whole or in part based on the alleged provision or receipt of, assistance in provision or receipt of, material support for, or any theory of vicarious, joint, several or conspiracy liability for any legally protected health activity performed in New York shall be recognized by the governor unless the executive authority of the demanding state shall allege in writing that the accused was physically present in the demanding state at the time of the commission of the alleged crime, and that thereafter he, she or they fled from that state.

NY CLS CPL § 570.17

**N.Y. Crim. Proc. Law § 140.10(3-a). Arrest without a warrant; by police officer; when and where authorized.**

**3-a.** A police officer may not arrest any person for any legally protected health activity within this state as defined in section 570.17 of this chapter.

NY CLS CPL § 140.10

**§ 837-x. Cooperation with certain out-of-state investigations.**

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1. For purposes of this section, the following terms shall have the following meanings:

(a) “Reproductive health services” shall have the same meaning as paragraph (a) of subdivision one of section 570.17 of the criminal procedure law; and

(b) “Legally protected health activity” shall have the same meaning as paragraph (b) of subdivision one of section 570.17 of the criminal procedure law.

2. No state or local government employee or entity or other person acting on behalf of state or local government shall cooperate with or provide information to any individual or out-of-state agency or department regarding any legally protected health activity in this state, or otherwise expend or use time, moneys, facilities, property, equipment, personnel or other resources in furtherance of any investigation or proceeding that seeks to impose civil or criminal liability or professional sanctions upon a person or entity for any legally protected health activity occurring in this state. Nothing in this section shall prohibit the investigation of any reproductive health services rendered in violation of the laws of this state, provided that no information relating to any medical procedure performed on a specific individual may be shared with an out-of-state agency or any other individual. Nothing in this section shall prohibit compliance with a valid, court-issued subpoena or warrant which does not relate to a law seeking to impose civil or criminal liability or professional sanctions for a legally protected health activity, or in response to the written request of a person who is the subject of such an investigation or proceeding, to the extent necessary, in each case, to fulfill such request.

NY CLS Exec § 837-x

**§ 3119(g). Uniform interstate depositions and discovery**

(g)

(1) Out-of-state proceedings regarding legally protected health activities. Notwithstanding any other provisions of this section or any other law, no court or county clerk shall issue a subpoena under this section in connection with an out-of-state proceeding relating to any legally protected health activity which occurred in this state, unless such out-of-state proceeding (i) sounds in tort or contract, (ii) is actionable, in an equivalent or similar manner, under the laws of this state, and (iii) was brought by the patient who received reproductive health services as defined in paragraph (a) of subdivision one of section 570.17 of the criminal procedure law, or the patient’s legal representative, so long as the patient gives express consent.

(2) For purposes of this subdivision, the terms “legally protected health activity” and “reproductive health services” shall have the same meanings as defined in subdivision one of section 570.17 of the criminal procedure law.

NY CLS CPLR § 3119

### **§ 3102 (e). Method of obtaining disclosure.**

(e) Action pending in another jurisdiction. Except as provided in section three thousand one hundred nineteen of this article, when under any mandate, writ or commission issued out of any court of record in any other state, territory, district or foreign jurisdiction, or whenever upon notice or agreement, it is required to take the testimony of a witness in the state, he or she may be compelled to appear and testify in the same manner and by the same process as may be employed for the purpose of taking testimony in actions pending in the state. The supreme court or a county court shall make any appropriate order in aid of taking such a deposition; provided that no order may be issued under this section in connection with an out-of-state proceeding relating to any abortion services or procedures or gender-affirming care which were legally performed in this state, unless such out-of-state proceeding (1) sounds in tort or contract, or is based on statute, (2) is actionable, in an equivalent or similar manner, under the laws of this state, and (3) was brought by the patient who received reproductive healthcare or gender-affirming care, or the patient's legal representative.

NY CLS CPLR § 3102

### **§ 3436-a. Adverse action against legal reproductive health care or gender-affirming care.**

(a) Every insurer that issues or renews medical malpractice insurance covering a health care provider licensed to practice in this state shall be prohibited from taking any adverse action against a health care provider solely on the basis that the health care provider performs an abortion or provides reproductive health care or gender-affirming care that is legal in this state on someone who is from out of the state. Such policy shall include health care providers who legally prescribe abortion medication to out-of-state patients by means of telehealth.

(b) Every insurer that issues or renews medical malpractice insurance covering a health care provider licensed to practice in this state shall be prohibited from refusing to issue or renew, canceling, or charging or imposing an increased premium or rate for, or excluding, limiting, restricting, or reducing coverage under a medical malpractice insurance policy based solely upon the legal use or prescription in this state of any drug prescribed for the purpose of an abortion, including both generic and brand name drugs, that has not been approved by the food and drug administration for abortion, provided, however, that such drug shall be a recognized medication for abortion in one of the following established reference compendia:

(1) The WHO Model Lists of Essential Medicines;

(2) The WHO Abortion Care Guidance; or

(3) The National Academies of Science, Engineering, and Medicine Consensus Study Report.

(c) As used in this section, "adverse action" shall mean but not be limited to: (1) refusing to renew or execute a contract or agreement with a health care provider; (2) making a report or commenting to an appropriate private or governmental entity regarding practices of such provider which may violate abortion laws in other states; and (3) increasing in any charge for, or a reduction or other adverse or unfavorable change in the terms of coverage or amount for, any medical malpractice insurance contract or agreement with a health care provider.

(d) As used in this section, "medical malpractice insurance" shall have the meaning set forth in section five thousand five hundred one of this chapter.

NY CLS Ins § 3436-a

### **§ 4550. Admissibility of evidence related to legally protected health activity.**

Evidence relating to the involvement of a party engaging in one or more legally protected health activity, as defined in paragraph (b) of subdivision one of section 570.17 of the criminal procedure law, relating to providing reproductive health services to persons not physically present in this state shall not be offered against such party as evidence that such party has engaged in any wrongdoing, whether civil, criminal, professional, or otherwise by virtue of such recipients of such services not being physically present in this

state. Nothing in this section shall prevent a party from offering such evidence in a proceeding that (i) sounds in tort or contract, (ii) is actionable, in an equivalent or similar manner, under the laws of this state, and (iii) was brought by the patient who received reproductive health services, or the patient's legal representative.

NY CLS CPLR § 4550

**§ 6438-b. Access to medication abortion prescription drugs.**

1. Every campus of the state university of New York and every campus of the city university of New York shall provide access to medication abortion to all students enrolled at such institutions by either:

- (a) employing or contracting with individuals authorized to prescribe medication abortion prescription drugs within their lawful scope of practice pursuant to title eight of this chapter; or
- (b) providing students with information and referrals to providers authorized to prescribe medication abortion prescription drugs within their lawful scope of practice pursuant to title eight of this chapter.

2. Twenty-four months after the effective date of this section, and annually on such date thereafter, the board of trustees of the state university of New York and the board of trustees of the city university of New York shall each submit a report to the governor, the temporary president of the senate and the speaker of the assembly that includes, but is not limited to, the following:

- (a) whether campuses provide access to medication abortion pursuant to paragraph (a) or paragraph (b) of subdivision one of this section; and
- (b) the number of individuals at each campus authorized to prescribe such prescription drugs.

**A01060— “An Act to amend the education law and the public health law, in relation to the dispensing of self-administered hormonal contraceptives”**

**§ 1. Section 6527 of the education law is amended by adding a new subdivision 11 to read as follows:**

A licensed physician may prescribe and order a non-patient specific order to a pharmacist licensed and located in the state, pursuant to regulations promulgated by the commissioner, and consistent with section sixty-eight hundred one of this title, for dispensing self-administered hormonal contraceptives as defined in section sixty-eight hundred two of this title.

**§ 2. Section 6802 of the education law is amended by adding a new subdivision 29 to read as follows:**

"Self-administered hormonal contraceptives", for the purpose of section sixty-eight hundred one of this article, means self-administered contraceptive medications or devices approved by the federal Food and Drug Administration to prevent pregnancy by using hormones to regulate or prevent ovulation, and includes oral hormonal contraceptives, hormonal contraceptive vaginal rings and hormonal contraceptive patches.

**§ 3. Section 6801 of the education law is amended by adding a new subdivision 9 to read as follows:**

A licensed pharmacist may execute a non-patient specific order for the dispensing of self-administered hormonal contraceptives prescribed or ordered by the commissioner of health, a physician licensed in this state or a nurse practitioner certified in this state pursuant to rules and regulations promulgated by the commissioner.

Prior to dispensing self-administered hormonal contraceptives to a patient, and at a minimum of every twelve months for each returning patient, the pharmacist shall:

(i) provide the patient with a self-screening risk assessment questionnaire, developed by the commissioner of health in consultation with the commissioner, to be reviewed by the pharmacist to identify any known risk factors and assist the patient's selection of an appropriate self-administered hormonal contraceptive; and

(ii) provide the patient with a fact sheet, developed by the commissioner of health, that includes but is not limited to, the clinical considerations and recommendations for use of the self-administered hormonal contraceptive, the appropriate method for using such hormonal contraceptive, information on the importance of follow-up health care, health care referral information, and the ability of the patient to opt out of practitioner reporting requirements.

c. No pharmacist shall dispense self-administered hormonal contraceptives under this subdivision without receiving training satisfactory to the commissioner.

d. A pharmacist shall notify the patient's primary health care practitioner, unless the patient opts out of such notification, within seventy-two hours of dispensing a self-administered hormonal contraceptive, that such self-administered hormonal contraceptive has been dispensed. If the patient does not have a primary health care practitioner, or is unable to provide contact information for their primary health care practitioner, the pharmacist shall provide the patient with a written record of the contraceptives dispensed, and advise the patient to consult an appropriate health care practitioner.

e. Nothing in this subdivision shall prevent a pharmacist from refusing to dispense a non-patient specific order of self-administered hormonal contraceptive pursuant to this subdivision if, in their professional judgment, potential adverse effects, interactions or other therapeutic complications could endanger the health of the patient.

§ 4. Section 6909 of the education law is amended by adding a new subdivision 11 to read as follows:

A certified nurse practitioner may prescribe and order a non-patient specific order to a pharmacist licensed and located in the state, pursuant to regulations promulgated by the commissioner, and consistent with section sixty-eight hundred one of this title, for dispensing self-administered hormonal contraceptives as defined in section sixty-eight hundred two of this title.

§ 5. The public health law is amended by adding a new section 267-a to read as follows:

Self-administered hormonal contraceptives. The commissioner is authorized to establish a non-patient specific order, consistent with section sixty-eight hundred one of the education law, for dispensing self-administered hormonal contraceptives as defined in section sixty eight hundred two of such chapter.

§ 6. This act shall take effect eighteen months after it shall have become a law.

Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.



**6438-b 2 to read as follows: 3 § 6438-b. Access to medication abortion prescription drugs.**

1) Every 4 campus of the state university of New York and every campus of the city 5 university of New York shall provide access to medication abortion to 6 all students enrolled at such institutions by either:

- (a) employing or contracting with individuals authorized to prescribe 8 medication abortion prescription drugs within their lawful scope of practice pursuant to title eight of this chapter; or
- (b) providing students with information and referrals to providers authorized to prescribe medication abortion prescription drugs within their lawful scope of practice pursuant to title eight of this chapter.

2) Twenty-four months after the effective date of this section, and annually on such date thereafter, the board of trustees of the state university of New York and the board of trustees of the city university of New York shall each submit a report to the governor, the temporary president of the senate and the speaker of the assembly that includes, but is not limited to, the following:

- (a) whether campuses provide access to medication abortion pursuant to paragraph (a) or paragraph (b) of subdivision one of this section; and EXPLANATION--Matter in italics (underscored) is new; matter in brackets [ ] is old law to be omitted. LBD04340-15-3 S. 1213--B 2 1
- (b) the number of individuals at each campus authorized to prescribe such prescription drugs.

§ 2. This act shall take effect August 1, 2023. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

**§ 6531-b. Exceptions; reproductive health services.**

1. As used in this section, the following terms shall have the following meanings:

(a) "Reproductive health services" shall include:

- (i) abortion pursuant to section twenty-five hundred ninety-nine-bb of the public health law;
- (ii) emergency contraception as defined in section twenty-eight hundred five-p of the public health law; and
- (iii) medical, surgical, counseling or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy.

(b) "Health care practitioner" means a person who is licensed, certified, or authorized under this title and acting within their lawful scope of practice.

(c) "Gender-affirming care" means any type of care provided to an individual to affirm their gender identity or gender expression; provided that surgical interventions on minors with variations in their sex characteristics that are not sought and initiated by the individual patient are not gender-affirming care.

2. The performance, recommendation, or provision of any reproductive health services or gender-affirming care, as defined in subdivision one of this section, by a health care practitioner acting within their scope of practice, for a patient who resides in a state wherein the performance, recommendation, or provision of such reproductive health services or gender affirming-care is illegal, shall not, by itself, constitute professional misconduct under this title, or title two-A of article two of the public health law, or any other law, rule or regulation governing the licensure, certification, or authorization of such practitioner, nor shall any license, certification or authorization of a health care practitioner be revoked, suspended, or annulled or otherwise subject to any other penalty or discipline provided in the public health law or this title solely on the basis that such health care practitioner performed, recommended, or provided any such reproductive health services or gender-affirming care for a patient who resides in a state wherein the performance, recommendation, or provision of such reproductive health services or gender-affirming care is illegal.

3. Nothing in this section shall be construed to expand the scope of practice of any individual licensed, certified or authorized under this title, nor does this section give any such individual the authority to act

outside their scope of practice, as defined in this title.

NY CLS Educ § 6531-b

**N.Y. Comp. Codes R. & Regs. tit. 11 § 52.16 Prohibited provisions and coverages.**

(o)(1) No policy delivered or issued for delivery in this State that provides hospital, surgical, or medical expense coverage shall limit or exclude coverage for abortions that are medically necessary. Coverage for in-network abortions that are medically necessary shall not be subject to copayments, or coinsurance, or annual deductibles, unless the policy is a high deductible health plan as defined in section 223(c)(2) of the Internal Revenue Code in which case coverage for medically necessary abortions may be subject to the plan's annual deductible.