



New York | RANKING 45

New York recently eviscerated its laws concerning abortion. It also fails to limit or effectively regulate destructive embryo research and similar technologies.

ABORTION

- The due process provision of the New York Constitution was interpreted as protecting a woman's right to an abortion.
- In 2019, New York passed the Reproductive Health Act which states that “[e]very 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.” It also prevents New York from “interfer[ing] with the exercise of [this right].”
- New York expanded the scope of individuals allowed to perform abortions to licensed health care practitioners “acting within his or her lawful scope of practice.”
- It is no longer manslaughter if an abortion procedure is performed on a woman which causes her death.
- It has an enforceable abortion reporting law but does not require the reporting of information to the Centers for Disease Control (CDC). The measure applies to both surgical and nonsurgical abortions.
- New York taxpayers are required by statute to fund “medically necessary” abortions for women receiving public assistance. This essentially equates to funding abortion-on-demand in light of the U.S. Supreme Court’s broad definition of “health” in the context of abortion.
- New York provides funding to pregnancy resource centers and other abortion alternatives.
- New York maintains the crime of “aggravated interference with health care services” in the first and second degrees. The statute provides, in pertinent part, that “a person is guilty of the crime of aggravated interference with health care services... when he or she... causes physical injury to such other person who was obtaining or providing, or was assisting another person to obtain or provide reproductive health services.”

LEGAL RECOGNITION AND PROTECTION OF UNBORN CHILDREN AND NEWLY BORN INFANTS

- New York law states that the “opportunity to obtain medical treatment of an infant prematurely born alive in the course of an abortion shall be the same as the rights of an infant born spontaneously.”
- New York has a “Baby Moses” law, establishing a safe haven for mothers to legally leave their infants at designated places and ensuring the infants receive appropriate care and protection.
- It funds drug treatment programs for pregnant women and newborns.

BIOETHICS LAWS

- New York does not prohibit human cloning, destructive embryo research, or fetal experimentation.
- New York maintains a state board that disburses state monies for destructive embryo research. The monies may not fund cloning to produce children.
- New York does not regulate assisted reproductive technologies.
- New York is the first state to fund the dangerous procedure of human egg harvesting.

PATIENT PROTECTION LAWS

- New York expressly prohibits suicide by physician, which is defined as a form of manslaughter. This prohibition has been upheld by the U.S. Supreme Court and the state's highest appeals court.

HEALTHCARE FREEDOM OF CONSCIENCE

PARTICIPATION IN ABORTION AND CONTRACEPTION

- A person who objects in writing and on the basis of religious beliefs or conscience is not required to perform or assist in an abortion.
- Staff members of the state Department of Social Services may refuse to provide family planning services if it conflicts with their cultural values, conscience, or religious convictions.
- Health plans that provide prescription coverage must provide coverage for contraception. The provision includes a conscience exemption so narrow it precludes the ability of most employers and insurers with moral or religious objections from exercising it.

PARTICIPATION IN RESEARCH HARMFUL TO HUMAN LIFE

- New York currently provides no protection for the rights of healthcare providers who conscientiously object to participation in human cloning, destructive embryo research, and other forms of medical research that violate a provider's moral or religious beliefs.

WHAT HAPPENS AFTER *ROE* IS OVERTURNED?

- Abortion will be legal throughout pregnancy.

RECOMMENDATIONS FOR NEW YORK

WOMEN'S PROTECTION PROJECT PRIORITIES

- Enhanced penalties and enforcement mechanisms for the state's abortion-related laws
 - Women's Right to Know Act with reflection period
 - Coercive Abuse Against Mothers Prevention Act
 - Women's Health Protection Act (abortion clinic regulations, emergency transfer and admission provisions)
 - Drug-Induced Abortion Information and Reporting Act
 - Parental Notification for Abortion Act
 - Child Protection Act
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INFANTS' PROTECTION PROJECT PRIORITIES

- Unborn Infants Dignity Act
 - Prenatal Nondiscrimination Act
 - Perinatal Hospice Information Act
 - Unborn Infants Wrongful Death Act
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PATIENT PROTECTION ACT PRIORITIES

- Joint Resolution Opposing Suicide by Physician
 - Charlie Gard Act (formerly the Life Sustaining Care Act)
 - Pain Management Education Act
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ADDITIONAL PRIORITIES

ABORTION

- State Constitutional Amendment (providing that there is no state constitutional right to abortion)
- Defunding the Abortion Industry and Advancing Women's Health Act
- Federal Abortion-Mandate Opt-Out Act

LEGAL RECOGNITION AND PROTECTION FOR THE UNBORN

- Crimes Against the Unborn Child Act
- Pregnant Woman's Protection Act

BIOETHICS

- Human Cloning Prohibition Act
- Destructive Embryo Research Act
- Prohibition on Public Funding of Human Cloning and Destructive Embryo Research Act

HEALTHCARE FREEDOM OF CONSCIENCE

- Healthcare Freedom of Conscience Act
- Repeal the 2019 law that forces insurance providers to cover abortifacients