



NEW YORK STATE SENATOR

Shelley B. Mayer

## Senator Shelley B. Mayer and Assemblymember Karines Reyes, RN Announce their Legislation to Protect Abortion and Reproductive Health Service Providers Using Telehealth has Passed the Senate Committee on Health

SHELLEY B. MAYER January 18, 2023

| ISSUE: **ABORTION, HEALTH EQUITY, TELEHEALTH**

(ALBANY, NY) - **Senator Shelley B. Mayer and Assemblymember Karines Reyes, RN**, announced that their new legislation ([S.1066A](#)/Assembly number forthcoming) to provide explicit protections for doctors and medical providers, and facilitators serving patients seeking abortion and reproductive health services via telehealth has passed the Senate Committee on Health.

The June 2022 Supreme Court ruling in *Dobbs v. Jackson Women's Health Organization* has had a devastating effect on women across the country. The constitutional right to abortion — granted almost 50 years ago in the landmark decision of *Roe v. Wade* — was eliminated, despite nearly six-in-ten adults [disapproving](#) of the court's sweeping decision. In the wake of *Dobbs*, a number of states enacted trigger laws banning abortion and other severe abortion restrictions. According to the [New York Times](#), 13 states have banned abortion in most cases; one state has banned abortion after six weeks, prior to when most people know they are pregnant; and four states have bans between 15 and 20 weeks of pregnancy.

This legislation builds upon the package of laws the Legislature **passed** which protect abortion and reproductive services in New York State, signed in June 2022, by explicitly addressing health services provided by licensed New York providers and physicians via telehealth. In doing so, this legislation provides the strongest protections possible by ensuring that New York will not participate in out-of-state interference, paving the way for greater access to reproductive health for patients regardless of the state in which they live. The State of Massachusetts passed a **bill** with similar provisions last year, which was signed into law by then-Governor Charlie Baker.

In the last 20 years, medication abortion has become increasingly common in the United States, now accounting for more than 50% of abortions, according to the **Guttmacher Institute**. It serves as a vital option for those in states with restricted access to reproductive healthcare. Moreover, research has consistently **found** that medication abortion is a safe and highly effective method of pregnancy termination. This bill specifically acknowledges that medication abortion overseen by a provider licensed in New York via telehealth will be protected under NY law, regardless of the *patient's* home state.

**New York State Senator Shelley B. Mayer** said, “Millions of women across the country have been devastated by the decision to overturn *Roe v Wade*. Clinics have closed, legal access to abortion has been severely restricted, and people seeking abortion have had to make difficult decisions to access care. This legislation honors our commitment to work with our colleagues to protect the right to abortion for New Yorkers and all those from other states who seek licensed medical providers here. I am proud to sponsor this bill, which will strengthen New York’s role as a nation-wide leader in reproductive rights, creating new avenues for those who live in states with severe abortion restrictions. Thank you to Assemblymember Reyes for carrying this bill in the Assembly, and to the providers, advocates and legal experts who were instrumental in crafting this legislation. Special

thanks to my colleagues, especially Senator Krueger, Senator Cleare, Senator Fernandez, Senator Gianaris, Senator Gounardes, Senator Kennedy, Senator Salazar, Senator Sepulveda, Senator Stavisky, and Senator Webb, for already agreeing to co-sponsor this bill.”

**Assemblymember Karines Reyes, RN** said, “As a medical professional, I took an oath to devote myself to the welfare of those committed to my care. State legislatures throughout the country seek to crack down on health care providers administering quality, vital care to women seeking access to reproductive and abortion care. This development, along with the recent Dobbs decision, contradict the ability of providers to effectively care for our patients. I am pleased to collaborate with Senator Shelley Mayer to protect providers using telehealth services to assist women seeking to exercise their right to an abortion. It is my hope that both houses of the New York State Legislature will take up this legislation quickly, as the Senate Health Committee has done, to protect medical professionals and their patients from government overreach.”

**Linda Prine, MD** said, “With this bill, Senator Mayer is leading the way to protect public health and the fundamental human right to make our own choices about whether, when, and with whom to have a child. Passing S1066 will help protect licensed clinicians acting on our moral duty to provide telemedicine abortion to those who need it, regardless of their zip code. As Massachusetts has already done, New York Legislators need to pass this bill swiftly so that Governor Hochul can sign it and we can begin to alleviate some of the suffering of so many people in these restricted states.”

**Georgana Hanson, Interim President and CEO of Planned Parenthood Empire State Acts (PPESA)**, said, “New York has been called upon to meet a critical moment with innovative policy solutions that address the evolving challenges surrounding abortion access in a post-Roe reality. We’re grateful for the leadership of Senator Mayer and Assemblymember Reyes, who with this legislation (S1066) are sending a powerful message to abortion providers that

lawmakers have their backs.”

“New York first opened its doors to legal abortion care five decades ago — three years before the Supreme Court decided *Roe*. We are once again called to serve as a leader on abortion rights and access, and that’s exactly what we must do. S1066 makes it clear that New York State will not be complicit in other states’ reckless attempts to punish providing, receiving, and helping others get the abortion care they need. As forced pregnancy states attempt to criminalize pregnant people across the country, New York must find every legal pathway possible to protect those who provide and seek care from retribution and expand abortion access for all,” said **Donna Lieberman, Executive Director of the New York Civil Liberties Union**.

“NIRH welcomes this bill, along with other measures, that will protect and expand access to abortion care by making it more difficult for hostile, anti-abortion states to punish providers,” said **Andrea Miller, President of the National Institute for Reproductive Health and NIRH Action Fund**. “S1066 sends a clear message that New York will not be complicit in other states’ attempts to punish the provision of abortion care. As the anti-abortion movement continues to show it will stop at nothing to punish those offering, seeking, or supporting care, state and local leaders across the country should be using every lever of power they have to protect and expand access to abortion.”

“The American College of Obstetricians and Gynecologists (ACOG) District II representing ob-gyns and other medical professionals delivering obstetric and gynecologic care in New York, applauds Senator Mayer and Assemblymember Reyes for their leadership in protecting abortion care access. This legislation sends a strong message of support for those providing and accessing abortion services by ensuring that New York State will not be complicit in other states’ attempts to punish the provision, receipt, or support of abortion care,” said **Christine Herde, MD, FACOG, Chair, American College of Obstetricians and Gynecologists (ACOG) District II**.

“The New York State Academy of Family Physicians was an early supporter of patient access to telemedicine abortion to ensure that everyone, regardless of their place of residence, can receive care they want and need. Our Congress of Delegates approved a resolution last year calling for protection of NY licensed clinicians who provide telemedicine abortion services for patients in other states. Our members have been meeting with legislators, and circulating petitions and memos because we support the right of *all* people to make their own healthcare decisions without government interference. Our members want to help the people in states that have restricted their right to make their own decisions and strongly urge the NY State Legislature and Governor Hochul to make NYS a national leader and provide these critical protections,” said **Andrew Symons, MD, President of NYS Academy of Family Physicians.**

“I am proud to be from a state that is making a bold move to help prevent thousands of women across the USA from experiencing a forced pregnancy and birth,” **Maggie Carpenter, MD, Health Care Across Borders,** said. “NY has always been a leader on reproductive rights and Senator Mayer’s bill confirms that commitment.”

**Lizzy Hinkley, State Legislative Counsel at the Center for Reproductive Rights,** said, “In the wake of the Supreme Court’s devastating decision to overturn *Roe v. Wade*, it is more important than ever to strengthen abortion access where we can. States hostile to abortion will not be satisfied with prohibiting abortion inside their borders—in 2023, we expect to see blatantly unconstitutional attempts by lawmakers to target patients traveling across state lines for care. In this unprecedented time in history, New York’s Senate Bill 1066 is critical to protect abortion providers as well as patients, many of whom lack the resources or time needed to make long journeys across the country for care. We commend Senator Mayer and Senator Krueger for protecting telemedicine access to medication abortion. The Center will continue tirelessly working state by state to expand abortion access.”

“Senator Mayer’s bill provides much needed legal protection to dedicated providers of reproductive health care licensed in New York. It will help curtail overreach by anti-abortion politicians who may use the threat of prosecution to intimidate and dissuade clinicians from providing essential reproductive health care to those who most need it,” said **Julie F. Kay, Human Rights Attorney and co-author of *Controlling Women: What We Must Do Now to Save Reproductive Freedom***.

“The passage of NYS Senator Mayer’s bill S1066 is key to achieving full, unimpeded access to comprehensive reproductive healthcare for all women. This bill will provide critical protection for abortion providers providing healthcare services legal in NYS. Since the US Supreme Court overturned *Roe v. Wade*, millions of women of reproductive age have been left without access to abortion care, the most significant barriers being experienced by low income, Black, Hispanic, American Indian, and uninsured women,” said **Catherine Lederer-Plaskett, President, WCLA – Choice Matters**. “Protecting telemedicine will make medication abortion available to many more of these women. Senator Mayer’s bill is a commitment to the overarching principle of equal opportunity and access for all.”

New York codified the protections of *Roe v. Wade* in New York in 2019, by passing the **Reproductive Health Act**, a bill long championed by Majority Leader Andrea Stewart-Cousins, whose leadership has been instrumental in protecting abortion access in New York State. Under that law, healthcare practitioners in New York may provide abortion within 24 weeks and after that point if the patient’s health or life is at risk, or if the fetus is non-viable.

Following the leaked opinion in *Dobbs v. Jackson Women’s Health Organization*, the New York State Legislature passed an additional package of laws to protect abortion and reproductive rights in New York State, which was signed into law by the Governor on June 13, 2022.

Notably, the package enacted safeguards to protect patients traveling to New York and healthcare providers. This bill furthers those safeguards by explicitly adding protections for telehealth services.

## 2023-S1066A

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- Introduced
- - In Committee Assembly
  - In Committee Senate
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
- - Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
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Relates to providing protections to health service providers who perform legally protected health activities

January 09, 2023

Signed by Governor

Sponsored by **Shelley B. Mayer**

Do you support this bill?

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