



NEW YORK STATE SENATOR

Shelley B. Mayer

## New York State Senate and Assembly Pass Legislation Sponsored by Senator Shelley B. Mayer and Assemblymember Karines Reyes, RN to Expand Shield Law to Protect New York Healthcare Providers when Providing Medication Abortion via Telehealth (S.1066B/A.1709B)

SENATOR SHELLEY B. MAYER June 20, 2023

| ISSUE: **REPRODUCTIVE RIGHTS, REPRODUCTIVE HEALTH**



(ALBANY, NY) - Nearly one year after the devastating decision in *Dobbs v. Jackson Women's Health Organization*, the New York State Senate and Assembly have passed legislation, sponsored by Senator Shelley B. Mayer and Assemblywoman Karines Reyes, RN, to provide

explicit protections for doctors, medical providers, and facilitators serving patients seeking medication abortion and reproductive health services via telehealth (S.1066B/A.1709B).

In the year since the United States Supreme Court overturned the almost 50-year landmark decision in *Roe v. Wade*, 20 states have enacted some form of abortion ban. Fourteen states have enacted a full ban, 9 of which with no exceptions for rape or incest; Georgia has banned abortion after six weeks of pregnancy, before many know they are pregnant; Nebraska has banned abortion after 12 weeks of pregnancy; and four additional states have banned abortion after 15-20 weeks of pregnancy, according to the latest information provided by the [New York Times](#).

Further, less than three months ago, there was another attack on reproductive rights with the unprecedented ruling by Judge Matthew J. Kacsmaryk that invalidated 20 plus years of the FDA's approval of mifepristone, a key drug used in safe medication abortion. Though the Supreme Court granted a full stay pending the outcome of the Fifth Circuit's decision, the ongoing efforts that threaten access to abortions underscore the need for states like New York to provide the strongest reproductive healthcare protections possible.

With the [majority of Americans](#) believing in a woman's right to abortion, New York State has accepted the responsibility to help women around the country seek access to basic medical care, regardless of their state of residence. Medication abortion is [safe and effective](#) and more than 50% of the abortions in the United State are performed through the use of medication alone.

This legislation expands on a [package of](#) bills signed into law in June 2022, nearly one year ago, to protect abortion and reproductive services in New York. By establishing safeguards in four key areas, this bill brings New York to the forefront of the fight for nationwide access to reproductive healthcare.

First, it establishes a new definition of "legally protected health activity," which includes reproductive health care provided via telehealth, regardless of the patient's geographic location.

Second, it provides an array of legal protections for New York health care providers who engage in legally protected health activity, including explicit extradition protections, preventing any state or local government employee or entity from coordinating with any out-of-state inquiry or investigation, and prohibiting compliance with any out-of-state evidentiary request, subpoena request, or deposition request related to any legally protected health activity.

Third, it prevents any medical malpractice insurer from taking adverse action against a New York healthcare provider for engaging in legally protected health activity with an out-of-state resident.

Lastly, it prohibits professional disciplinary action for any New York healthcare provider for engaging in legally protected health activity with a patient who resides out of state, so long as that practitioner is operating within their scope of practice.

This legislation now goes to Governor Kathy Hochul for her signature. If she signs the legislation into law, New York will become the fifth state to enact a telehealth shield law, joining Colorado, Massachusetts, Vermont, and Washington State.

**Senator Shelley B. Mayer said,** "I am extremely proud that New York is once again leading the way in protecting access to reproductive care by passing S.1066B/A.1709B, in both chambers. This is a tremendous step to ensure abortion access for women, not only in New York State, but in red states where their future, health, and well-being are being threatened. New York has vowed to stand by the right of women everywhere to control their reproductive destiny

and I am overwhelmed by the response from healthcare providers who are willing and ready to serve those in other states who have been denied this basic right to abortion and reproductive care. I am honored to have led this life-changing legislation in the Senate, and I thank my colleague Assemblymember Karines Reyes, RN for carrying this bill in the Assembly. I thank my leader, Majority Leader Andrea Stewart-Cousins, for having the courage to bring this bill to the floor, together with my colleagues who supported it. I also thank the brave and dedicated providers, advocates, and legal experts who were instrumental in crafting this legislation.”

“As a medical professional myself, I am proud to sponsor this critical piece of legislation to fully protect abortion providers using telemedicine,” **said Assemblymember Reyes, R.N.** “I continue to be deeply concerned with anti-choice activists’ efforts to undermine doctors in their ability to adequately provide for their patients and to undermine the patient’s control of their own body. These anti-choice bills have a tangibly negative impact on patients’ health and well-being and New York refuses to stand for it.”

**Linda Prine, MD, Executive Director for the Abortion Coalition for Telemedicine Access (ACT Access) said,** “I enthusiastically welcome the passage of the telemedicine shield law so that I can provide medication abortion care to people in need across state lines using my NY medical license as allowed by this bill. I regret that it took us a year while people suffered across great swaths of our country where abortion is denied, and am so grateful to the New York State Academy of Family Physicians for their advocacy and to Senator Mayer and Assemblywoman Reyes for their stamina and courage to persevere and add New York to the list of states with the humanity to counteract the cruelty of the abortion bans across the US.”

“We’re grateful for the leadership of Senator Mayer and Assemblymember Reyes, who have advanced legislation that shows abortion providers and patients that they are supported and

valued by our state's leaders," said **Georgiana Hanson, interim President and CEO of Planned Parenthood Empire State Acts.** "What the last year has shown us in the wake of the *Dobbs* decision, is that it is vital that New York enacts laws and policies that strengthen protections for abortion care and the providers who deliver it. We have a long road to ensuring abortion access for all and we are fortunate that we have lawmakers in New York who are deeply committed to continuing to work toward this critical mission."

"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. A1709B/S1066B 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—including medication abortion via telehealth—regardless of where a patient may live," said **Donna Lieberman, Executive Director of the New York Civil Liberties Union.** "As forced-pregnancy states attempt to criminalize women across the country, New York must find every legal pathway possible to protect those who provide, seek, and support care from retribution. We encourage Governor Hochul to swiftly sign this legislation into law to ensure that New York remains a safe point of abortion access for all who need it."

"NIRH is grateful for the legislators in New York who are taking the nationwide threats to abortion access seriously and putting forward bills to protect providers and those seeking and receiving care," said **Andrea Miller, president of the National Institute for Reproductive Health and NIRH Action Fund.** "New York should not be complicit in other states' attempts to punish those involved with providing or accessing abortion, which remains legal in this state. As the anti-abortion movement continues to show it will stop at nothing to punish those offering, seeking, or supporting care, elected representatives must stay vigilant and continue to find ways to strengthen our state protections for providers and patients. State and local

leaders across the country should be using every lever of power they have to protect and expand access to abortion, and we are glad to see continued action in New York.”

“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.**

“As President of the New York State Academy of Family Physicians, which represents over 6000 practicing physicians, residents, and students in our state, I applaud the strong leadership of our Senate and Assembly sponsors Senator Mayer and Assemblymember Reyes and would ask the Governor to sign the bill into law immediately given the great need and urgency. This will ensure safe health care for patients and will protect our New York state physicians who provide this essential and legal health care,” **said Dr. Heather Paladine MD, President of the New York State Academy of Family Physicians.**

**Maggie Carpenter, MD, Medical Director for the Abortion Coalition for Telemedicine Access (ACT Access) said,** “We can now breathe a sigh of relief as this legislation allows providers in NY to assist people with their reproductive health needs no matter where they live in the United States. It would not have been possible without the steady hands of Senator Mayer and Assemblywoman Reyes as well as the NY Academy of Family Practice, Tusk Philanthropies, The Center for Reproductive Rights, and our team at ACT Access, as well as the seed of an idea by David Cohen and Rachel Rebouche.”

“We are seeing a public health crisis unfold across much of the South and Midwest. It is critical that abortion providers in states like New York feel comfortable and empowered to help people in other states where abortion is banned. We must protect health care providers who wish to help people access abortion pills via mail. Although complete protection is not possible, this bill provides New York abortion providers with an added level of protection, allowing them to reach countless pregnant people who may not have the resources to travel to New York,” **said Lizzy Hinkley, State Legislative Counsel, State Policy & Advocacy, at the Center for Reproductive Rights.** “The Center for Reproductive Rights commends Senator Mayer, Assemblywoman Reyes, and all of the bill sponsors for counteracting the anti-abortion movement’s effort to deprive pregnant people of the fundamental right to bodily autonomy and self-determination. It is a proud day for New York.”

**Julie F. Kay, Human Rights Attorney and Legal Director of the Abortion Coalition for Telemedicine Access (ACT Access) said,** “Since the fall of *Roe* almost a year ago, abortion opponents have been using the threat of civil and criminal lawsuits to intimidate and dissuade doctors from providing essential health care to women and pregnant people nationwide. Senator Mayer and Assemblywoman Reyes have shown strong and innovative leadership that is vital to protect human rights during these times. Their bill/S.1066B/A.1709B provides crucial protection to New York-licensed doctors, midwives and advance-level practitioners who are dedicated to serving patients nationwide. Women and pregnant people may still choose to or be forced to travel to New York for services, but the telemedicine shield bill provides them with the option of receiving safe, licensed care at home without the stigma, cost or burden of travel.”

“In a world turned upside down by anti-choice judges, politicians and extremists opposing all aspects of reproductive health care including contraception and abortion, this law provides critical protection at a perilous time for providers in New York State. Protecting telemedicine is essential to making medication abortion available to many more women. Since *Roe v. Wade*

was overturned just one year ago, millions of women have been left without access to abortion care, with the most significant barriers being experienced by low income, Black, Hispanic, American Indian and uninsured women. Telemedicine helps bridge that divide. This legislation, sponsored by Senator Mayer and Assemblymember Reyes, is a commitment to equal opportunity and access for all,” said **Catherine Lederer-Plaskett, President, WCLA – Choice Matters.**

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#### RELATED LEGISLATION

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### 2023-A1709B

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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 20, 2023

Assembly Floor Calendar

Do you support this bill?