



NEW YORK STATE SENATOR

Shelley B. Mayer

State of Politics: Hochul signs law to protect abortion providers using telemedicine

KATE LISA June 23, 2023

| ISSUE: **ABORTION**

Gov. Kathy Hochul signed legislation Friday to embolden state legal protections for abortion providers who prescribe abortion medication to patients who live in states where they may be restricted or outlawed.

An increased number of out-of-state prescriptions for abortion medication is expected within days.

The governor signed the measure at the New York Academy of Medicine a day before the one-year anniversary of the U.S. Supreme Court's decision to overturn *Roe v. Wade*.

The updated shield law, which passed the Assembly on Wednesday, was prioritized this session after New York abortion providers have been threatened by officials in other states, the governor said. The Legislature passed the state's first shield law last year to protect medical providers who perform in-person abortion care here in New York to a patient from another state.

"They want to strip them of their medical licenses, sue them, throw them in jail, convict them of murder," Hochul exclaimed before signing the legislation. "This is New York. We don't

respond well to threats. ... They can't stop New York, and that's how we're fighting back."

The change also comes on the heels of recent legal challenges to invalidate abortion medications approved by the U.S. Food & Drug Administration.

Law enforcement and officials in New York will not assist with investigations or extradition if other states decide to prosecute, Hochul said.

"If you're in another state law enforcement you want to prosecute, penalize, sue one of our health care providers who prescribed abortion medication, we're not going to help you," the governor said. "We're not going to cooperate with out-of-state investigations. We're not going to extradite, we're not going to issue subpoenas. You can continue hell-bent down your path on continuing this radical behavior. But we'll be just as hell-bent on stopping you."

Attorneys and medical providers alike [have questioned what the law will achieve and its constitutional merit](#).

But Senate sponsor Sen. Shelley Mayer is confident the law will withstand expected constitutional challenges.

"We're going to do what is right for American women using these extraordinary women practitioners in New York who are courageous enough to engage in telemedicine and prescribe abortion medication to women outside of New York," she said.

Mayer thanked the team of counsel and medical experts who agreed the law would be upheld in court.

"We achieved a consensus of opinion that this was the right thing to do," Mayer said. "It wasn't an easy path, and I thank many of them who are here today for working with us collaboratively to come up with a bill that could get the governor's signature with her

comfort level and our comfort level that we are doing the right thing and legally correct thing."

Abortion providers who stand ready to start prescribing were in attendance.

Hochul praised them during her speech, adding: "You've told me, 'Governor, the second you sign this legislation, we're going to start prescribing these pills, and we are minutes away from that."

Dr. Linda Prine, co-founder of Abortion Coalition for Telemedicine Access, said clinicians will be able to start mailing abortion pills to patients in other states within two to three days.

Nearly one-third of U.S. states have legally banned or restricted access to abortion or reproductive health care in the year since *Roe* was overturned.

"We take calls 365 days a year ... from women around the country and pregnant people who are either trying to get pills who need abortions and don't know where to access them because they're in restricted states," Prine said. "...They're ordering them from India or they're getting them in from Mexico and they're trying to figure out how to do this. We had to do something."

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