



NEW YORK STATE SENATOR

Brad Hoylman-Sigal

In Honor of Stonewall 50, Senate Passes LGBTQ Equality Measures

BRAD HOYLMAN-SIGAL June 11, 2019

Modern Family Act would permit LGBTQ families and families struggling with infertility to conceive through gestational surrogacy

Ban on gay and trans panic defense would prohibit those accused of violent crimes from using homophobia and transphobia as a viable defense strategy in court

The Restoration of Honor Act would restore state benefits to LGBTQ veterans who were discharged solely due to their gender identity or sexual orientation

ALBANY, NY - Senator Brad Hoylman (D/WF-Manhattan), the only-openly LGBTQ member of the State Senate, passed legislation today that would advance the rights of LGBTQ New Yorkers in honor of the 50th anniversary of the Stonewall Rebellion. The bills would permit LGBTQ families and families struggling with infertility to conceive through gestational surrogacy (S.2071-B/A.1071-C), bar the use of the gay and trans panic defense as a viable defense strategy in court (S.3293/A.2707), and restore state benefits for LGBTQ veterans who were discharged solely due to their gender identity or sexual orientation (S.45-A/A.8097).

Senator Hoylman said: “50 years ago, we saw the birth of the modern LGBTQ rights movement. We have not stopped fighting since. Just one year ago today, any bill containing the letters LGBTQ would be automatically denied a hearing.. Now, thanks to the leadership of Senate Leader Andrea Stewart-Cousins and my colleagues, we’re passing legislation to help LGBTQ New Yorkers build families, ban a vestige of homophobia in the criminal statute,

allow LGBTQ vets get the benefits they deserve. There is no more fitting tribute to the legacy of Stonewall and those who fought that day to be seen and recognized for who they were as LGBTQ New Yorkers. We owe it to them to keep fighting, and must resolve to do so until all LGBTQ people across our state are fully protected under the law.”

New York made surrogacy illegal in 1992 in response to the notorious “Baby M” case in New Jersey. Current law has largely failed to keep pace with medical advances in assisted reproduction, causing uncertainty about who the legal parents of a child are upon birth. Because of these challenges, couples facing infertility as well as same-sex couples are often forced to go out of state to have a child through gestational surrogacy. Hoylman and Paulin’s bill (S.2071-B/A.1071-C), would remedy these deficiencies in the law.

Their legislation would permit legally enforceable compensated gestational surrogacy agreements, allow individuals to obtain a “Judgment of Parentage” from a court prior to the birth of the child to establish legal parentage, and establish firm legal protections for both parents and women acting as surrogates. The bill would also ensure that women acting as surrogates have the ability to make all health and welfare decisions regarding themselves and their pregnancy. Women acting as surrogates would be also entitled to independent legal counsel and health insurance coverage under the terms of the bill.

Additionally, Hoylman’s S.3293/A.2707 will limit the use of extreme emotional disturbance as an affirmative defense, commonly known as the “Gay Panic” or “Trans Panic” defense, to a charge of murder in the second degree. The NYS Restoration of Honor Act (S.45B/A.8097) will restore eligibility for state programs and benefits for LGBTQ veterans and veterans with certain qualifying conditions who were less than honorably discharged from military service due solely to their sexual orientation, gender identity or expression or those who received less than honorable discharges as a result of military sexual trauma, traumatic brain injury, or post-traumatic stress disorder.

