

# STRENGTHEN REPRODUCTIVE RIGHTS IN NEW YORK

With Washington working to limit abortion access and a new anti-Roe majority on the Supreme Court, New Yorkers urgently want legislators to fix our abortion law and to protect our health and rights. Now more than ever, New York State should be a national leader in abortion access — which has never been more at risk.

Written almost 50 years ago, New York’s abortion law fails to adequately protect the health and rights of New Yorkers. In fact, state law regulates abortion as a crime — as homicide, no less. Our law doesn’t meet the constitutional standard of *Roe* and it’s out of step with modern medical realities. This results in delays and denials of care, and forces New Yorkers to seek care out of state.

**The Reproductive Health Act (RHA) strengthens and protects access to abortion in New York state in three key ways:**

## 1. THE RHA RECOGNIZES THAT ABORTION IS HEALTH CARE, NOT A CRIME.

New York currently regulates abortion in our criminal code — but abortion is medical care, not a crime. Today, New Yorkers must be able to make health decisions about their pregnancy with their health care providers, without interference from politicians or under threat of criminal penalty.

The RHA expressly repeals outdated and unconstitutional criminal prohibitions on abortion and moves the regulation of abortion out of the penal code and into the public health law, where it belongs.

## 2. THE RHA STRENGTHENS AND UPDATES NEW YORK STATE LAW, BRINGING IT IN LINE WITH BASELINE CONSTITUTIONAL PROTECTIONS OF *ROE V. WADE*.

When New York legalized abortion in 1970 it led the nation in protecting women’s health and rights. But our law has not been updated in nearly 50 years and our rights are vulnerable. Our state law does not explicitly include the basic protections provided by *Roe v. Wade*. As a result, New Yorkers are forced to leave the state for care later in pregnancy when their health is at risk or a fetus is not viable.

Throughout pregnancy, a woman should be able to get needed care. The RHA affirms that reproductive freedom is a fundamental component of equality and privacy. As other states roll back abortion rights and access, the RHA enshrines the standard of *Roe v. Wade* in our state so that New Yorkers can access abortion care when needed.

### 3. THE RHA PROTECTS HEALTH CARE PROFESSIONALS WHO PROVIDE VITAL CARE.

The RHA ensures that qualified, licensed health care providers can provide early and safe abortion services within their expertise and training.

In 1970, when New York's abortion law was passed, the practice of medicine was limited to doctors, and as a result, our outdated law references only doctors. Almost 50 years later, the medical field has changed dramatically. New York's laws should reflect the reality that patients seek care from various types of modern medical professionals, like nurse practitioners, physicians' assistants, and licensed midwives.

Empowering these clinicians to provide abortion will help to ensure access for New York's most vulnerable populations. This is especially important for low-income women, women of color, and women who live in areas of our state with limited access to medical professionals. The state will still govern which practitioners provide abortion, and the RHA will not change how medical practice is regulated or delivered.

**New York's laws must ensure that patients – not politicians – are able to make the health care decisions that are best for themselves and their families.**

In the face of relentless attacks on our access to reproductive health across the country, it is critical that New York seizes the opportunity this session to once again, make our state a national leader for reproductive rights. **Do not delay – pass the Reproductive Health Act.**