



NEW YORK STATE SENATE DEMOCRATIC MAJORITY

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Senate Majority Advancing the Second Passage of the Equal Rights Amendment and Enacting New Reproductive Health Protections

(Albany, NY) Today, the Senate Majority will approve the second passage of the Equal Rights Amendment (ERA) to provide New York voters the opportunity to amend the State Constitution in November 2024 to codify access to abortion and contraception as well as extend current protections against discrimination to several new protected classes. The legislative package will also advance new protections for people who seek abortion care and access to contraception, including the enactment of the Reproductive Freedom and Equity Program which establishes a grant fund for abortion providers to improve access to abortion care; expand access to contraception by authorizing pharmacists to dispense self-administered hormonal birth control; expand legal protections for abortion providers by including reproductive health care as a protected health activity; and require hospitals to disclose to patients policy-based exclusions of care prior to their admission.

“Women’s rights and LGBTQI+ rights are under attack across the country, that is why it is essential that New York continues to lead the way in protecting reproductive health access and championing equality rights,” said **Senate Majority Leader Andrea Stewart-Cousins**. “On what would have been the 50th anniversary of Roe v. Wade, the Senate Majority is delivering on the promise to pass for the second time the Equal Rights Amendment to ensure that New Yorkers get the opportunity to codify abortion in our state Constitution, and afford equal protection from discrimination to women, LGBTQI+ individuals and many more New Yorkers. I am also very pleased that this package includes the Reproductive Freedom and Equity Program to establish a grant fund to improve access to abortion. We will continue to focus on protecting our reproductive rights and enhancing protections for our abortion providers while expanding access to the full gamut of reproductive health services. I commend the Chair of the Senate Women’s Issues Committee, Senator Lea Webb for her critical work on this issue and I thank the bill sponsors for their ongoing efforts to protect reproductive freedom.”

The legislation being passed today includes:

- **Equal Rights Amendment:** This concurrent resolution, [S108A](#), sponsored by Senator Liz Krueger, adds new anti-discrimination protections to the New York State Constitution, including explicit guarantees for reproductive rights and marriage equality. The State Constitution’s Equal Protection Clause already prohibits discrimination because of race, color, creed, and religion. This constitutional amendment adds new protected classes to that

list: ethnicity, national origin, age, disability, and sex, which includes sexual orientation, gender identity, gender expression, pregnancy, pregnancy outcomes, and reproductive healthcare and autonomy. The Senate Majority first passed this measure in June 2022 after the U.S. Supreme Court overturned *Roe v. Wade*. This amendment will now go to voters for ratification in the November 2024 general election.

- **Establishes the Reproductive Freedom and Equity Program:** This bill, [S348](#), sponsored by Senator Cordell Cleare, establishes a grant program within the Department of Health to build reproductive healthcare provider capacity within the state, fund uncompensated care, and provide financial support to organizations providing practical support to individuals within and traveling to the State.
- **Facilitates Access of Self-Administered Birth Control:** This bill, [S1043](#), sponsored by Senator Toby Ann Stavisky, authorizes pharmacists to dispense self-administered hormonal contraception from a non-patient specific order written by a licensed physician or certified nurse practitioner, allowing women to bypass the challenges of obtaining medical appointments at offices with limited hours or inconvenient locations.
- **Protections for Health Care Providers:** This bill, [S1066](#), sponsored by Senator Shelley Mayer, expands upon last year's omnibus actions to include broader protections for "reproductive health care" not just termination services.
- **Healthcare Facility Transparency Act:** This bill, [S1003A](#), sponsored by Senator Michelle Hinchey, requires hospitals to submit a list of its policy-based exclusions to the Department of Health on an annual basis. It also requires health plans to disclose to all prospective members an explanation of those exclusions and the fact that some hospitals might use them, along with a link to the Department's website where the exclusions will be posted. This bill ensures that individuals have access to information, prior to admission, indicating whether hospitals in their area provide the care they seek and to identify health care deserts in regions of the state.

Bill Sponsor **Senator Cordell Cleare** said, "I am extraordinarily proud that today, the New York State Senate Majority once again demonstrates that effective, compassionate reproductive health care is an inviolable human right! With passage of the Reproductive Freedom and Equity Program, we ensure that New York will continue to be a beacon and safe haven for all those who need empowering access to health care procedures that are now banned in eighteen states. This bill makes certain that all patients and providers receive robust and meaningful support in an equitable, thoughtful and reoccurring way."

Bill Sponsor **Senator Michelle Hinchey** said, "New Yorkers deserve to know when their local hospital or healthcare center is removing reproductive care from their community due to policy-based exclusions, and my bill, the Healthcare Transparency Act, will finally shine a light to help us combat this alarming trend. I'm proud to be the sponsor of this legislation and to work alongside my Senate colleagues to ensure that reproductive rights in New York are strengthened, expanded, and equitable no matter what."

Bill Sponsor **Senator Liz Krueger** said, "Days after what would have been the 50th anniversary of *Roe*, we are affirming yet again that we will not allow New Yorkers to be pulled backward, we will not allow the progress we have made on reproductive freedom to be undone. Women have waited far

too long to be included in our State Constitution, but so have LGBTQ people, people with disabilities, Latinos, and everyone who has faced discrimination based on characteristics that are beyond their control. The 1930s-era equal rights language in our State Constitution is long overdue for an update to ensure that equal rights are for everyone. I am proud that today we will send this amendment to the people.”

Bill Sponsor **Senator Shelley Mayer** said, “I am proud that my bill S.1066A is part of this remarkable legislative package to protect equal rights and reproductive rights. It has been 50 years since the passage of *Roe v. Wade*, and seven months since *Dobbs v. Jackson*, leading this generation to have fewer rights over their reproductive health than the generations before. We cannot afford to go back in time, and these bills honor our commitment to protect the rights of New Yorkers, and those in states who seek licensed medical providers here. Each bill in this package will strengthen New York’s role as a nation-wide leader in reproductive rights, and will ensure that every person — regardless of ethnicity, color, sexual orientation, gender, age, disability, and more — is protected from discrimination, and has reproductive autonomy. Thank you to Senate Majority Leader Andrea Stewart-Cousins and my colleagues for your dedication to the rights of people in New York State and across the country.”

Bill Sponsor **Senator Toby Ann Stavisky** said, "Women in New York State face many obstacles when it comes to obtaining birth control medications and devices. My bill authorizes pharmacists to fill non-patient specific hormonal contraceptives written by a licensed doctor or certified nurse practitioner. It will enable women, some without a healthcare provider, to obtain medications. Many women with limited income or who live in rural areas will benefit."

Senator Lea Webb, Chair of the Committee on Women’s Issues, said, “New York is proud to have some of the strongest laws protecting reproductive health in the country. However there is always space for us to strengthen those laws and protections as well as do what we can to expand access to all New Yorkers. I am proud to serve as the Chair of the Women’s Issues committee and see legislation like this make it through my committee and onto the floor, giving us the opportunity to demonstrate to the state of New York and to the rest of this country that we stand behind people’s reproductive health rights and that we will continue to fight to defend them.

Andrea Miller, President of the National Institute for Reproductive Health and the NIRH Action Fund said,“Cheers to the New York State Senate for answering the call of advocates, health care providers, and the voters by passing such a robust package of bills to protect and expand access to reproductive health care, especially abortion care. Even in a state like New York, we cannot rest easy simply because the right to make reproductive decisions is protected – we must take bold action to ensure that right is a reality for every New Yorker and every person seeking care, wherever they may live. From funding abortion care and practical support and investing in the reproductive health infrastructure to providing additional protections to our courageous abortion providers to enhancing availability of medication abortion and contraception, the Senate has set an excellent example of bold leadership – showing how to use every lever of power they have to protect and expand access to care. Today, we celebrate the passage of these critical bills - and tomorrow, we call on the Assembly and the Governor to join the Senate in making New York a true beacon of access.”

Donna Lieberman, New York Civil Liberties Union Executive Director, said, “New York must again be a beacon for people who need abortion care, including women, girls, and transgender and non-binary people. We’ve done it before and we’ll do it now: New York will open its doors to those in need of an abortion. Thanks to the Reproductive Health Act, our state law affirms that abortion is a

fundamental right, yet New York can and must do more to lead the way as an access state. If Albany delivers the funding needed for abortion care, enshrines anti-discrimination protections for pregnant people in our state constitution, builds strong legal protections for funders and providers, and increases hospital transparency, New York will lead the nation. With today's passage, the State Senate has shown the country that New York will never stop fighting for a person's decision to choose when and whether to have a family.”

Georgana Hanson, interim President and CEO, Planned Parenthood Empire State Acts, said, “Fifty years after the Roe decision, and just six months after it was overturned, we are reflecting on what has been lost and reminded that Roe was always the floor - not the ceiling. We have an opportunity before us to reimagine a better future. This vision will require bold policy that breaks barriers to care, and investments that move New York forward as an access state. Today, the Senate has heeded this call. We are grateful for the leadership of this body, who are doing the work to create a more equitable health care landscape for us all. Planned Parenthood thanks the Majority Leader, and the bill sponsors for their efforts in this pivotal moment for abortion access and reproductive freedom.”

Christine Herde, MD, FACOG, Chair, ACOG District II, said “The American College of Obstetricians and Gynecologists, (ACOG) District II representing medical professionals delivering reproductive healthcare, applauds the commitment of our legislative leaders to support abortion care access in the state. Following the 50th anniversary of the Roe vs. Wade decision and New York's own proactive action to pass the Reproductive Health Act in 2019, this unwavering leadership is more important than ever. We thank the Legislature for advancing this bold legislative package to continue the fight to ensure New York remains a true access state.”

Andrew Symons, MD, President of NYS Academy of Family Physicians, said, “The New York State Academy of Family Physicians strongly commends the NYS Senate for acting swiftly to pass a package of bills today to expand access to reproductive healthcare service and affirm an individual's right to receive such care. The package includes S1066A by Senator Mayer which the Academy was an early supporter of to provide patient access to telemedicine abortion services so everyone, regardless of their place of residence, can receive the care they need. This is critical to help the people in states that have restricted their right to make their own decisions and protect the NY physicians and other providers who care for them. We strongly urge the Assembly and Governor Hochul to join the Senate in making NYS a national leader by enacting these protections.”

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