

# THE PATH TO PROTECTING ABORTION RIGHTS AND ACCESS IN NEW YORK

Fifty years ago, New York first opened its doors to people from across the U.S. who needed abortion care. We are called to do so once again. New York first legalized abortion in 1970, three years before *Roe v. Wade*, and posted billboards at our state borders advertising that abortion was legal and accessible here. In the wake of the *Dobbs* decision, nearly half the states are poised to completely ban abortion – and many already have. New York must be a leader in providing care to anyone who needs it.

**WE MUST TAKE ACTION TO MAKE  
ABORTION ACCESS A REALITY.**

**GET INVOLVED: [nyabortionaccess.org](https://nyabortionaccess.org)**



While New York’s 2019 Reproductive Health Act removed abortion from the state criminal code and put it into the public health law where it belongs, people still face steep barriers trying to access abortion across the state – barriers that now have national significance as New York welcomes people from across the country traveling here to seek needed health care.

**January 22, 2023 will be the first *Roe v. Wade* anniversary since it was invalidated by the Supreme Court. Lawmakers should mark this moment by passing the Equal Rights Amendment and the Reproductive Freedom & Equity Fund and break down barriers to care.**

## 1 | PROTECT PREGNANT PEOPLE IN THE STATE CONSTITUTION

### THE PROBLEM

While abortion is legal in New York, New York’s constitution does not protect pregnant people who have an abortion or suffer a miscarriage or stillbirth. Post-*Roe*, New York must go beyond the statutory protection already in place and enshrine the fundamental right into our state constitution.

### THE SOLUTION

Lawmakers must take steps to pass a constitutional amendment that bars discrimination based on a person’s race, national origin, disability, and sex – expressly including pregnancy and pregnancy outcomes, sexual orientation, gender identity and expression.

After the Supreme Court overturned *Roe* in June 2022, legislators came back to Albany and passed **the Equal Rights Amendment**. This bill lays the groundwork for protecting the equal rights of all New Yorkers, including pregnant people, in our state constitution. But our fight isn’t over – all proposed amendments to the New York Constitution must pass the state legislature *twice* before they can be put before the voters at the ballot – our work has just begun. Lawmakers must show their commitment to reproductive and equal rights by passing the Equal Rights Amendment again at the beginning of the 2023 legislative session. New York needs to step forward as a national leader and actively protect pregnant people.

## 2 | FUND ABORTION ACCESS

### THE PROBLEM

Even in parts of the country where abortion is still legal, the right to abortion is only theoretical for too many Americans. Many people across the country and in New York lack the money necessary to pay for abortion care and to cover the costs of travel, lodging, childcare, and other expenses required to obtain that care.

## THE SOLUTION

New York must build upon abortion funds' important work in three key ways. First, we must ensure abortion providers are adequately reimbursed for the care they provide and have the resources to boost staffing and training, and update current centers — including making investments in security enhancements, technology to facilitate care, and other operational upgrades. Second, no person in New York should be turned away from care because they cannot afford it. The state must step in to fill the financial gap. Third, we must address the logistical and travel needs of people seeking abortion care.

To do this, New York needs to join access states like California, Oregon and Illinois and increase Medicaid reimbursement for abortion and other reproductive and sexual health care services. A decade of stagnant Medicaid reimbursement coupled with inflation means providers are significantly unreimbursed compared to what it costs them to deliver care today. Rate increases for these services will strengthen the ability of providers to expand access to sexual and reproductive health care services across the state.

Second, we must pass **The Reproductive Freedom & Equity Fund** at the beginning of the 2023 session to create a comprehensive, sustainable state program that will invest in providers and fund abortions, and in logistical support for anyone who needs financial assistance.

In addition, we must pass legislation to create an **Abortion Access Fund** that would be financed by voluntary contributions from New Yorkers via their state income tax return form. Contributions to the fund would help patients pay for medical care, travel, child care, and other critical abortion-related expenses. The fund would help connect people to reproductive health care, and it would also ease the financial burden on other abortion funds across the state.

## 3 | PROTECT OUR PROVIDERS, HELPERS, AND PATIENTS

### THE PROBLEM

Ensuring our reproductive rights are secure and breaking down barriers to care will not be enough. Some states are already considering passing laws that prohibit their residents from traveling for abortion care, and that's just the tip of the iceberg. As anti-abortion states threaten to force pregnancy within their boundary or jurisdiction and bar abortion access beyond them, we must protect New York providers who are delivering care, those who support the delivery of care, patients who seek care, and those who seek to end their own pregnancies.

### THE SOLUTION

New York must strengthen and expand legislation that protects abortion care — for providers, helpers, and seekers. We must build on our laws to extend new safeguards against professional discipline to all who provide abortion care, including Advanced Practice Clinicians. And we must close legal loopholes to ensure our laws are as strong and protective as possible. New York must also take steps to protect individuals' privacy when they use the internet or mobile applications to manage health information or seek care. States that want to restrict reproductive rights could try to use this information against patients or providers.

These are critical steps, but New York will need to remain alert for emerging threats from hostile states throughout the legislative session.

# 4 | INCREASE HOSPITAL TRANSPARENCY AND ACCESS TO CARE

## THE PROBLEM

No one should be turned away from a hospital when they need health care. Yet hospitals often deny certain types of care, like abortion, contraception, miscarriage management, and other types of sensitive health care, based on their own policies rather than sound medical science.

To make matters worse, because information about what types of care hospitals deny is often impossible to access, patients cannot determine whether their local hospital provides the care they need before admission. As more people come to New York for abortion care and wait times increase, it is imperative that anyone seeking an abortion in New York can easily ascertain, in advance, whether a given hospital provides the care they need.

## THE SOLUTION

**The Hospital Transparency Act** would provide New Yorkers seeking abortion with the tools to determine whether their local hospital actually provides this care before they call or are admitted. It will also help New York to identify health care deserts where abortion and other types of health care are unavailable, so we may one day close gaps and expand access to care.

The bill requires the Department of Health to collect a list of banned health care services from each general hospital and to publish that information on its website in easy-to-understand language. It also requires hospitals and insurers to include a link to the Department's website and information about the fact that some hospitals deny certain types of care for bureaucratic reasons in the existing disclosures already required of both entities. And it requires the Department of Health to report to the public and state lawmakers on how the denial of these services impacts patients, with a particular focus on how access to care varies by community, race, ethnicity, and socioeconomic status.

This legislation will bring much-needed transparency to the services New York hospitals do and do not provide, and it will pave the way to increase and improve care across the state.

## More Stops on the Road Ahead

These four steps are critical to cementing New York's status as an access state. But there is even more we must do.

Young people in particular need better access to abortion, and, as a first step, we should make it easier to obtain medication abortion on SUNY and CUNY campuses. But New York cannot stop there and must make sure all young people who need abortion care have access. We also need to expand access to the training required for people to become abortion providers. This will increase the number of people in our state who can provide this care. Finally, we must increase funding so that more people across the state can not only access abortion, but other reproductive health care. Too many New Yorkers still struggle to access these critical and even life-saving services.