



NOW-NYC  
*The Founding Chapter*

## **The Reproductive Health Act**

**The Reproductive Health Act will ensure that New York remains a leader on choice.** It will codify the legal protections currently afforded by *Roe v. Wade* into New York State law, strengthen the foundation for reproductive freedom in New York State, update our legal code to affirm choice, and ensure that woman's health remains paramount. Although there is a new pro-choice administration in the White House, the Supreme Court has demonstrated that it is not always willing to put women's health first. The Reproductive Health Act will guarantee that New York women retain the right to control their reproductive health, even if *Roe* is overturned.

### **What does the Reproductive Health Act do?**

- ❖ **The Reproductive Health Act** affirms that women in New York have the right to privacy and the right to decide to control their own reproductive health, and ensures that abortion will remain legal in New York State, even if *Roe v. Wade* is overturned.
- ❖ **The Reproductive Health Act** will protect the right to abortion in cases where the woman's life or health is at risk, or in cases where the fetus has a fatal medical condition.
- ❖ **The Reproductive Health Act** ensures that when it comes to state regulations on abortion, women's health will always be paramount.
- ❖ **The Reproductive Health Act** underscores that abortion is not a criminal matter, but rather, a health decision made by a woman in consultation with her healthcare provider.
- ❖ **The Reproductive Health Act** protects women's health and safety by requiring that abortions be performed by qualified, licensed medical professionals.

### **Why do we need the Reproductive Health Act?**

- ❖ **New York laws do not adequately protect women's health.** There is no health exception in New York's abortion laws. The Supreme Court has already weakened this long held constitutional principle, and we must guard against further erosion to ensure that a woman will be able to have an abortion if her health is endangered during her pregnancy.
- ❖ **New York laws still treat abortion as a crime.** Abortion is legal in New York only because of exceptions in the criminal law. New York is the only state in the country that still regulates abortion in this manner. The right to an abortion must be the rule, not the exception!
- ❖ **New York laws are unconstitutional.** Old laws that have been struck down by the Supreme Court, such as the law that bans the sale of birth control to minors, remain on the books. Our statutes must be modernized.



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### **Background**

On April 18, 2007, the United State Supreme Court, in a 5 – 4 decision, upheld the Federal Abortion Ban. With this ruling, the Court deserted its long standing commitment to protecting women’s health and opened the floodgates for further state and federal abortion restrictions. Six states have already introduced measures to further restrict abortion since the decision came down; however, New York is proudly working to safeguard a woman's right to access safe and legal abortion by introducing the Reproductive Health Act.

### **What is the Reproductive Health Act?**

The Reproductive Health Act is new legislation that takes the principles underlying *Roe v. Wade* and puts them squarely into New York law. The legislation protects the fundamental right of a woman and her doctor - not politicians - to make private medical decisions.

### **Why Does The Current Law Need To Be Changed?**

In 1970, New York introduced one of the first laws in the United States decriminalizing abortion. New York modified its penal code and made it legal for doctors to perform abortions. The law was visionary then, but today it is outdated and confusing. Current law does not contain the foundations upon which *Roe* was decided, including the right of women to make private medical decisions, nor does it take into account how reproductive health care is now provided. Much has changed since the 1970s, and New York needs an up-to-date law that protects a woman’s fundamental right to choice. The Reproductive Health Act will codify New York’s longstanding support of reproductive freedom, while ensuring that New York State is prepared if the right to choose is threatened by a weakening of *Roe* or further federal encroachments. Trailblazing at the time, New York’s laws fail to reflect the realities of women’s healthcare in the 21<sup>st</sup> century.

### **Why Does New York Need To Act?**

New York State has a long legacy of leadership in reproductive rights. In keeping with this tradition, it is time for New York to update our laws and pass the nation’s strongest legislation that guarantees that a woman has the ability to choose or refuse contraception or abortion. New York must remain a steward for reproductive health, protecting choice and remaining a safe haven for all women.