



NOW-NYC  
*The Founding Chapter*

## **The Reproductive Health Act**

It is clear that New York can no longer count on the protections afforded to women by the landmark *Roe v. Wade* decision. Although our state's abortion laws were trailblazing when they were written in 1970, they do not ensure that access to safe and legal reproductive healthcare will continue in New York as *Roe* is further challenged. The Reproductive Health Act will bring New York's abortion laws into the 21st century.

### **New York's current laws are OUTDATED and INADEQUATE**

- ❖ **New York laws fail to 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.
- ❖ **New York laws still treat abortion as a crime.** Abortion is legal in New York only because of exceptions in the criminal law. 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.

### **This legislation guarantees that New York will remain a BEACON FOR CHOICE**

- ❖ **The Reproductive Health Act** makes clear that women in New York have the right to privacy and the right to decide to end or continue a pregnancy, 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 the first or second trimester of pregnancy, 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.



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### **Background**

On April 18, 2007, the United State Supreme Court, in a 5 – 4 decision, threw out years of precedent and upheld President Bush's Federal Abortion Ban. With this decision 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, introduced by Governor Eliot Spitzer, 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 fundamental right of women to make private medical decisions, nor does it take into account how abortion care is now provided. Much has changed since the 1970's, and New York needs an up-to-date law that protects a woman's fundamental right to abortion. 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.

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

New York State has a long legacy of leadership in reproductive rights. With a President and a Supreme Court that is systematically chipping away at the fundamental tenets of *Roe*, 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 decide when to have a child. New York must remain a steward for reproductive health, protecting choice and remaining a safe haven for all women.