



Radical Abortion Bill

ISSUE

Oppose the “Reproductive Health Act”

BACKGROUND

The so-called “Reproductive Health Act,” S.5808, was introduced in the final days of the 2009 State Legislative Session as a Governor’s Program Bill (#41), and would make radical changes to abortion law in New York State. It would establish a “fundamental right to privacy” in state law to guarantee that abortion is protected and available throughout the nine months of pregnancy. An earlier version of this bill was developed and pushed forward by former Gov. Eliot Spitzer in 2007. To date the bill has not been introduced in the Assembly.

Church Teaching

“Human life must be respected and protected absolutely from the moment of conception.” —Catechism of the Catholic Church (2270)

MESSAGE POINTS

- **The bill would ensure that abortions, possibly even “partial-birth abortions,” are legal throughout all nine months of pregnancy** if they are deemed necessary to protect the life or “health” of the mother. The U.S. Supreme Court has interpreted the term “health” so broadly as to include social, economic and emotional distress factors, rendering the term meaningless. Current state law says abortions are legal in New York through 24 weeks of pregnancy (Article 125 Penal Law), but outlawed after that unless they are necessary to save a woman’s life. This bill would repeal that law and permit all third-trimester abortions. This ignores the state’s legitimate interest in protecting the life of fully formed children in the womb, and ignores the will of a majority of New Yorkers who oppose late-term abortion. Moreover, even though federal law now prohibits one particular method of later-term abortion known as “partial-birth abortion,” that federal ban is limited in its reach, meaning this legislation could even permit partial-birth abortions in New York State.
- **The bill could undermine conscience protection in current law** by requiring every institution licensed or funded by the state – including religious hospitals, agencies and schools – to support abortion, provide coverage for abortion, or to permit abortions. While this bill contains limited conscience protection, that protection is ambiguous and inadequate and appears to be extended only to individual health providers who do not wish to “provide” abortions. The protection is not extended to hospitals or other institutions, nor to individuals who do not wish to be involved with abortion through counseling, referrals or insurance coverage. The legislation declares that “the state shall not discriminate” against the exercise of the fundamental right to abortion in the “provision of benefits, facilities, services or information.” It opens the door for state regulators, such as the State Health Department or State Insurance Department, to mandate support for abortion from any agency or institution licensed or funded by the state. This could also undermine the state’s maternity programs, which could be ruled “discriminatory” for favoring childbirth over abortion.
- **The bill seeks to make abortion virtually immune from any state regulation or restriction.** Reasonable regulations such as parental notification for abortions performed on minor children, informed consent for pregnant women regarding the risks and alternatives to the procedure, and restrictions on taxpayer funding would not be permissible under this legislation.