

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON WOMEN'S ISSUES

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March 1, 2011
Start: 1:00pm
Recess: 1:30pm

HELD AT: Committee Room - 14th Floor
250 Broadway

B E F O R E:

JULISSA FERRERAS
Chairperson

COUNCIL MEMBERS:

Margaret Chin
Daniel J. Halloran III
Jessica S. Lappin
Annabel Palma
Rubin Wills

CHAIRPERSON FERRERAS: Good

afternoon, I'm Council Member Julissa Ferreras, Chair of the Women's Issues Committee. Today the Committee will vote on proposed Intro #371A, a bill relating to pregnancy service centers. I would like to thank the Speaker and Council Member Lappin for their work on this very important issue, as well as my former Committee counsel, Richard Cordero, the General Counsel's Office and Committee staff. The goal of Intro 371A is to insure that women are not deceived by pregnancy service centers, are fully informed about whether or not they are consulting with a licensed medical provider, and what pregnancy-related services the centers do or do not offer. Women receiving timely reproductive health care is a public issue. Intro 371A would define pregnancy service centers as facilities that provide services to women who are, or may be, pregnant, or either one that provides obstetric ultrasound, obstetric sonogram or prenatal care, or have the appearance of a licensed medical facility. Pregnancy service centers are not licensed by the State of New York or the Federal government to provide medical or

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2 pharmaceutical services, and they do not have a
3 licensed medical provider present to provide or
4 supervise the pregnancy-related services they
5 offer. We are excluding hospitals and physicians'
6 practices, because as with all areas that are
7 regulated by the state, there's always potential
8 preemption issues. In addition, physicians and
9 licensed medical facilities already risk losing
10 their license if they engage in deceptive
11 practices. Intro 371A would require pregnancy
12 service centers to disclose whether they do or do
13 not have a licensed medical provider onsite,
14 provide or refer for prenatal care, provide or
15 refer for abortion and provide or refer for
16 emergency contraception. Centers will also have
17 to inform the clients that the Department of
18 Health encourages women who are or who may be
19 pregnant to consult with a licensed medical
20 provider. Each of these disclosures refers to
21 pertinent information any woman would need when
22 seeking reproductive health care. The disclosures
23 are limited to information a woman would need to
24 know the moment she thinks she is pregnant and
25 begins to seek pregnancy-related services. The

1 disclosure will be made in English and Spanish at
2 the entrance of the center, in the center's
3 waiting-room area, and in any advertisement of the
4 center's services. Disclosing in the matter is
5 essential because as we learned at our last
6 Committee hearing on these centers, their
7 advertising is often misleading as to the services
8 they provide and the centers often target young
9 Latinas. If the disclosures are not made, women
10 seeking reproductive health care may unnecessarily
11 delay prenatal care or abortion. The disclosures
12 are aimed at providing transparency and
13 alleviating confusion for women seeking
14 reproductive health care. They are not aimed at
15 curbing anyone's first amendment rights to give
16 advice and counsel when women during difficult
17 personal decisions (sic). Further, Intro 371A
18 would require pregnancy service centers to keep
19 all personal and health information obtained from
20 clients confidential, unless the client provides
21 written consent that their information may be
22 released or a disclosure is required by law. This
23 confidentiality requirement would not prohibit the
24 center's staff from reporting child abuse as
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2 defined under state law. The Women's Issues
3 Committee is very concerned with the
4 vulnerabilities of women during pregnancy,
5 including their relationship with family and
6 friends, and their protection from potential
7 instances of domestic violence. It can be a
8 dangerous and volatile situation when information
9 about a woman's sexual activity and reproductive
10 health are not kept confidential. There are two
11 items being submitted for the record, we will now
12 begin the vote on proposed Intro 371A, thank you.
13 I'd like to acknowledge the Council members that
14 have joined us today. We have Council Member
15 Annabel Palma, Council Member Chin and Council
16 Member Dan Halloran. Would anyone like to make a
17 statement? Oh, Council Member Wills, I didn't see
18 him. Council Member Wills? Does anyone want to
19 make a statement? Council Member Halloran?

20 COUNCIL MEMBER HALLORAN III: Madam
21 Chair, I appreciate the fact that you guys have
22 gone back to review the law that you're intending
23 to pass. However, as an attorney who's practiced
24 extensively in the appellate divisions, is
25 admitted to the United States Supreme Court, the

1 dicta of the language of the judge's decision in
2 Maryland in my opinion as an attorney, still does
3 not meet constitutional muster in the bill before
4 us. In addition, I would note that at the
5 Committee hearing that we had in this matter, it
6 was clear, the Commissioner of the Department of
7 Health indicated they received no ... no formal
8 complaints, conducted no investigations, found no
9 wrongdoing by the crisis pregnancy centers. The
10 Department of Consumer Affairs conceded they found
11 no frauds, had no open investigations, and had
12 issued no violations with regards to this issue,
13 and that similarly there were no state agencies
14 that had engaged in any such investigations. And
15 I would note further that the organization who
16 promoted this study admitted they did not use
17 scientific method, they did not use sociological
18 data, when they conducted their investigation, and
19 I think that the city will wind up being in
20 litigation over this, will spend a large amount of
21 money defending what Maryland district Federal
22 courts have told us is an unconstitutional
23 statute. It is ... I appreciate the fact that you
24 have gone back, and I do mean that sincerely, I do
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2 appreciate that you looked at this bill again. I
3 do appreciate that you have attempted to make some
4 adjustments, but let me just point you to page 24
5 of the Committee's report, section five of the
6 penalties under 20-18. "Any intentional
7 disobedience to a provision of the orders issued
8 pursuant to paragraph one of this subdivision
9 shall be punishable by a fine not more than \$1,000
10 or by imprisonment not to exceed six months." Is
11 it really the business of the Council of New York
12 to criminalize the free-speech rights of
13 individuals, and to compel people who disagree
14 with negative signage ... and by the way, I can't
15 get the Mayor to give me negative signage for
16 truck routes in my district, but we can get
17 negative signage in crisis pregnancy centers ... to
18 make it criminal, to put someone in jail, for
19 their expression of personal convictions with
20 regard to a sign? I am not saying here for a
21 minute that women don't have a choice to make, I'm
22 saying that this bill does not give women a
23 choice, it reduces it. The records are clear,
24 almost 41% of all pregnancies in New York City end
25 in an abortion, and that's not right, regardless

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2 of where you stand on the issue of choice. We
3 should be spending more money to support crisis
4 pregnancy centers that help our women to get
5 through pregnancies, to make those tough
6 decisions, and to still have the option, if they
7 so choose, to get an abortion. We should not be
8 limiting it, but I appreciate your work,
9 Councilwoman, and I think you really have made a
10 sincere effort, and I want you to know I
11 personally appreciate that.

12 CHAIRPERSON FERRERAS: Thank you,
13 Council Member Halloran, and we will now begin the
14 vote. Does anyone else have a testimony?

15 COUNCIL MEMBER PALMA: I appreciate
16 all the discussion that went around this bill. I
17 know that, you know, we're about to vote. And I
18 think, you know, in my opinion and going through
19 certain personal experiences, I ... this is neither
20 here nor there whether abortion is legal or not,
21 or you know, the choice that a woman has to make
22 when faced, you know, faced with certain
23 situations, especially the issue of pregnancy. I
24 believe that anywhere that a woman, you know, when
25 a woman is in this position and needs a sound and

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2 judgment choice about pregnancy, that she should
3 have all the information at hand. And I believe
4 that if she walks into a place, she should know
5 what type of place she's walking into, and the
6 services that are going to be rendered in that
7 place, and not be misguided in any way, shape or
8 form. And so, you know, I want to, when we're
9 doing this vote, to keep that in mind. It's about
10 making sure that women have all the information
11 they need before they make one of the toughest
12 decisions in their life, whether it is to keep a
13 pregnancy, or to go ... or to terminate a pregnancy.
14 They just need to make sure that they're in a
15 place where they're going to be provided with the
16 fullest of all the information that they need to
17 make that decision. Thank you.

18 CHAIRPERSON FERRERAS: Council
19 Member Wills.

20 COUNCIL MEMBER WILLS: I just had a
21 quick question. 2817D, it says that,
22 "notwithstanding subdivisions A and B of this
23 section of any pregnancy services center employee
24 or volunteer has reasonable cause to suspect that
25 a client receiving services at a pregnancy service

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2 center has an abused or maltreated child, such
3 employee or volunteer may report", I thought that
4 it would be mandated, that they must report. I
5 don't ... yeah, so I don't know why the language
6 there says "may". Right, that's my only question,
7 is the mandatory reporting law.

8 CHAIRPERSON FERRERAS: Okay, so
9 there is some clarification. There are those that
10 are mandated to report, and those that are not
11 mandated to report may report.

12 COUNCIL MEMBER WILLS: But if
13 you're going into the center, the people who are
14 mandated to report, wouldn't they see the same
15 situation either way? So is that the safeguard in
16 it?

17 CHAIRPERSON FERRERAS: Right, well,
18 those that are mandated will, and these will
19 probably fall into the mandated, and the other
20 ones will ... that's why they're included in the
21 "may". Are we okay, Council Member Wills?

22 COUNCIL MEMBER WILLS: Uh huh.

23 CHAIRPERSON FERRERAS: Okay, thank
24 you. And we're going to be opening this up to the
25 vote, if the clerk can.

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Mv1 Kevin Finn, Committee Clerk,
roll call on the Committee on Women's Issue.
Council Member Ferreras.

CHAIRPERSON FERRERAS: I vote aye,
and I urge my colleagues to do the same.

Mv1 Palma.

COUNCIL MEMBER PALMA: I vote aye.

Mv1 Chin.

COUNCIL MEMBER CHIN: I vote aye.

Mv1 Wills.

COUNCIL MEMBER WILLIS: I vote aye.

Mv1 By a vote of four in the
affirmative, zero in the negative and no
abstentions, all items have been adopted, members
please sign the Committee report.

CHAIRPERSON FERRERAS: And we're
going to ask to keep the record open, and Council
Member Lappin will be joining us. Thank you.
We're re-opening the record so that Council Member
Lappin can make a statement. We're opening the
record so that Council Member Lappin can make a
statement.

COUNCIL MEMBER LAPPIN: Thank you.
What we are doing today is regulating centers that

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2 are purposely deceiving women. They are
3 masquerading as medical centers when they are not.
4 And since we had our first hearing on the bill, we
5 have really worked very hard to make sure that we
6 are only targeting those places that are
7 deliberately trying to trick women. If you are a
8 pregnancy services center and you provide
9 counseling or services, social services to women,
10 you will not be impacted by this bill. But for
11 those who want to prey on women who are in a
12 vulnerable position, who are trying to get
13 unbiased, accurate medical information, we are
14 going to regulate you. We are going to require
15 you to disclose if you do or do not have doctors
16 on site, if you do or do not provide prenatal
17 care, if you do or do not provide abortion or
18 emergency contraception or referrals to those
19 services, and we're going to require you to tell
20 women if they are pregnant that they should seek
21 the advice and the care of a licensed medical
22 doctor. And we heard hours and hours of
23 testimony, and it couldn't have been more clear
24 how dangerous these centers are to women and to
25 their health. And so we have a very I think clear

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2 and important interest here to protect these women
3 from those who are trying to deceive them and
4 putting their health at risk. So I'm very, very,
5 very grateful to the Chair of this Committee, I'm
6 very grateful to the staff who has spent hours and
7 hours and hours of working on this bill. We are
8 very, very confident that it will withstand any
9 challenge in court. We have worked with some of
10 the best lawyers in the country, and it is very,
11 very different in significant ways from the bill
12 that was passed in Baltimore. This is not a
13 first-amendment issue, this is really an issue of
14 truth in advertising and protecting women and
15 their health. And I'm thrilled that we are
16 standing up and doing this today. Thank you. And
17 this meeting and hearing is adjourned.

18 (END TAPE ONE)

19 (START TAPE TWO)

20 CHAIRPERSON FERRERAS: We are
21 opening a new notice meeting of the Women's
22 Committee. Right after we closed our earlier
23 meeting, we became aware that the fiscal impact
24 statement was not among the papers on our desk
25 when we voted on the proposed Intro 371A. We now

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2 have the fiscal impact statement, and we'll re-
3 vote the proposed intro, in accordance with our
4 process. Clerk, would you please process ...
5 proceed with our vote.

6 Mv1 Kevin Finn, Committee clerk,
7 roll call on the Committee on Women's Issues.
8 Council Member Ferreras.

9 CHAIRPERSON FERRERAS: I vote aye
10 and I urge my colleagues to do the same.

11 Mv1 Palma.

12 COUNCIL MEMBER PALMA: Aye.

13 Mv1 Chin.

14 COUNCIL MEMBER CHIN: Aye.

15 Mv1 Wills.

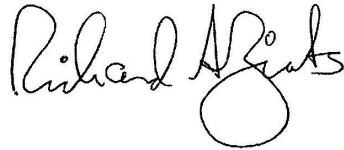
16 COUNCIL MEMBER WILLS: Aye.

17 Mv1 By a vote of four in the
18 affirmative, zero in the negative and no
19 abstentions, all items have been adopted, members
20 please sign the Committee reports.

21 CHAIRPERSON FERRERAS: We call this
22 meeting to adjourn.

C E R T I F I C A T E

I, Richard A. Ziats, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Signature _____

Date March 4, 2011