



Legislation Text

File #: Int 0475-2022, Version: A

Int. No. 475-A

By Council Members Hanif, Cabán, the Public Advocate (Mr. Williams) and Council Members Louis, Rivera, Hudson, Farías, Avilés, Powers, Krishnan, Brannan, Joseph, Dinowitz, Ung, Menin, Schulman, Richardson Jordan, Abreu, Restler, Won, Riley, Ossé, De La Rosa, Narcisse, Brewer, Marté, Ayala, Sanchez, Lee and The Speaker (Council Member Adams)

A Local Law to amend the administrative code of the city of New York, in relation to a cause of action related to interference with reproductive or endocrine medical care

Be it enacted by the Council as follows:

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new chapter 21 to read as follows:

CHAPTER 21

Interference with Reproductive or Endocrine Medical Care

§ 17-2101 Claim for interference with reproductive or endocrine medical care. a. A person may bring a civil action for interference with reproductive or endocrine medical care when a civil action is commenced against such person in any state, for which liability, in whole or in part, or any theory of vicarious, joint, several or conspiracy liability derived therefrom, is based on the provision, receipt, assistance in receipt or provision of, or material support for, medical care relating to the human reproductive or endocrine systems, which was lawfully provided in the city.

b. A claim for interference with reproductive or endocrine medical care may not be based upon the commencement of any civil action that is founded in tort, contract or statute and for which a similar claim would exist under the laws of the state of New York or of the city and which is:

1. Brought by the patient who received the medical care, or the patient's authorized legal representative,

for damages suffered by the patient or damages derived from an individual's loss of consortium of the patient;
or

2. Brought by a party with a contractual relationship with the person that is the subject of the action.

c. A plaintiff who prevails on a claim alleging interference with reproductive or endocrine medical care shall be awarded statutory damages of \$10,000. In addition, the court, in issuing a final order in any action brought pursuant to this section, may award costs of litigation to the prevailing party whenever the court determines such an award is appropriate. This section does not limit or abrogate any claim or cause of action such person has under common law or by other law or rule.

§ 2. This local law takes effect immediately.

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LS #9119/9131/9174
7/6/22 10:45 PM