



Legislation Text

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Res. No. 196-A

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.9137/A.10356, which would allow out-of-state physicians to provide reproductive health services in this state while awaiting full licensure.

By Council Members Brooks-Powers, Louis, Hudson, Hanif, Joseph, Nurse, Ung, Bottcher, Abreu, Restler, Won, Avilés, Cabán, Farías, Ossé, De La Rosa, Dinowitz, Narcisse, Brewer, Marte, Krishnan, Ayala, Williams, Lee, Powers, Richardson Jordan and The Speaker (Council Member Adams)

Whereas, Abortion care is an essential component of sexual and reproductive healthcare that nearly one-in-four women in the United States (U.S.) will obtain by age 45, per an analysis by the Guttmacher Institute; and

Whereas, In 1970, the State of New York (“New York” or “State”) became one of the first states in the country to decriminalize abortion, three years prior to the Supreme Court of the United States (“Supreme Court” or “SCOTUS”) decision in *Roe v. Wade*, which created the constitutional right to seek an abortion; and

Whereas, Between 1970 and the passage of *Roe v. Wade*, New York was a magnet for women who wanted abortions but were unable to access care in their home state; and

Whereas, During that time, health officials estimated that more than 400,000 abortions were performed in New York, nearly two-thirds of which were for women who had traveled from out-of-state to take advantage of the policy; and

Whereas, Now, according to a recently leaked initial draft majority opinion by the Supreme Court in the case *Dobbs v. Jackson Women’s Health Organization*, SCOTUS has voted to strike down the landmark *Roe v. Wade* decision that had stood for nearly 50 years; and

Whereas, According to an analysis conducted by the Guttmacher Institute, if SCOTUS overturns or

fundamentally weakens *Roe v. Wade*, 26 states have laws or constitutional amendments already in place that would make them certain or likely to ban abortion; and

Whereas, As a consequence, at least 36 million women, girls and others who can become pregnant would lose access to care; and

Whereas, Following state bans on abortion across the country, New York would be the nearest provider of care for an estimated 190,000 to 280,000 more individuals of reproductive age; and

Whereas, As such, it is anticipated that, once again, an influx of out-of-state residents will seek reproductive health services in New York; and

Whereas, The State must therefore be prepared to respond to the dramatically changing national landscape of abortion access; and

Whereas, S.9137/A.10356, sponsored by State Senator James Gaughran and State Assembly Member Kimberly Jean-Pierre respectively, would allow out-of-state physicians who are board certified in obstetrics and gynecology, and who are in good standing in their home state or territory, to provide reproductive health services in New York while awaiting full licensure; and

Whereas, This bill is meant to ensure that New York will have enough providers to meet increased demand; and

Whereas, It is not uncommon for New York to permit out-of-state practitioners practice privileges in the State; out-of-state practitioners were granted practice privileges in New York during the COVID-19 pandemic, and they are also regularly provided with temporary practice authority for largely attended events, such as marathons; and

Whereas, In 2019, the State Legislature passed the Reproductive Health Act to codify the protections of *Roe v. Wade* into State law, affirming the right of an individual to access abortion care in New York; and

Whereas, New York City (“City”) has also been a leader in abortion care access; in 2019, the City Council made history when it allocated \$250,000 to the New York Abortion Access Fund allow about 500 low-

income women who travel from other states to obtain abortions in the City; and

Whereas, Abortion restrictions are borne out of discrimination and systemic racism and disproportionately impact those who have limited resources to overcome financial and logistic barriers, including young people, people with disabilities, people who identify as LGBTQI+, people with low incomes and those in rural areas, as well as Black, Indigenous and other people of color; and

Whereas, New Yorkers cannot remain silent as the Supreme Court is poised to violate the human rights of pregnant people in complete disregard for the human right to bodily autonomy, which could also set a dangerous legal precedent to overturn healthcare and other legal rights for other marginalized and vulnerable people; now, therefore be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, S.9137/A.10356, which would allow out-of-state physicians to provide reproductive health services in this state while awaiting full licensure.

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