



Family Planning Advocates of NYS  
17 Elk Street  
Albany, New York 12207-1002  
Phone: (518)436-8408  
Fax: (518)436-0004  
Website: [www.fpaofnys.org](http://www.fpaofnys.org)

**MEMORANDUM OF SUPPORT**  
**Reproductive Health Act**  
**S 5808 (Stewart-Cousins, et. al.)**  
**2009**

AN ACT to amend the public health law, in relation to enacting the Reproductive Health Act.

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The Reproductive Health Act guarantees a woman's right to make personal, private decisions about her reproductive health care. This legislation will protect the right to choose or refuse abortion and to choose or refuse contraception. In the face of increasing attacks on reproductive rights, New York's laws need to be strengthened to protect women's health and safety.

The current threat to women's health and privacy is great. New York law does not contain a health exception, or even any affirmative guarantee protecting women's rights to make private reproductive health care decisions. We rely on the federal constitution to guarantee those rights, leaving New York vulnerable to further erosion by the U.S. Supreme Court, which in 2007 set a new and dangerous precedent when it upheld an abortion restriction that eroded the protection of a woman's health.

In 1970, New York was one of the first states in the nation to permit safe and legal abortion, greatly reducing maternal morbidity and mortality. While the law was groundbreaking at the time, it needs to be updated to ensure that a woman is able to have an abortion if her health is endangered. The Reproductive Health Act will strengthen New York law and ensure that the State continues to protect and respect women's health and the right to make personal, private reproductive health care decisions within the framework of *Roe v. Wade*.

The Act will repeal the penal code provisions containing New York's abortion statute, and place laws related to the regulation of abortion in the public health code. The State would continue to regulate abortion in the same way it regulates other medical services. Consistent with *Roe v. Wade*, the Act would allow abortion in the absence of fetal viability and after that, only if there is a threat to the woman's health or life. Women's health matters and we trust women to make health care decisions that are best for them and their families.

The Reproductive Health Act has been the subject of much misinformation. This legislation will not force any hospital or individual to provide abortion, it will not allow unqualified persons to provide abortion and it will not prevent the state from regulating abortion to ensure its safety.

**Family Planning Advocates strongly supports this legislation designed to protect the fundamental right of individuals to make personal, private reproductive health care decisions.**