REPORT ON LEGISLATION BY THE SEX & LAW COMMITTEE, CIVIL RIGHTS COMMITTEE, HEALTH LAW COMMITTEE, AND LGBTQ RIGHTS COMMITTEE

A.5480-C **M. of A. Bronson**
S.4914-B **Sen. Hoylman-Sigal**

AN ACT to protect individuals who provide or receive legally protected health activity from criminal or civil liability or professional sanctions imposed by jurisdictions outside the state; and to repeal certain provisions of the criminal procedure law and the executive law relating thereto.

THIS BILL IS APPROVED

The Sex & Law Committee, Civil Rights Committee, Health Law Committee, and LGBTQ Rights Committee, and of the New York City Bar Association (the "City Bar") support the enactment of the "Shield Law 2.0," A.5480-C / S.4914-B.

Reproductive health access and gender-affirming care is in crisis. As of June 2025, 19 states have banned abortion or restricted the procedure earlier in pregnancy than the standard set by *Roe v. Wade*, and in many other states the fight continues to impose similar restrictions.[1] Along those lines, states are enacting laws and policies limiting access to gender-affirming care, particularly for youth—as of May 2025, more than half the states have passed laws limiting access to gender-affirming care.[2] As a result, telehealth for reproductive healthcare access, particularly abortions, is increasingly relied upon by patients, particularly those who are vulnerable and have no other options for care.[3] For abortion opponents in those states, imposing their own restrictive laws is not enough: They are working to go beyond their state lines to stop legal medical care by preventing their residents from traveling to other states or receiving telehealth care with licensed U.S. healthcare providers to access safe, legal, necessary care. They do so by attempting to impose criminal and civil liability against residents of other states supporting or providing abortion and/or gender-affirming care where it is legal. New Yorkers are prime

[1] Zernike, Kate. *Where Roe v. Wade Has the Biggest Effect*. The New York Times, 18 Aug. 2024, https://www.nytimes.com/interactive/2024/us/abortion-laws-roe-v-wade.html (last accessed Jun. 3, 2025).

[2] Dawson, Lindsey, and Jennifer Kates. "Policy Tracker: Youth Access to Gender Affirming Care and State Policy Restrictions." *Kaiser Family Foundation*, 27 May 2025, https://www.kff.org/other/dashboard/gender-affirming-care-policy-tracker/?utm_source=chatgpt.com; American Civil Liberties Union. "Mapping Attacks on LGBTQ Rights in U.S. State Legislatures in 2025." *American Civil Liberties Union*, 2025, https://www.aclu.org/legislative-attacks-on-lgbtq-rights-2025.

[3] Society of Family Planning. *#WeCount Report: April 2022 to June 2024*. Society of Family Planning, Oct. 2024, https://societyfp.org/wp-content/uploads/2024/10/WeCount-Report-8-June-2024-data.pdf.

About the Association

The mission of the New York City Bar Association, which was founded in 1870 and has 23,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.

targets for these attacks: This year, New York physician Dr. Margaret Carpenter was indicted and sued for providing abortion medication to individuals in other states.[4]

It is essential that New York protect its residents from this invidious treatment. Shield laws are how we can try to do so. Comprehensive shield laws provide some protection to medical providers, supporters, helpers, and patient medical records from civil and criminal actions resulting from providing health care that is legal in the state where they are practicing to out-of-state patients. They therefore assist out-of-state patients in obtaining critical medical care by U.S. licensed healthcare providers while simultaneously providing safeguards for providers necessary to make that care possible.

A.5480-C / S.4914-B builds upon New York's existing shield laws, which aim to protect medical providers, those who support access to care, and patient medical records, from other states' efforts to impose criminal and civil liability for those who have provided or received abortion or gender-affirming care. The proposed legislation would address weaknesses of the existing shield laws in two essential ways.

First, A.5480-C / S.4914-B adds to New York's current protections for sensitive health care data held by private entities, including hospitals, clinics, and nonprofits, from being accessed and weaponized by abortion opponents. The bill requires that any request for the issuance of a subpoena for such information contain an affirmation that the subpoena is not related to any investigation or proceeding seeking to impose civil or criminal liability or any other legal consequences upon a person for "legal protected health activity," defined as reproductive health care and gender-affirming care.[5] Additionally, the attorney general must be notified of the request *and* there must be a reasonable attempt to notify the individuals whose information is at issue. The bill also provides a penalty for any false affirmation and empowers the attorney general to commence an action or special proceeding for damages and/or penalties against anyone who submits a false affirmation. This ultimately will ensure that sensitive health data is only released in very limited circumstances and cannot be misused to identify and wrongfully target New Yorkers providing necessary healthcare.

Second, and significantly for the City Bar, A.5480-C / S.4914-B reinforces that New York's shield law protections apply to *all* professionals who are involved in the provision of care, including but not limited to therapists, speech pathologists, advanced practice clinicians, and attorneys who work with clients that support or engage in such care. It states that such licensees acting within their scope of practice cannot be charged with professional misconduct for providing reproductive and gender-affirming care that is legal in New York, and that providing such care shall not by itself constitute professional misconduct. For attorneys, it reiterates that no attorney may be removed or otherwise subject to discipline for advising or representing a client or prospective client related to reproductive health care or gender-affirming care. In order to ensure that New York remains a haven for reproductive and gender-affirming healthcare, it is essential to have a fully developed infrastructure that protects and

[4] Pam Belluck & Emily Cochrane, *New York Doctor Indicted in Louisiana for Sending Abortion Pills There,* NY TIMES, Jan. 31, 2025, https://www.nytimes.com/2025/01/31/health/abortion-louisiana-new-york-prosecution-shield-law.html ; Pam Belluck & Mary Beth Gahan, *Texas Judge Fines New York Doctor and Orders Her to Stop Sending Abortion Pills to Texas*, NY TIMES, Feb. 13, 2025, https://www.nytimes.com/2025/02/13/health/texas-new-york-abortion-pills-lawsuit.html.

[5] The proposed legislation would not preclude a legitimate inquiry into allegations of fraud by a health care provider. *See* Section 570.17 of New York's criminal procedure law. https://www.nysenate.gov/legislation/laws/CPL/570.17.

provides for *all* providers, including attorneys, such as the approximately 23,000 members of the City Bar, who are working to protect these rights. A.5480-C / S.4914-B will do just that.

New York has long been a leader in protecting the right to reproductive health and autonomy, as well as gender-affirming care. In 2019, New York passed legislation expanding access to abortion care in the state, and in 2022 and 2023 the State enacted an initial round of Shield Law protections.[6] Just recently, in November 2024, the State passed the Equal Rights Amendment, amending the state constitution to prohibit discrimination based on sex, sexual orientation, gender identity, gender expression, pregnancy, pregnancy outcomes, and reproductive healthcare and autonomy.[7] While this statutory scheme is something to applaud, it is clear that it is not enough, nor are these rights guaranteed; in fact, they are consistently under attack from opponents both from within and outside of New York.[8] It is essential that New York have infrastructure in place to promote the safety of New Yorkers who engage in and support reproductive health care and gender-affirming care .

As attorneys, we recognize the importance of having strong, comprehensive laws that protect New Yorkers' rights, including the right to aid in access to safe, legal, reproductive and gender-affirming care. A.5480-C / S.4914-B will help to ensure that is the case.

For these reasons, the City Bar supports A.5480-C / S.4914-B and urges its passage.

Sex & Law Committee
Natalie Birnbaum, Co-Chair
Susan Cersovsky, Co-Chair
Kyla Magun, Principal Writer

Civil Rights Committee
Evan Henley, Co-Chair

Health Law Committee
Debra Cohn, Chair

Lesbian, Gay, Bisexual, Transgender, and Queer Rights Committee
Hayley Gorenberg. Co-Chair
Jared Trujillo, Co- Chair

June 2025

Contact
Raabia Qasim, Associate Policy Counsel | 212.382.6655 | rqasim@nycbar.org

---

[6] New York State, Office of the Governor. *Protecting & Strengthening Abortion Rights*. 5 June 2025, https://www.ny.gov/abortion-new-york-state-know-your-rights/protecting-strengthening-abortion-rights.

[7] "New York Voters Pass Prop 1." *New York City Bar Association*, 5 Nov. 2024, https://www.nycbar.org/blogs/new-york-voters-pass-prop-1/.

[8] Parsnow, Luke. "Appeals Court Upholds New York's Reproductive Health Act." *Spectrum News*, 3 June 2025, https://spectrumlocalnews.com/nys/central-ny/politics/2025/06/03/appeals-court-upholds-new-york-s-reproductive-health-act.