NEW YORK CITY BAR

September 15, 2025

The Honorable Kathy Hochul
Governor of New York State
NYS Capitol Building
Albany, NY 12224

Re: Urging Swift Enactment of Shield Law 2.0 (S.4914-B/A.5480-C)

Dear Governor Hochul:

On behalf of the Sex and Law Committee, Civil Rights Committee, Health Law Committee, and Lesbian, Gay, Bisexual, Transgender and Queer Rights Committee of the New York City Bar Association (the "City Bar"), we write to request that you expediently sign S.4914-B (Sen. Hoylman-Sigal) / A.5480-C (AM Bronson) ("Shield Law 2.0"), a bill we vigorously support. A copy of the City Bar's report in support of the legislation is appended to this letter.[1]

Reproductive health access and gender-affirming care are in crisis. As of September 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.[2] Along those lines, states are enacting laws and policies limiting access to gender-affirming care, particularly for youth—as of August 2025, more than half the states have passed laws limiting access to gender-affirming care.[3] 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.[4] For abortion opponents in those states, imposing their 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

[1] *See* https://www.nycbar.org/reports/protection-from-liability-for-legally-protected-health-activity/?back=1 (all websites last visited Sept. 9, 2025).

[2] McCann, Allison and Amy Schoenfeld Walker. "Tracking Abortion Laws Across the Country." The New York Times, Updated Sept. 8, 2025, https://www.nytimes.com/interactive/2024/us/abortion-laws-roe-v-wade.html.

[3] Dawson, Lindsey, and Jennifer Kates. "Policy Tracker: Youth Access to Gender Affirming Care and State Policy Restrictions." Kaiser Family Foundation, Updated Aug. 12, 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.

[4] 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 over 20,000 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.

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 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.[5]

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 premised upon 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 some safeguards for providers necessary to make that care possible.

Shield Law 2.0 builds upon New York's existing shield laws, which aim to provide some protection to 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, Shield Law 2.0 adds to New York's current protections that help keep sensitive health care data held by private entities, including hospitals, clinics, and nonprofits, from being accessed and weaponized by abortion opponents. This bill will ultimately ensure that sensitive health data is released only 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, Shield Law 2.0 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 or 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 provides some protection for *all* providers, including attorneys, are working to protect these rights.

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

[5] Pam Belluck & Emily Cochrane, "New York Doctor Indicted in Louisiana for Sending Abortion Pills There," The New York 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," The New York Times, Feb. 13, 2025, https://www.nytimes.com/2025/02/13/health/texas-new-york-abortion-pills-lawsuit.html.

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 adopted 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 we must do more to protect these rights, which are consistently under attack by 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 aim to protect New Yorkers' rights, including the right to aid in access to safe, legal, reproductive and gender-affirming care. Shield Law 2.0 will help provide critical protection to New Yorkers.

For these reasons, the City Bar urges that you sign Shield Law 2.0, S.4914-B/A.5480-C, into law.

Respectfully,

Natalie Birnbaum, Co-Chair
Sex & Law Committee

Susan Cersovsky, Co-Chair
Sex & Law Committee

Kyla Magun, Principal Writer
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[6] New York State, Office of the Governor, *Protecting & Strengthening Abortion Rights*, June 5, 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, Nov. 5, 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, June 3, 2025, ,https://spectrumlocalnews.com/nys/central-ny/politics/2025/06/03/appeals-court-upholds-new-york-s-reproductive-health-act. Press Release: Attorney General James Defends New York's Shield Law Against Texas Attack, New York State Attorney General, Sept. 8, 2025, https://ag.ny.gov/press-release/2025/attorney-general-james-defends-new-yorks-shield-law-against-texas-attack; *see also* Belluck, Pam. "States Heading Toward Constitutional Showdown Over Abortion Shield Laws," The New York Times, Updated Sept. 9, 2025, https://www.nytimes.com/2025/09/08/health/abortion-shield-laws.html.

Cc: Hon. Harry Bronson
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