

## FACT

Current New York state law **does not adequately protect a woman's right to access safe and legal abortion.**<sup>1</sup> Our only protection comes from the U.S. Supreme Court decisions that Donald Trump, Mike Pence, and the G.O.P. have vowed to overturn.<sup>2</sup> **This puts our fundamental reproductive rights at risk!**

## FACT

**The State Assembly passed a bill to fix this.** It's called the **Reproductive Health Act (RHA)** and it would write into New York state law a woman's right to access abortion that is consistent with Roe v. Wade.<sup>3</sup>

## FACT

**The State Senate refuses to act**<sup>4</sup> on this crucial legislation, and **Governor Cuomo has not made this a priority.**<sup>5</sup>

## FACT

**You can change this!**<sup>6</sup>

**KNOW THE FACTS | NOW GO ACT**

# ACT

**Call Governor Cuomo** (518-474-8390)

**or your state senator now** ([nysenate.gov/find-my-senator](http://nysenate.gov/find-my-senator))

and tell him/her, **"No more delays. Get the RHA passed immediately."**

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**1** Under current New York state abortion law – written in 1970 and never updated after Roe v. Wade in 1973 – abortion is a criminal act unless 1) it is performed before the 24th week of pregnancy, or 2) it is necessary to preserve a woman's life. See Penal Law § 125.05(3). Abortion is a felony. See Penal Law §§ 125.40 (second degree) and 125.45 (first degree). Self-abortion is a misdemeanor. See Penal Law §§ 125.50 (second degree) and 125.45 (first degree).

*NOTE: There are no exceptions in our current law for the preservation of a woman's health or for situations in which the fetus is not viable.*

**2** Roe v. Wade, 410 U.S. 113 (1973) held that a woman has a right to choose an abortion before fetal viability, and that after viability, a woman maintains her right to choose an abortion if her health or life are at risk. Planned Parenthood v. Casey, 505 U.S. 833 (1992) reaffirmed Roe v. Wade and held that the government may not impose any "undue burden" on the constitutionally protected right to abortion. These Supreme Court decisions are the controlling law, and provide vital protections beyond current NYS law. However, if these decisions are overturned – as Trump and Pence have promised they will be with a newly configured Supreme Court – state law will be the only thing women in New York can rely on to preserve the fundamental right to control our own bodies and reproductive decisions.

**3** The Reproductive Health Act (Assembly Bill 1748 / Senate Bill 2796) repeals the law that criminalizes abortion and creates a new section of the Public Health Law, which would read as follows:

"1. A health care practitioner licensed, certified, or authorized under title eight of the education law, acting within his or her lawful scope of practice, may perform an abortion when, according to the practitioner's reasonable and good faith professional judgment based on the facts of the patient's case: the patient is within twenty-four weeks from the commencement of pregnancy, or there is an absence of fetal viability, or the abortion is necessary to protect the patient's life or health.

2. This article shall be construed and applied consistent with and subject to applicable laws and applicable and authorized regulations governing health care procedures."

**4** After the Assembly passed the bill on January 17, 2017 by a vote of 97-49, the bill went to the Senate. But it has been stalled by the Health Committee, which hasn't even scheduled a vote. The Committee consists of nine Republicans, six true Democrats, one "Independent Democratic Conference" Democrat (Syracuse-area Sen. David Valesky), and Brooklyn fake Democrat Simcha Felder. Felder was elected as a Democrat, but he caucuses and votes with Republicans. (And only five of the 17 committee members are women, illustrating why we need more women in politics!)

**5** Cuomo has lost control of the state Democratic Party and either can't or won't work to unify it. The Senate has 63 members, and the majority (32) call themselves Democrats. But one of those 32 is fake Democrat Simcha Felder who votes with Republicans, and eight others vote as the Independent Democratic Conference (IDC). Cuomo says he values reproductive freedom, but has done little to safeguard it. He recently called for a state constitutional amendment to protect access to abortion, but that process requires passage by the legislature just like the RHA does, yet has the added hurdles of passage by a second vote of the full legislature as well as a popular vote. If Cuomo can't convince Senators to get the RHA out of committee, how will he possibly even come close to getting a constitutional amendment approved?

**6** Politicians work for us. When our elected representatives aren't doing their job, we need to tell them in a way that makes them listen. WE are the boss.