



**In re: Authorizing a State Report on Limited Service
Pregnancy Centers
(S.470-Hoylman/A.5499-Glick)**

Memorandum of Opposition

Bill S.470-Hoylman/A.5499-Glick would authorize the New York State Department of Health to study and report on “the unmet health and resource needs facing pregnant women in New York” and the impact of limited service pregnancy centers on women’s timely access to “a comprehensive range of reproductive and sexual health care services.”

The key provisions of the bill are contained in section two, subsection two. This section would empower the Commissioner of Health to “request, and receive upon request, data and information” from limited service pregnancy centers relating to government funding sources; affiliations with national networks of limited services pregnancy centers; services provided; numbers of clients served; client demographics; advertising; information provided to clients; professional staff; medical records collected from clients; and whether clients “have experienced a delay in receiving health care, including abortion or the initiation of prenatal care, due to a visit to a limited service pregnancy center.”

The legislation calls for the creation of a nine-member temporary taskforce to assist the Department of Health in conducting the study. The taskforce would include a medical professional who performs abortions and “an individual with professional experience in the fields of reproductive rights, health and/or justice.” Members of the taskforce would be appointed by the Governor, the Temporary President of the Senate, and the Speaker of the Assembly; the Senate and Assembly Minority Leaders would be excluded from the process.¹

¹ If this bill were passed during the 2021 legislative session, New Yorkers for Constitutional Freedoms considers it a foregone conclusion that all nine members of the temporary taskforce would share the same party affiliation and the same policy perspective regarding abortion access. The one-sided composition of the taskforce raises substantial questions about whether the study contemplated in this bill would be conducted in a fair and even-handed manner.

The bill memo expresses concern about abortion access, hinting that women who visit limited pregnancy centers may put off having abortions and may, as a result, either (a) resort to later-term abortions than they would otherwise have obtained; or (b) reach a point where they will be too far along in their pregnancies to be able to obtain abortions at all. New Yorkers for Constitutional Freedoms fundamentally disagrees with current New York law and U.S. Supreme Court jurisprudence relating to abortion; we do not see an absence of abortion access as a problem. However, even if the bill memo were correct in asserting that abortion access is a positive good, this bill would still be flawed. Are women experiencing difficulty accessing abortion services in New York due to the actions of limited service pregnancy centers? Or experiencing difficulty accessing abortion services in New York for any other reason? The bill memo does not cite a single instance where a woman who wished to obtain an abortion in New York was prevented from doing so by the actions of a limited service pregnancy center. Also, the Centers for Disease Control indicated that 87,325 of the 623,471 surgical abortions performed in the United States in 2016 were performed in New York. This figure represents 14% of the national total. No other state that reported abortion figures to the CDC for the year 2016 reported as many abortions as New York did.² Given these figures, the contention that women are experiencing difficulty accessing abortion services in New York seems far-fetched. Why should state government study and report upon a non-existent problem? Is this bill really about studying and reporting on abortion access, or does it have a different purpose that has been left unsaid?

Bill S.470-Hoylman/A.5499-Glick would impose onerous data collection and reporting requirements upon limited service pregnancy centers that conduct lawful activities in the State of New York. The bill is best understood as an effort to weaponize New York government to harass a set of charitable organizations based upon their beliefs. It should be rejected.

² See <https://www.cdc.gov/mmwr/volumes/68/ss/ss6811a1.htm>, last accessed February 20, 2021.