



**In re: Targeting Hospitals that Refuse to Abort for  
Subsequent Harassment (the THRASH Bill)  
(Bill S.5400-Hinchey/A.6334-Rozic)  
Memorandum of Opposition**

Bill S.5400-Hinchey/A.6334-Rozic, the THRASH Bill, is a disingenuous piece of legislation.

The bill's stated purpose—"to ensure that individuals have access to information about whether the hospital, or hospitals, in their area provides [sic] the care they seek prior to admission and to identify health care deserts in regions of the state"—appears benign and uncontroversial. In the section on legislative findings, the THRASH bill's sponsors assert that hospital closures and consolidation have left some regions of the state lacking access to certain types of medical care, and that patients are unable to determine whether hospitals in their respective regions offer the medical care that they need. The THRASH Bill would require the New York State Department of Health to annually "collect from each general hospital a list of its policy-based exclusions..." ("Policy-based exclusions," in essence, are hospital rules concerning medical procedures that hospital personnel are not allowed to provide.) The required list would be published on the Department of Health's website.

In a March 9, 2022 article, *The River* offered the following additional information about Bill S.5400-Hinchey/A.6334-Rozic: "The bill directs New York's Department of Health to collect a list of 'policy-based exclusions' from every general hospital across the state on an annual basis and then publish that information on its website. If it becomes law, the data collected by the bill will also help lawmakers get a more accurate sense of the reproductive healthcare landscape around the state. 'No matter who you are, where you live, what your means, you should be able to find access to an abortion, and right now, we just don't even know where those gaps are,' [Sen. Michelle] Hinchey says. 'We don't know what we need to do to fix them.' Laying the groundwork now prior to *Roe v. Wade* being potentially overturned, she argues,

is essential. “There’s still a lot more that we need to do in New York, especially as we start to see, possibly, an influx of people to our state who are seeking health care.”<sup>1</sup>

The quotation from Sen. Hinchey makes the true purpose behind the THRASH Bill abundantly clear. The THRASH bill is designed to help New York government find out which areas of the state have “gaps” in hospital-provided abortion services. Once that information has been obtained by the state, the state will be able—should it so choose—to “fix” those gaps, both to ensure that New York women have convenient abortion access and to prepare for an anticipated “influx” of out-of-state women seeking to have abortions here. Presumably, the “gaps” in abortion services could be “fixed” in one of two ways. First, the state could increase funding to abortion providers to help them open new facilities in areas that have “gaps.” Second (and more likely), abortion advocates and their allies in state government could attempt to pressure, harass, or coerce hospitals into violating their own core values by providing abortions.<sup>2</sup> To put it simply, the THRASH bill is a sword pointed at the heart of faith-based hospitals in the state of New York.<sup>3</sup>

New Yorkers for Constitutional Freedoms strongly urges the New York State Legislature to reject this measure.

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<sup>1</sup> See <https://therivernewsroom.com/abortion-prohibition-meaning-for-new-york/>, last accessed May 30, 2022.

<sup>2</sup> In light of recent incidents of pro-abortion violence directed at pro-life organizations across the country, the possibility of harassment of faith-based hospitals is all too real. The information on the state website called for in the THRASH bill could very easily be used by extremists to direct harassment and reprisals at faith-based hospitals.

<sup>3</sup> In addition to being used as a mechanism to target hospitals that do not perform abortions, the THRASH bill would likely also be used to target hospitals that decline to provide so-called “sex-reassignment surgeries.”