



New York State RIGHT TO LIFE COMMITTEE, INC.

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Memo of Opposition to the “Reproductive Health Act,” S.240 (Krueger) / A.21 (Glick)

NYSRTL opposes the so-called “Reproductive Health Act” (RHA). If enacted, RHA would not only lead to an increase in the number of abortions, but expose New York mothers to increased dangers by removing protections currently in New York statute. *Supporters of RHA claim it merely seeks to update New York’s laws to make them consistent with Roe v. Wade. This claim is false.* The changes this bill would make instead would authorize abortion through all nine months, for any reason, with no restrictions, up until birth, and even after birth if a child is born during the course of an abortion (i.e. infanticide). The few protections in New York law should not be repealed. Abortion is not health care.

RHA would establish abortion as a fundamental right in New York.

If abortion is elevated to a fundamental right, emanating from such right would be restrictions on communications deemed to impede a woman’s decision-making about an abortion (pro-life viewpoint suppression), mandated participation by providers that object, and further restrictions on pro-life efforts to save children’s lives. Also, any reasonable restriction on abortion – *including laws the Supreme Court has already upheld under “Roe” as constitutional* – would be precluded. RHA instead declares, “it is the intent of the legislature to prevent the enforcement of laws or regulations... that burden abortion access.”

RHA would authorize abortion up until the moment of birth.

Currently, late term unborn children are protected in New York State law after 24 weeks except to save a mother’s life. RHA would repeal that standard and exchange it for a “health” exception, broadly interpreted by courts to include age, economic, social and emotional factors, rather than the biological definition of “health” that normally comes to mind. Late term unborn children are capable of pain and suffering and should be saved from death.

RHA would allow any health care practitioner to perform an abortion.

Current law states only a duly licensed physician may perform an abortion. RHA would allow any licensed health care practitioner to perform an abortion if the practitioner acts in “good faith” (rather than an objective medical standard of care), opening the door broadly for abuse.

RHA would remove protections for women and unborn children from illegal abortion.

RHA would repeal New York’s Penal Law to remove the criminal act of abortion, preventing prosecution of illegal abortions, including those performed by any self-proclaimed provider, or ones resulting from intentional violence committed against a pregnant mom and her child. This is the *opposite* of pro-woman. Abortion is a tragedy, even more so resulting from interpersonal violence. Illegal abortion should remain on the books to allow prosecution in these cases.

RHA would repeal protective medical standards for mother and child.

The law requiring certain abortions to take place in hospitals on in-patient basis would be repealed. Also, the law requiring a second physician after twenty weeks to attend to any infant born alive to provide medical care would be repealed (in effect, endorsing infanticide).

RHA is about enabling the abortion industry to operate without regulation, reservation or regard for human life.

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