

# **NYS REPRODUCTIVE HEALTH ACT**

**A BRIEF SUMMARY AND ANALYSIS**

Dear Reader,

On Tuesday, January 22, 2019, New York State enacted into law a historic bill titled the *Reproductive Health Act (RHA)*.

Many New Yorkers and Americans alike have fierce views regarding this legislation. The media has reported on its passage and inclusions from varying political viewpoints, often inciting the anger or support of its respective readers.

Whenever legislation is passed that deals with an issue that is highly controversial within American culture, it is incumbent upon the engaged citizens to read and fully understand its wording, actions, and implications before entering into dialogue.

Often, the way that legislation is written and formatted can make reading the original text both cumbersome and difficult. This means that many will only read cursory explanations provided within their silos of preferred media outlets and social media circles.

*“Educate and inform the whole mass of the people. They are the only sure reliance for the preservation of our liberty.” – Thomas Jefferson*

In an effort to provide clarity and to allow the reader to come to their own conclusions on the RHA, I have attempted to format the text, highlight prominent sections, and then summarize the legislative terminology in layman’s terms.

Although media outlets can be a great source of information, there is no mode of informing oneself more pure and unadulterated than reading the original text.

I am not a lawyer, professor, or scholar. I am merely a citizen eager to serve his fellow citizens in their pursuit of comprehending and accurately understanding this legislation. I have done my best to not make assumptions, interject a political stance, or discredit anything contained within this text, and have worked hard to provide a concise explanation of the terms and provisions and nothing more. My hope is that these explanations are accurate and without error. Of course, I know that my understanding and abilities are not perfect, but I trust this will be helpful to readers in their pursuit of greater understanding.

May this serve to inform and enable you to speak confidently and accurately regarding the RHA.

Humbly,

  
Josh McGrath  
CEO, Viable Options

## Overview of [The Reproductive Health Act \(RHA\)](#)

The recently passed RHA legislation in NY does several things of which the five most prominent are as follows:

1. Removing abortion from the state's criminal code and placing it entirely within the realm of public health law.
2. Expanding abortion services for women beyond the realm of solely physician care to include any medical professional for whom abortion falls within their lawful scope of practice as defined by Title Eight of the Education Law.
3. Legalizing abortion after 24 weeks in cases where it would protect a woman's health or life, or where a fetus is not viable. (State law previously only allowed abortions after 24 weeks if the woman's life was in jeopardy.)
4. Defining a "person" as "a human being who has been born and is alive."
5. Removing the legal requirement for physicians to provide life-saving measures for any child born alive following an abortion procedure.

**NOTE 1**

Any text that appears in brackets “[ ]” is an omission of that text from the current NYS law(s)

**NOTE 2**

Any text that appears in red is text that is being omitted from NYS law.

**NOTE 3**

Any text highlighted in light orange denotes prior NYS law that is being omitted. All omitted laws referenced can be read in full under “REPEALED SECTIONS”.

**NOTE 4**

Any text highlighted in yellow denotes legislative wording that alters or enacts a significant ideal or belief assumed by the state that the reader should be made aware of.

**NOTE 5**

Any text highlighted in light red details key aspects of NYS law that have been omitted. This only appears under the section titled, “REPEALED SECTIONS FROM NYS LAW”.

**NOTE 6**

Any text that appears in a box is not part of the RHA legislation or the repealed NYS laws, and is added solely to bring clarity of that respective highlighted section to the reader.

**NOTE 7**

The official text of the RHA has been reformatted below in order to make it easily accessible to the reader and to aid in comprehension. The text does not appear in its original format.

---

STATE OF NEW YORK

---

S. 240

A. 21

2019-2020 Regular Sessions

SENATE - ASSEMBLY

(PREFILED)

January 9, 2019

---

IN SENATE -- Introduced by Sens. KRUEGER, STEWART-COUSINS, BAILEY, BENJAMIN, BIAGGI, BRESLIN, BROOKS, COMRIE, GAUGHRAN, GIANARIS, GOUNARDES, HARCKHAM, HOYLMAN, JACKSON, KAMINSKY, KAPLAN, KENNEDY, LIU, MARTINEZ, MAY, MAYER, METZGER, MYRIE, PARKER, PERSAUD, RAMOS, RIVERA, SALAZAR, SANDERS, SAVINO, SEPULVEDA, SERRANO, SKOUFIS, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Health

IN ASSEMBLY -- Introduced by M. of A. GLICK, GOTTFRIED, LUPARDO, HEASTIE, PEOPLES-STOKES, JAFFEE, TITUS, SIMOTAS, L. ROSENTHAL, O'DONNELL, CAHILL, SOLAGES, ABINANTI, ARROYO, BARRETT, BARRON, BICHOTTE, BLAKE, BRAUNSTEIN, BRONSON, BUCHWALD, CARROLL, COOK, CYMBROWITZ, DE LA ROSA, DenDEKKER, DILAN, DINOWITZ, D'URSO, ENGLEBRIGHT, FAHY, GALEF, GANTT, HEVESI, HUNTER, HYNDMAN, JEAN-PIERRE, JONES, KIM, LAVINE, LIFTON, MAGNARELLI, MOSLEY, NOLAN, OTIS, PAULIN, PERRY, PHEFFER AMATO, PICHARDO, PRETLOW, QUART, RODRIGUEZ, ROZIC, SEAWRIGHT, SIMON, STECK, STIRPE, THIELE, WALLACE, WEINSTEIN, WEPRIN, WILLIAMS, WOERNER, WRIGHT, NIOU, ORTIZ, FERNANDEZ, GRIFFIN -- Multi-Sponsored by -- M. of A. EPSTEIN -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to enacting the reproductive health act and revising existing provisions of law regarding abortion; to amend the penal law, the criminal procedure law, the county law and the judiciary law, in relation to abortion; to repeal certain provisions of the public health law relating to abortion; to repeal certain provisions of the education law relating to the sale of contraceptives; and to repeal certain provisions of the penal law relating to abortion

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY,  
DO ENACT AS FOLLOWS:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

Section 1. Legislative intent. The legislature finds that comprehensive reproductive health care, including contraception and abortion, is a fundamental component of a woman's health, privacy and equality. The New York Constitution and United States Constitution protect a woman's fundamental right to access safe, legal abortion, courts have repeatedly reaffirmed this right and further emphasized that states may not place undue burdens on women seeking to access such right.

Moreover, the legislature finds, as with other medical procedures, the safety of abortion is furthered by evidence-based practices developed and supported by medical professionals. Abortion is one of the safest medical procedures performed in the United States; the goal of medical regulation should be to improve the quality and availability of health care services.

Furthermore, the legislature declares that it is the public policy of New York State that every individual possesses a fundamental right of privacy and equality with respect to their personal reproductive decisions and should be able to safely effectuate those decisions, including by seeking and obtaining abortion care, free from discrimination in the provision of health care.

**Brief 1: Defining abortion as a “fundamental right”**

The RHA legislation codified “seeking and obtaining abortion care” as a fundamental right for women in New York State.

This addition into New York State law is important because the term “fundamental right” has legal implications which [Cornell Law School](#) sums up as:

“Fundamental rights are a group of rights that have been recognized by the Supreme Court as requiring a high degree of protection from government encroachment. These rights are specifically identified in the Constitution (especially in the Bill of Rights), or have been found under Due Process. Laws encroaching on a fundamental right generally must pass strict scrutiny to be upheld as constitutional.”

Therefore, it is the intent of the legislature to prevent the enforcement of laws or regulations that are not in furtherance of a legitimate state interest in protecting a woman's health that burden abortion access.

§ 2. The public health law is amended by adding a new article 25-A to read as follows:

ARTICLE 25-A  
REPRODUCTIVE HEALTH ACT

**Brief 2: Preventing future restrictions to abortion**

The RHA legislation now sets a precedent for how the State of New York will deal with any future legal or legislative restrictions surrounding abortion. Legislatively speaking, it is the intent of the State to prevent the passing of any law or regulation which would unduly encroach upon or restrict a woman’s access to abortion, unless in cases that protect her health or wellbeing.

SECTION 2599-AA. POLICY AND PURPOSE.

2599-BB. ABORTION.

§ 2599-AA. POLICY AND PURPOSE. THE LEGISLATURE FINDS THAT

COMPREHENSIVE REPRODUCTIVE HEALTH CARE IS A FUNDAMENTAL COMPONENT OF EVERY INDIVIDUAL'S HEALTH, PRIVACY AND EQUALITY. THEREFORE, IT IS THE POLICY OF THE STATE THAT:

1. EVERY INDIVIDUAL HAS THE FUNDAMENTAL RIGHT TO CHOOSE OR REFUSE CONTRACEPTION OR STERILIZATION.

2. EVERY INDIVIDUAL WHO BECOMES PREGNANT HAS THE FUNDAMENTAL RIGHT TO CHOOSE TO CARRY THE PREGNANCY TO TERM, TO GIVE BIRTH TO A CHILD, OR TO HAVE AN ABORTION, PURSUANT TO THIS ARTICLE.

3. THE STATE SHALL NOT DISCRIMINATE AGAINST, DENY, OR INTERFERE WITH THE EXERCISE OF THE RIGHTS SET FORTH IN THIS SECTION IN THE REGULATION OR PROVISION OF BENEFITS, FACILITIES, SERVICES OR INFORMATION.

§ 2599-BB. ABORTION. 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.

**Brief: 3 The addition of “health” to NYS law pertaining to abortions performed after 24 weeks gestation**

The majority opinion handed down in *Doe v. Bolton* in 1973, authored by Justice Blackmun ([Supreme Court Case 410 U.S. 179](#)), set a new definition for “health”:

*“We agree with the District Court, 319 F.Supp. at 1058, that the **medical judgment may be exercised in the light of all factors — physical, emotional, psychological, familial, and the woman's age — relevant to the wellbeing of the patient. All these factors may relate to health.** This allows the attending physician the room he needs to make his best medical judgment. And it is room that operates for the benefit, not the disadvantage, of the pregnant woman.”* (emphasis added)

The recent addition of “health” to New York State abortion law broadens access to the procedure after 24 weeks gestation, in that it permits abortions past 24 weeks in cases where a pregnant woman’s age, physical, emotional, or psychological health, or familial factors may put her at risk of potential detriment.

**Brief 4: Expanding abortion care beyond physicians**

Prior to the RHA legislation, only board certified, New York State recognized physicians were legally allowed to perform abortions on women in the state of New York. The RHA expands abortion services beyond the realm of physician care to include any medical professional for whom abortion falls within their lawful scope of practice as defined by Title Eight of the Education Law.

As reported by [The Buffalo News](#), surgical abortions will now be able to be performed by

physician assistants (PAs) and nonsurgical procedures (up to 10 weeks LMP) using mifepristone and misoprostol can now be carried out by licensed midwives and nurse practitioners.

### **Brief 5: Practitioner's judgement**

Prior to the RHA legislation, NYS only allowed abortions past 24 weeks gestation in cases where the life of the mother was threatened (risk of death). The addition of "health" to NYS law now allows abortions past 24 weeks in cases where the physical, emotional, or psychological health, familial factors, or the age of the pregnant woman put her at risk.

The RHA places the decision to perform an abortion within the discretion of the practitioner at any point prior to a live birth, allowing them to exercise their professional judgement based upon three key factors:

1. The pregnancy is at or less than 24 weeks gestation
2. There is an absence of fetal viability
3. The abortion is necessary to protect the life or health (wellbeing) of the pregnant woman

2. THIS ARTICLE SHALL BE CONSTRUED AND APPLIED CONSISTENT WITH AND SUBJECT TO APPLICABLE LAWS AND APPLICABLE AND AUTHORIZED REGULATIONS GOVERNING HEALTH CARE PROCEDURES.

§ 3. Section 4164 of the public health law is REPEALED.

§ 4. Subdivision 8 of section 6811 of the education law is REPEALED.

§ 5. Sections 125.40, 125.45, 125.50, 125.55 and 125.60 of the penal law are REPEALED, and the article heading of article 125 of the penal law is amended to read as follows:

### HOMICIDE[, ABORTION] AND RELATED OFFENSES

§ 6. Section 125.00 of the penal law is amended to read as follows:

§ 125.00 Homicide defined.

Homicide means conduct which causes the death of a person [or an unborn child with which a female has been pregnant for more than twenty-four weeks] under circumstances constituting murder, manslaughter in the first degree, manslaughter in the second degree, OR criminally negligent homicide[, abortion in the first degree or self-abortion in the first degree].

### **Brief 6: Updating the definition “homicide”**

Prior to the passage of the RHA, New York State’s definition of homicide included an unborn child 24 weeks or older who died in utero under circumstances or means consistent with those constituting murder, manslaughter in the first degree, or manslaughter in the second degree. This has been omitted as part of the passage of the new legislation, declassifying ending the life of an unborn child as a criminal offense, as to be consistent with the newly established definition of personhood.

§ 7. The section heading, opening paragraph and subdivision 1 of section 125.05 of the penal law are amended to read as follows:

Homicide[, **abortion**] and related offenses; **[definitions of terms]**

DEFINITION.

The following **[definitions are]** DEFINITION IS applicable to this article:

**[1.]** "Person," when referring to the victim of a homicide, means a human being who has been born and is alive.

### **Brief 7: The definition of “person”**

Prior to the passing of the RHA legislation, New York State’s penal code indirectly defined personhood as beginning at 24 weeks gestation through the definition of “homicide”.

After the passage of the RHA, the State of New York legislatively defined personhood as one “who has been born and is alive.” Any unborn child, regardless of gestational age, is no longer classified or protected as a person.

§ 7-a. Subdivisions 2 and 3 of section 125.05 of the penal law are REPEALED.

§ 8. Subdivision 2 of section 125.15 of the penal law is REPEALED.

§ 9. Subdivision 3 of section 125.20 of the penal law is REPEALED.

§ 10. Paragraph (b) of subdivision 8 of section 700.05 of the criminal procedure law, as amended by chapter 189 of the laws of 2018, is amended to read as follows:

(b) Any of the following felonies: assault in the second degree as defined in section 120.05 of the penal law, assault in the first degree as defined in section 120.10 of the penal law, reckless endangerment in the first degree as defined in section 120.25 of the penal law, promoting a suicide attempt as defined in section 120.30 of the penal law, strangulation in

the second degree as defined in section 121.12 of the penal law, strangulation in the first degree as defined in section 121.13 of the penal law, criminally negligent homicide as defined in section 125.10 of the penal law, manslaughter in the second degree as defined in section 125.15 of the penal law, manslaughter in the first degree as defined in section 125.20 of the penal law, murder in the second degree as defined in section 125.25 of the penal law, murder in the first degree as defined in section 125.27 of the penal law, [abortion in the second degree as defined in section 125.40 of the penal law, abortion in the first degree as defined in section 125.45 of the penal law,] rape in the third degree as defined in section 130.25 of the penal law, rape in the second degree as defined in section 130.30 of the penal law, rape in the first degree as defined in section 130.35 of the penal law, criminal sexual act in the third degree as defined in section 130.40 of the penal law, criminal sexual act in the second degree as defined in section 130.45 of the penal law, criminal sexual act in the first degree as defined in section 130.50 of the penal law, sexual abuse in the first degree as defined in section 130.65 of the penal law, unlawful imprisonment in the first degree as defined in section 135.10 of the penal law, kidnapping in the second degree as defined in section 135.20 of the penal law, kidnapping in the first degree as defined in section 135.25 of the penal law, labor trafficking as defined in section 135.35 of the penal law, aggravated labor trafficking as defined in section 135.37 of the penal law, custodial interference in the first degree as defined in section 135.50 of the penal law, coercion in the first degree as defined in section 135.65 of the penal law, criminal trespass in the first degree as defined in section 140.17 of the penal law, burglary in the third degree as defined in section 140.20 of the penal law, burglary in the second degree as defined in section 140.25 of the penal law, burglary in the first degree as defined in section 140.30 of the penal law, criminal mischief in the third degree as defined in section 145.05 of the penal law, criminal mischief in the second degree as defined in section 145.10 of the penal law, criminal mischief in the first degree as defined in section 145.12 of the penal law, criminal tampering in the first degree as defined in section 145.20 of the penal law, arson in the fourth degree as defined in section 150.05 of the penal law, arson in the third degree as defined in section 150.10 of the penal law, arson in the second degree as defined in section 150.15 of the penal law, arson in the first degree as defined in section 150.20 of the penal law, grand larceny in the fourth degree as defined in section 155.30 of the penal law, grand larceny in the third degree as defined in section 155.35 of the penal law, grand larceny in the second degree as defined in section 155.40 of the penal law, grand larceny in the first

degree as defined in section 155.42 of the penal law, health care fraud in the fourth degree as defined in section 177.10 of the penal law, health care fraud in the third degree as defined in section 177.15 of the penal law, health care fraud in the second degree as defined in section 177.20 of the penal law, health care fraud in the first degree as defined in section 177.25 of the penal law, robbery in the third degree as defined in section 160.05 of the penal law, robbery in the second degree as defined in section 160.10 of the penal law, robbery in the first degree as defined in section 160.15 of the penal law, unlawful use of secret scientific material as defined in section 165.07 of the penal law, criminal possession of stolen property in the fourth degree as defined in section 165.45 of the penal law, criminal possession of stolen property in the third degree as defined in section 165.50 of the penal law, criminal possession of stolen property in the second degree as defined by section 165.52 of the penal law, criminal possession of stolen property in the first degree as defined by section 165.54 of the penal law, trademark counterfeiting in the second degree as defined in section 165.72 of the penal law, trademark counterfeiting in the first degree as defined in section 165.73 of the penal law, forgery in the second degree as defined in section 170.10 of the penal law, forgery in the first degree as defined in section 170.15 of the penal law, criminal possession of a forged instrument in the second degree as defined in section 170.25 of the penal law, criminal possession of a forged instrument in the first degree as defined in section 170.30 of the penal law, criminal possession of forgery devices as defined in section 170.40 of the penal law, falsifying business records in the first degree as defined in section 175.10 of the penal law, tampering with public records in the first degree as defined in section 175.25 of the penal law, offering a false instrument for filing in the first degree as defined in section 175.35 of the penal law, issuing a false certificate as defined in section 175.40 of the penal law, criminal diversion of prescription medications and prescriptions in the second degree as defined in section 178.20 of the penal law, criminal diversion of prescription medications and prescriptions in the first degree as defined in section 178.25 of the penal law, residential mortgage fraud in the fourth degree as defined in section 187.10 of the penal law, residential mortgage fraud in the third degree as defined in section 187.15 of the penal law, residential mortgage fraud in the second degree as defined in section 187.20 of the penal law, residential mortgage fraud in the first degree as defined in section 187.25 of the penal law, escape in the second degree as defined in section 205.10 of the penal law, escape in the first degree as defined in section 205.15 of the penal law, absconding from temporary release in the first degree as defined in

section 205.17 of the penal law, promoting prison contraband in the first degree as defined in section 205.25 of the penal law, hindering prosecution in the second degree as defined in section 205.60 of the penal law, hindering prosecution in the first degree as defined in section 205.65 of the penal law, sex trafficking as defined in section 230.34 of the penal law, sex trafficking of a child as defined in section 230.34-a of the penal law, criminal possession of a weapon in the third degree as defined in subdivisions two, three and five of section 265.02 of the penal law, criminal possession of a weapon in the second degree as defined in section 265.03 of the penal law, criminal possession of a weapon in the first degree as defined in section 265.04 of the penal law, manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances defined as felonies in subdivisions one, two, and three of section 265.10 of the penal law, sections 265.11, 265.12 and 265.13 of the penal law, or prohibited use of weapons as defined in subdivision two of section 265.35 of the penal law, relating to firearms and other dangerous weapons, or failure to disclose the origin of a recording in the first degree as defined in section 275.40 of the penal law;

§ 11. Subdivision 1 of section 673 of the county law, as added by chapter 545 of the laws of 1965, is amended to read as follows:

1. A coroner or medical examiner has jurisdiction and authority to investigate the death of every person dying within his county, or whose body is found within the county, which is or appears to be:

(a) A violent death, whether by criminal violence, suicide or casualty;

(b) A death caused by unlawful act or criminal neglect;

(c) A death occurring in a suspicious, unusual or unexplained manner;

(d) [A death caused by suspected criminal abortion;

(e)] A death while unattended by a physician, so far as can be discovered, or where no physician able to certify the cause of death as provided in the public health law and in form as prescribed by the commissioner of health can be found;

[(f)] (e) A death of a person confined in a public institution other than a hospital, infirmary or nursing home.

#### **Brief 8: Redefining a medical examiner's jurisdiction and authority**

Because the RHA defined a person as one "who has been born and is alive", any pregnancy that results in the death of a pre-born human, either by natural causes, criminal action, or abortion,

does not fall under the purview of the coroner or medical examiner as their jurisdiction only includes the investigation of death to those who were born and alive.

The RHA removes abortion entirely from the penal code which means no longer does "suspected criminal abortion" exist in the state of New York.

§ 12. Section 4 of the judiciary law, as amended by chapter 264 of the laws of 2003, is amended to read as follows:

§ 4. Sittings of courts to be public. The sittings of every court within this state shall be public, and every citizen may freely attend the same, except that in all proceedings and trials in cases for divorce, seduction, [abortion,] rape, assault with intent to commit rape, criminal sexual act, bastardy or filiation, the court may, in its discretion, exclude therefrom all persons who are not directly interested therein, excepting jurors, witnesses, and officers of the court.

§ 13. Severability. If any provision of this act, or any application of any provision of this act, is held to be invalid, that shall not affect the validity or effectiveness of any other provision of this act, or of any other application of any provision of this act, which can be given effect without that provision or application; and to that end, the provisions and applications of this act are severable.

§ 14. This act shall take effect immediately.

# REPEALED SECTIONS FROM NYS LAW

## NOTE 5

Any text highlighted in light red details key aspects of NYS law that have been omitted. This only appears under the section titled, “REPEALED SECTIONS FROM NYS LAW”.

## Section 4164 of public health law

1. When an **abortion** is to be performed after the twelfth week of pregnancy it **shall be performed only in a hospital** and only on an inpatient basis. When an abortion is to be performed after the twentieth week of pregnancy, a **physician** other than the physician performing the abortion **shall be in attendance to take control of and to provide immediate medical care for any live birth that is the result of the abortion.** The commissioner of health is authorized to promulgate rules and regulations to insure the health and safety of the mother and the viable child, in such instances. (emphasis added)

2. Such child shall be accorded immediate legal protection under the laws of the state of New York, including but not limited to applicable provisions of the social services law, article five of the civil rights law and the penal law.

3. The medical records of all life-sustaining efforts put forth for such a live aborted birth, their failure or success, shall be kept by attending physician. All other vital statistics requirements in the public health law shall be complied with in regard to such aborted child.

4. In the event of the subsequent death of the aborted child, the disposal of the dead body shall be in accordance with the requirements of this chapter.

### **Brief 9: Section 4164 of the public health law**

The repeal of subsection 1 of section 4164 of the penal law removes the requirements for abortions to be performed only in hospitals – allowing for abortions to be performed outside the confines of a professional medical institution.

This repeal also removes former provisions which required physicians to provide life-saving measures to any child born alive following an abortion procedure, as well as removing the legal protections formerly afforded to children born alive as the result of an unsuccessful abortion.

## Subdivision 8 of section 6811 of the education law

It shall be a class A misdemeanor for:

8. Any person to sell or distribute any instrument or article, or any recipe, drug or medicine for the prevention of conception to a minor under the age of sixteen years; the sale or distribution of such to a person other than a minor under the age of sixteen years is authorized only by a licensed pharmacist but the advertisement or display of said articles, within or without the premises of such pharmacy is hereby prohibited;

### **Brief 10: Subdivision 8 of section 6811 of the education law**

The repeal of subdivision 8 of section 8611 of the education law removes the restriction of licensed pharmacists being the only ones authorized to distribute contraception (birth control) to persons under the age of sixteen.

## Section 125.40 of the penal law

A person is guilty of abortion in the second degree when he commits an abortifacient act upon a female, unless such abortifacient act is justifiable pursuant to subdivision three of section 125.05.

Abortion in the second degree is a class E felony.

### **Section 125.05**

3. "Justifiable abortifacient act." An abortifacient act is justifiable when committed upon a female with her consent by a duly licensed physician acting (a) under a reasonable belief that such is necessary to preserve her life, or, (b) within twenty-four weeks from the commencement of her pregnancy. A pregnant female's commission of an abortifacient act upon herself is justifiable when she acts upon the advice of a duly licensed physician (1) that such act is necessary to preserve her life, or, (2) within twenty-four weeks from the commencement of her pregnancy. The submission by a female to an abortifacient act is justifiable when she believes that it is being committed by a duly licensed physician, acting under a reasonable belief that such act is necessary to preserve her life, or, within twenty-four weeks from the commencement of her pregnancy.

### **Brief 11: Section 125.40 of the penal law**

The repeal of section 125.40 of the penal law allows for persons other than licensed physicians to intentionally attempt to cause miscarriage in a pregnant female, without being charged with a class E felony.

## [Section 125.45 of the penal law](#)

A person is guilty of abortion in the first degree when he commits upon a female pregnant for **more than twenty-four weeks** an abortifacient act which causes the miscarriage of such female, unless such abortifacient act is justifiable pursuant to subdivision three of section 125.05. (emphasis added)

Abortion in the first degree is a class D felony.

### **Section 125.05**

3. "Justifiable abortifacient act." An abortifacient act is justifiable when committed upon a female with her consent by a duly licensed physician acting (a) under a reasonable belief that such is necessary to preserve her life, or, (b) within twenty-four weeks from the commencement of her pregnancy. A pregnant female's commission of an abortifacient act upon herself is justifiable when she acts upon the advice of a duly licensed physician (1) that such act is necessary to preserve her life, or, (2) within twenty-four weeks from the commencement of her pregnancy. The submission by a female to an abortifacient act is justifiable when she believes that it is being committed by a duly licensed physician, acting under a reasonable belief that such act is necessary to preserve her life, or, within twenty-four weeks from the commencement of her pregnancy.

### **Brief 12: Section 125.45 of the penal law**

The repeal of section 125.45 of the penal law allows for persons other than a licensed practitioner to successfully cause a miscarriage in a woman at least 24 weeks pregnant, without being charged with a class D felony.

## [Section 125.50 of the penal law](#)

A female is guilty of self-abortion in the second degree when, being pregnant, she commits or submits to an abortifacient act upon herself, unless such abortifacient act is justifiable pursuant to subdivision three of section 125.05.

Self-abortion in the second degree is a class B misdemeanor.

### **Section 125.05**

3. "Justifiable abortifacient act." An abortifacient act is justifiable when committed upon a female with her consent by a duly licensed physician acting (a) under a reasonable belief that such is necessary to preserve her life, or, (b) within twenty-four weeks from the commencement of her pregnancy. A pregnant female's commission of an abortifacient act upon herself is justifiable when she acts upon the advice of a duly licensed physician (1) that such act is necessary to preserve her life, or, (2) within twenty-four weeks from the commencement of her pregnancy. The submission by a female to an abortifacient act is justifiable when she believes that it is being committed by a duly licensed physician,

acting under a reasonable belief that such act is necessary to preserve her life, or, within twenty-four weeks from the commencement of her pregnancy.

**Brief 13: Section 125.50 of the penal law**

The repeal of section 125.50 of the penal law allows for a woman to attempt her own abortion in any manner in which she sees fit without being charged with a class B misdemeanor.

**[Section 125.55 of the penal law](#)**

A female is guilty of self-abortion in the first degree when, being pregnant for **more than twenty-four weeks**, she commits or submits to an abortifacient act upon herself which causes her miscarriage, unless such abortifacient act is justifiable pursuant to subdivision three of section 125.05. (emphasis added)

Self-abortion in the first degree is a class A misdemeanor.

**Section 125.05**

3. "Justifiable abortifacient act." An abortifacient act is justifiable when committed upon a female with her consent by a duly licensed physician acting (a) under a reasonable belief that such is necessary to preserve her life, or, (b) within twenty-four weeks from the commencement of her pregnancy. A pregnant female's commission of an abortifacient act upon herself is justifiable when she acts upon the advice of a duly licensed physician (1) that such act is necessary to preserve her life, or, (2) within twenty-four weeks from the commencement of her pregnancy. The submission by a female to an abortifacient act is justifiable when she believes that it is being committed by a duly licensed physician, acting under a reasonable belief that such act is necessary to preserve her life, or, within twenty-four weeks from the commencement of her pregnancy.

**Brief 14: Section 125.55 of the penal law**

The repeal of section 125.55 of the penal law allows for a woman to successfully perform her own abortion after 24 weeks gestation in any manner in which she sees fit without being charged with a class A misdemeanor.

## [Section 125.60 of the penal law](#)

A person is guilty of issuing abortifacient articles when he manufactures, sells or delivers any instrument, article, medicine, drug or substance with intent that the same be used in unlawfully procuring the miscarriage of a female.

Issuing abortifacient articles is a class B misdemeanor.

### **Brief 15: Section 125.60 of the penal law**

The repeal of section 125.60 of the penal law allows any person to distribute substances, instruments, or articles which may be used with the intent of procuring the miscarriage of a pregnant female without being charged with a class B misdemeanor.

## [Subdivisions 2 and 3 of section 125.05 of the penal law](#)

2. "Abortifacient act" means an act committed upon or with respect to a female, whether by another person or by the female herself, whether she is pregnant or not, whether directly upon her body or by the administering, taking or prescription of drugs or in any other manner, with intent to cause a miscarriage of such female.

3. "Justifiable abortifacient act." An abortifacient act is justifiable when committed upon a female with her consent by a duly licensed physician acting **(a) under a reasonable belief that such is necessary to preserve her life, or, (b) within twenty-four weeks from the commencement of her pregnancy.** A pregnant female's commission of an abortifacient act upon herself is justifiable when she acts upon the advice of a duly licensed physician (1) that such act is necessary to preserve her life, or, (2) within twenty-four weeks from the commencement of her pregnancy. The submission by a female to an abortifacient act is justifiable when she believes that it is being committed by a duly licensed physician, acting under a reasonable belief that such act is necessary to preserve her life, or, within twenty-four weeks from the commencement of her pregnancy. (emphasis added)

### **Brief 16: Subdivision 3 of section 125.05 of the penal law**

The repeal of subdivision 3 of section 125.05 of the penal law removes the requirement for an abortion to be performed only for the purpose of saving the life of the pregnant woman after 24 weeks gestation. This allows for abortions to be performed after 24 weeks gestation for any reason related to the life or health of the pregnant woman, as consistent with the addition of "health" to New York State abortion law.

## [Subdivision 2 of section 125.15 of the penal law](#)

A person is guilty of manslaughter in the second degree when:

2. He commits upon a female an abortional act which causes her death, unless such abortional act is justifiable pursuant to subdivision three of section 125.05.

### **Section 125.05**

3. "Justifiable abortional act." An abortional act is justifiable when committed upon a female with her consent by a duly licensed physician acting (a) under a reasonable belief that such is necessary to preserve her life, or, (b) within twenty-four weeks from the commencement of her pregnancy. A pregnant female's commission of an abortional act upon herself is justifiable when she acts upon the advice of a duly licensed physician (1) that such act is necessary to preserve her life, or, (2) within twenty-four weeks from the commencement of her pregnancy. The submission by a female to an abortional act is justifiable when she believes that it is being committed by a duly licensed physician, acting under a reasonable belief that such act is necessary to preserve her life, or, within twenty-four weeks from the commencement of her pregnancy.

### **Brief 17: Subdivision 2 of section 125.15 of the penal law**

The repeal of subdivision 2 of section 125.15 of the penal law removes manslaughter charges in the second degree for cases in which a pregnant woman's death was caused by an intent to procure a miscarriage.

Note: recklessly causing the death of a woman while trying to procure a miscarriage may still be manslaughter in the second degree per [subdivision 1 of section 125.15](#) of the penal law.

## [Subdivision 3 of section 125.20 of the penal law](#)

A person is guilty of manslaughter in the first degree when:

3. He commits upon a female pregnant for more than twenty-four weeks an abortional act which causes her death, unless such abortional act is justifiable pursuant to subdivision three of section 125.05.

### **Section 125.05**

3. "Justifiable abortional act." An abortional act is justifiable when committed upon a female with her consent by a duly licensed physician acting (a) under a reasonable belief that such is necessary to preserve her life, or, (b) within twenty-four weeks from the commencement of her pregnancy. A pregnant female's commission of an abortional act upon herself is justifiable when she acts upon the advice of a duly licensed physician (1) that such act is necessary to preserve her life, or, (2) within twenty-four weeks from the commencement of her pregnancy. The submission by a female to an

abortion act is justifiable when she believes that it is being committed by a duly licensed physician, acting under a reasonable belief that such act is necessary to preserve her life, or, within twenty-four weeks from the commencement of her pregnancy.

**Brief 18: Subdivision 3 of section 125.20 of the penal law**

The repeal of subdivision 3 of section 125.20 of the penal law removes manslaughter charges in the first degree for cases in which a pregnant woman's death was caused by an intent to procure a miscarriage after 24 weeks gestation.

Note: recklessly causing the death of a woman while trying to procure a miscarriage may still be manslaughter in the second degree per [subdivision 1 of section 125.15](#) of the penal law.

# The Reproductive Health Act

*In its original text.*

*Without any highlighting or inserted notes.*

---

STATE OF NEW YORK

---

S. 240

A. 21

2019-2020 Regular Sessions

SENATE - ASSEMBLY

(PREFILED)

January 9, 2019

---

IN SENATE -- Introduced by Sens. KRUEGER, STEWART-COUSINS, BAILEY, BENJAMIN, BIAGGI, BRESLIN, BROOKS, COMRIE, GAUGHRAN, GIANARIS, GOUNARDES, HARCKHAM, HOYLMAN, JACKSON, KAMINSKY, KAPLAN, KENNEDY, LIU, MARTINEZ, MAY, MAYER, METZGER, MYRIE, PARKER, PERSAUD, RAMOS, RIVERA, SALAZAR, SANDERS, SAVINO, SEPULVEDA, SERRANO, SKOUFIS, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Health

IN ASSEMBLY -- Introduced by M. of A. GLICK, GOTTFRIED, LUPARDO, HEASTIE, PEOPLES-STOKES, JAFFEE, TITUS, SIMOTAS, L. ROSENTHAL, O'DONNELL, CAHILL, SOLAGES, ABINANTI, ARROYO, BARRETT, BARRON, BICHOTTE, BLAKE, BRAUNSTEIN, BRONSON, BUCHWALD, CARROLL, COOK, CYMBROWITZ, DE LA ROSA, DenDEKKER, DILAN, DINOWITZ, D'URSO, ENGLEBRIGHT, FAHY, GALEF, GANTT, HEVESI, HUNTER, HYNDMAN, JEAN-PIERRE, JONES, KIM, LAVINE, LIFTON, MAGNARELLI, MOSLEY, NOLAN, OTIS, PAULIN, PERRY, PHEFFER AMATO, PICHARDO, PRETLOW, QUART, RODRIGUEZ, ROZIC, SEAWRIGHT, SIMON, STECK, STIRPE, THIELE, WALLACE, WEINSTEIN, WEPRIN, WILLIAMS, WOERNER, WRIGHT, NIOU, ORTIZ, FERNANDEZ, GRIFFIN -- Multi-Sponsored by -- M. of A. EPSTEIN -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to enacting the reproductive health act and revising existing provisions of law regarding abortion; to amend the penal law, the criminal procedure law, the county law and the judiciary law, in relation to abortion; to repeal certain provisions of the public health law relating to abortion; to repeal certain provisions of the education law relating to the sale of contraceptives; and to repeal certain provisions of the penal law relating to abortion

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY,  
DO ENACT AS FOLLOWS:

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

Section 1. Legislative intent. The legislature finds that comprehensive reproductive health care, including contraception and abortion, is a fundamental component of a woman's health, privacy and equality. The New York Constitution and United States Constitution protect a woman's fundamental right to access safe, legal abortion, courts have repeatedly reaffirmed this right and further emphasized that states may not place undue burdens on women seeking to access such right.

Moreover, the legislature finds, as with other medical procedures, the safety of abortion is furthered by evidence-based practices developed and supported by medical professionals. Abortion is one of the safest medical procedures performed in the United States; the goal of medical regulation should be to improve the quality and availability of health care services.

Furthermore, the legislature declares that it is the public policy of New York State that every individual possesses a fundamental right of privacy and equality with respect to their personal reproductive decisions and should be able to safely effectuate those decisions, including by seeking and obtaining abortion care, free from discrimination in the provision of health care. Therefore, it is the intent of the legislature to prevent the enforcement of laws or regulations that are not in furtherance of a legitimate state interest in protecting a woman's health that burden abortion access.

§ 2. The public health law is amended by adding a new article 25-A to read as follows:

ARTICLE 25-A  
REPRODUCTIVE HEALTH ACT

SECTION 2599-AA. POLICY AND PURPOSE.

2599-BB. ABORTION.

§ 2599-AA. POLICY AND PURPOSE. THE LEGISLATURE FINDS THAT  
COMPREHENSIVE REPRODUCTIVE HEALTH CARE IS A FUNDAMENTAL  
COMPONENT OF EVERY INDIVIDUAL'S HEALTH, PRIVACY AND  
EQUALITY. THEREFORE, IT IS THE POLICY OF THE STATE THAT:

1. EVERY INDIVIDUAL HAS THE FUNDAMENTAL RIGHT TO CHOOSE OR REFUSE  
CONTRACEPTION OR STERILIZATION.
2. EVERY INDIVIDUAL WHO BECOMES PREGNANT HAS THE FUNDAMENTAL RIGHT  
TO CHOOSE TO CARRY THE PREGNANCY TO TERM, TO GIVE BIRTH TO A CHILD,  
OR TO HAVE AN ABORTION, PURSUANT TO THIS ARTICLE.
3. THE STATE SHALL NOT DISCRIMINATE AGAINST, DENY, OR INTERFERE WITH  
THE EXERCISE OF THE RIGHTS SET FORTH IN THIS SECTION IN THE REGULATION  
OR PROVISION OF BENEFITS, FACILITIES, SERVICES OR INFORMATION.

§ 2599-BB. ABORTION. 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.

§ 3. Section 4164 of the public health law is REPEALED.

§ 4. Subdivision 8 of section 6811 of the education law is REPEALED.

§ 5. Sections 125.40, 125.45, 125.50, 125.55 and 125.60 of the penal law are REPEALED, and the article heading of article 125 of the penal law is amended to read as follows:

HOMICIDE[, ABORTION] AND RELATED OFFENSES

§ 6. Section 125.00 of the penal law is amended to read as follows:

§ 125.00 Homicide defined.

Homicide means conduct which causes the death of a person [or an unborn child with which a female has been pregnant for more than twenty-four weeks] under circumstances constituting murder, manslaughter in the first degree, manslaughter in the second degree, OR criminally negligent homicide[, abortion in the first degree or self-abortion in the first degree].

§ 7. The section heading, opening paragraph and subdivision 1 of section 125.05 of the penal law are amended to read as follows:

Homicide[, abortion] and related offenses; [definitions of terms]

DEFINITION.

The following [definitions are] DEFINITION IS applicable to this article:

[1.] "Person," when referring to the victim of a homicide, means a human being who has been born and is alive.

§ 7-a. Subdivisions 2 and 3 of section 125.05 of the penal law are REPEALED.

§ 8. Subdivision 2 of section 125.15 of the penal law is REPEALED.

§ 9. Subdivision 3 of section 125.20 of the penal law is REPEALED.

§ 10. Paragraph (b) of subdivision 8 of section 700.05 of the criminal procedure law, as amended by chapter 189 of the laws of 2018, is amended to read as follows:

(b) Any of the following felonies: assault in the second degree as defined in section 120.05 of the penal law, assault in the first degree as defined in section 120.10 of the penal law, reckless endangerment in the first degree as defined in section 120.25 of the penal law, promoting a suicide attempt as defined in section 120.30 of the penal law, strangulation in the second degree as defined in section 121.12 of the penal law, strangulation in the first degree as defined in section 121.13 of the penal law, criminally negligent homicide as defined in section 125.10 of the penal law, manslaughter in the second degree as defined in section 125.15 of the penal law, manslaughter in the first degree as defined in section 125.20 of the penal law, murder in the second degree as defined in section 125.25 of the

penal law, murder in the first degree as defined in section 125.27 of the penal law, [abortion in the second degree as defined in section 125.40 of the penal law, abortion in the first degree as defined in section 125.45 of the penal law,] rape in the third degree as defined in section 130.25 of the penal law, rape in the second degree as defined in section 130.30 of the penal law, rape in the first degree as defined in section 130.35 of the penal law, criminal sexual act in the third degree as defined in section 130.40 of the penal law, criminal sexual act in the second degree as defined in section 130.45 of the penal law, criminal sexual act in the first degree as defined in section 130.50 of the penal law, sexual abuse in the first degree as defined in section 130.65 of the penal law, unlawful imprisonment in the first degree as defined in section 135.10 of the penal law, kidnapping in the second degree as defined in section 135.20 of the penal law, kidnapping in the first degree as defined in section 135.25 of the penal law, labor trafficking as defined in section 135.35 of the penal law, aggravated labor trafficking as defined in section 135.37 of the penal law, custodial interference in the first degree as defined in section 135.50 of the penal law, coercion in the first degree as defined in section 135.65 of the penal law, criminal trespass in the first degree as defined in section 140.17 of the penal law, burglary in the third degree as defined in section 140.20 of the penal law, burglary in the second degree as defined in section 140.25 of the penal law, burglary in the first degree as defined in section 140.30 of the penal law, criminal mischief in the third degree as defined in section 145.05 of the penal law, criminal mischief in the second degree as defined in section 145.10 of the penal law, criminal mischief in the first degree as defined in section 145.12 of the penal law, criminal tampering in the first degree as defined in section 145.20 of the penal law, arson in the fourth degree as defined in section 150.05 of the penal law, arson in the third degree as defined in section 150.10 of the penal law, arson in the second degree as defined in section 150.15 of the penal law, arson in the first degree as defined in section 150.20 of the penal law, grand larceny in the fourth degree as defined in section 155.30 of the penal law, grand larceny in the third degree as defined in section 155.35 of the penal law, grand larceny in the second degree as defined in section 155.40 of the penal law, grand larceny in the first degree as defined in section 155.42 of the penal law, health care fraud in the fourth degree as defined in section 177.10 of the penal law, health care fraud in the third degree as defined in section 177.15 of the penal law, health care fraud in the second degree as defined in section 177.20 of the penal law, health care fraud in the first degree as defined in section 177.25 of the penal law, robbery in the third degree as defined in section 160.05 of

the penal law, robbery in the second degree as defined in section 160.10 of the penal law, robbery in the first degree as defined in section 160.15 of the penal law, unlawful use of secret scientific material as defined in section 165.07 of the penal law, criminal possession of stolen property in the fourth degree as defined in section 165.45 of the penal law, criminal possession of stolen property in the third degree as defined in section 165.50 of the penal law, criminal possession of stolen property in the second degree as defined by section 165.52 of the penal law, criminal possession of stolen property in the first degree as defined by section 165.54 of the penal law, trademark counterfeiting in the second degree as defined in section 165.72 of the penal law, trademark counterfeiting in the first degree as defined in section 165.73 of the penal law, forgery in the second degree as defined in section 170.10 of the penal law, forgery in the first degree as defined in section 170.15 of the penal law, criminal possession of a forged instrument in the second degree as defined in section 170.25 of the penal law, criminal possession of a forged instrument in the first degree as defined in section 170.30 of the penal law, criminal possession of forgery devices as defined in section 170.40 of the penal law, falsifying business records in the first degree as defined in section 175.10 of the penal law, tampering with public records in the first degree as defined in section 175.25 of the penal law, offering a false instrument for filing in the first degree as defined in section 175.35 of the penal law, issuing a false certificate as defined in section 175.40 of the penal law, criminal diversion of prescription medications and prescriptions in the second degree as defined in section 178.20 of the penal law, criminal diversion of prescription medications and prescriptions in the first degree as defined in section 178.25 of the penal law, residential mortgage fraud in the fourth degree as defined in section 187.10 of the penal law, residential mortgage fraud in the third degree as defined in section 187.15 of the penal law, residential mortgage fraud in the second degree as defined in section 187.20 of the penal law, residential mortgage fraud in the first degree as defined in section 187.25 of the penal law, escape in the second degree as defined in section 205.10 of the penal law, escape in the first degree as defined in section 205.15 of the penal law, absconding from temporary release in the first degree as defined in section 205.17 of the penal law, promoting prison contraband in the first degree as defined in section 205.25 of the penal law, hindering prosecution in the second degree as defined in section 205.60 of the penal law, hindering prosecution in the first degree as defined in section 205.65 of the penal law, sex trafficking as defined in section 230.34 of the penal law, sex trafficking of a child as defined in section 230.34-a of the penal law, criminal

possession of a weapon in the third degree as defined in subdivisions two, three and five of section 265.02 of the penal law, criminal possession of a weapon in the second degree as defined in section 265.03 of the penal law, criminal possession of a weapon in the first degree as defined in section 265.04 of the penal law, manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances defined as felonies in subdivisions one, two, and three of section 265.10 of the penal law, sections 265.11, 265.12 and 265.13 of the penal law, or prohibited use of weapons as defined in subdivision two of section 265.35 of the penal law, relating to firearms and other dangerous weapons, or failure to disclose the origin of a recording in the first degree as defined in section 275.40 of the penal law;

§ 11. Subdivision 1 of section 673 of the county law, as added by chapter 545 of the laws of 1965, is amended to read as follows:

1. A coroner or medical examiner has jurisdiction and authority to investigate the death of every person dying within his county, or whose body is found within the county, which is or appears to be:

(a) A violent death, whether by criminal violence, suicide or casualty;

(b) A death caused by unlawful act or criminal neglect;

(c) A death occurring in a suspicious, unusual or unexplained manner;

(d) [A death caused by suspected criminal abortion;

(e)] A death while unattended by a physician, so far as can be discovered, or where no physician able to certify the cause of death as provided in the public health law and in form as prescribed by the commissioner of health can be found;

[(f)] (E) A death of a person confined in a public institution other than a hospital, infirmary or nursing home.

§ 12. Section 4 of the judiciary law, as amended by chapter 264 of the laws of 2003, is amended to read as follows:

§ 4. Sittings of courts to be public. The sittings of every court within this state shall be public, and every citizen may freely attend the same, except that in all proceedings and trials in cases for divorce, seduction, [abortion,] rape, assault with intent to commit rape, criminal sexual act, bastardy or filiation, the court may, in its discretion, exclude therefrom all persons who are not directly interested therein, excepting jurors, witnesses, and officers of the court.

§ 13. Severability. If any provision of this act, or any application of any provision of this act, is held to be invalid, that shall not affect the validity or effectiveness of any other provision of this act, or of any other application of any provision of this act, which can be given effect without that provision or application; and to that end, the provisions and applications of this act are severable.

§ 14. This act shall take effect immediately.