



District II / NY
152 Washington Avenue
Albany, New York 12210
(518) 436-3461
Fax: (518) 426-4728
E-mail: info@ny.acog.org
Website: www.acog.org

ACOG District II Lobby Day Tuesday, March 3, 2009

Reproductive Health Care & Choice

- ACOG District II supports legislation to improve women's access to reproductive health care services and medications, including emergency contraception and abortion.
- ACOG opposes legislative attempts to limit a woman's right to access reproductive health care services.
- ACOG supports initiatives to assure that quality health care is available to meet every woman's needs throughout her life and assure a full array of clinical services are available without costly delays.
- ACOG continues to affirm the legal right of all women to obtain a safe and legal abortion and have timely access to other reproductive health services and medications, including emergency contraception.
- The Reproductive Health Act (RHA), first introduced in 2007, protects a woman's private and personal decision about when and whether to have a child, while modernizing and updating current New York State law.
- This legislation aims to achieve the following mutually shared and supported goals:
 - To protect a woman's right to privacy;
 - To remove the current abortion law from the NYS Penal Law and place it within the Public Health Law instead;
 - To ensure that physicians acting in good faith are not "second-guessed" when performing pregnancy terminations; and,
 - To allow physicians and patients to make medical decisions with regard to reproductive health care.
- RHA allows a woman to control her own reproductive health and ensures that she will be able to have an abortion if her health is endangered at any point in her pregnancy.
- RHA treats the regulation of abortion as an issue of public health and medical practice and guarantees every woman the right to use or refuse contraception.

- While medical practice and policy have advanced in New York, the law has remained unchanged.
- While this legislation maintains honest intentions, ACOG District II is concerned with the bill language regarding the definition of fetal viability.
- Current New York State law allows physicians to perform abortions up to 24 weeks gestation.
- This law provides physicians and hospitals a clearly defined date for the performance of an abortion within New York State law. ACOG District II proposes amending the current abortion statute to incorporate the following recommendations:
 - Allow for the termination of a fetus up to 24 weeks from the date of the last menstrual period (LMP);
 - At any time during a pregnancy to protect a woman's life or health; and,
 - After the 24-week timeframe when the fetus has an anomaly incompatible with life.
- When confusion persists over the parameters of medical decision making, the definition of fetal viability becomes a challenge and could ultimately reduce access to terminations.
- The interpretation of this definition will vary enormously, creating confusion across hospitals and in various regions of the state.
- In addition, hospital administrations and ob-gyn departments will intervene to determine the viability definition.
- Because of the proposed bill language, it is unclear who will ultimately have the final authority to determine viability.
- Physicians and hospitals simply lack confidence that our judicial system will protect a physician acting in "good faith."
- As a result, the definition will be defined by cautionary politics and not medicine.