

# New York puts in measures to protect access to abortion even if Roe v. Wade is overturned

By [Tony Marco](#), CNN – Wednesday, January 23, 2019



*New York Gov. Andrew Cuomo signed into law a bill that protects abortion rights in the state.*

**New York (CNN)** On the 46th anniversary of [Roe V. Wade](#), New York state passed a law to protect women's access to abortion if the historic case is overturned.

"Today we are taking a giant step forward in the hard-fought battle to ensure a woman's right to make her own decisions about her own personal health, including the ability to access an abortion. With the signing of this bill, we are sending a clear message that whatever happens in Washington, women in New York will always have the fundamental right to control their own body," said Gov. Andrew Cuomo after signing [New York's Reproductive Health Act](#) on Tuesday night.

Not only will the law preserve access to abortions, it also removes abortion from the state's criminal code. This would protect doctors or medical professionals who perform abortions from criminal prosecution. The law also now allows medical professionals who are not doctors to perform abortions in New York.

"The old law had criminal penalties. It was written that the doctor or professional could be held criminally liable," Cuomo said during an interview on WNYC Wednesday.

The law also addresses late-term abortions. Under New York's Reproductive Health Act, they can be performed after 24 weeks if the fetus is not viable or when necessary to protect the life of the mother.

"It's about the health and safety of the mother, and it's always been the point where the conservatives wave the flag, they want to roll back Roe v. Wade -- this is not gray here it's black and white," said Cuomo.

The bill was first introduced in 2006 but was blocked for consideration by the Republican-controlled state Senate. With Democrats now in the majority, the bill passed the legislature Tuesday night and was signed into law.

## **Advocates cheer the new law**

State Assembly member Deborah Glick praised the signing by Cuomo.

"After years of fighting for the passage of this essential protection for women, our moment has finally arrived. The New York State Assembly has kept the torch lit for years, and we are extremely excited to be able to pass the torch to a Senate dedicated to the respect of women and the protection of their basic right to make healthcare decisions. I am grateful for the governor's support," she said.

Other advocates cheered the new law as well.

"While the administration in Washington continues its assault on women's reproductive rights, the Assembly Majority remains dedicated to fighting for a woman's right to choose. The bills we passed today ensure New Yorkers can control their family planning decisions, have access to the reproductive healthcare they need and will not be discriminated against for their choices. With our new partners in the Senate, we have finally seen this legislation pass both houses and signed into law on the anniversary of the historic *Roe v. Wade* decision," State Assembly Speaker Carl Heastie said in a statement.

The NYCLU also praised the bill.

"Today, New York State took a historic vote to protect women's rights and autonomy. The Reproductive Health Act recognizes reproductive health care as a fundamental right. It takes abortion out of the criminal code and puts it where women's health belongs -- in the public health law. It recognizes the range of medical professionals that women can turn to, expanding access to early care," said NYCLU Executive Director Donna Lieberman.

## **Critics say the law is too far-reaching**

"We need to be honest with the public and say that this bill does not simply codify *Roe v. Wade*... what this bill does is expand abortion up to birth and the third trimester," State Assembly Rep. Nicole Malliotakis argued before the state legislature. She criticized the part of the law allowing medical professionals other than doctors to perform abortions, saying *Roe v. Wade* requires a licensed physician perform the procedure. But this law removes that requirement and allows physician assistants, nurse practitioners and midwives to perform abortions.

She also argued that removing abortion from the criminal code would mean that if a fetus died as the result of an assault on a woman there would be no prosecution. "Being assaulted and losing your baby is not a woman's choice," she said.

## **The New York State Catholic Conference also criticized the law.**

"Our Governor and legislative leaders hail this new abortion law as progress. This is not progress. Progress will be achieved when our laws and our culture once again value and respect each unrepeatable gift of human life, from the first moment of creation to natural death. Would that not make us truly the most enlightened and progressive state in the nation?" asked New York's Catholic Bishops, including Cardinal Timothy Dolan, in a statement.

New York State Right to Life told CNN in a statement that it is "Saddened that New York now has what Governor Andrew Cuomo ironically but rightly referred to as 'the most aggressive' abortion law in the country.' The Reproductive Health Act (RHA) was sold to the the public saying it merely 'updates' the law by codifying *Roe v. Wade* into our statute, which is not true."