A JOINT RESOLUTION RESPONDING TO NEW YORK’S BARBARIC ABORTION/INFANTICIDE LAW

Whereas, the New York State Legislature recently passed the so-called "Reproductive Health Act" (RHA), which is an extreme abortion-on-demand policy that establishes an unfettered right to abortion and goes beyond the protections guaranteed by Roe v. Wade; and

Whereas, the RHA expressly states that it is the policy of the State of New York that every individual who becomes pregnant has the fundamental right to choose to have an abortion; and

Whereas, this fundamental right to choose to have an abortion may in the future restrict any communications deemed to interfere with a woman's right to decide whether to have an abortion, compel the performance of abortions by health care practitioners who object to this extreme abortion-on-demand policy, and further restrict pro-life efforts to save the lives of unborn children; and

Whereas, under the RHA, any reasonable restriction on abortion, including a restriction the Supreme Court has already upheld under Roe v. Wade as constitutional, would be prohibited, and this is contrary to the intent expressed in the RHA "to prevent the enforcement of laws or regulations… that burden abortion access."); and

Whereas, until the RHA authorized abortion up until the moment of birth, late-term unborn children were protected under New York law upon reaching 24 weeks' gestation, except to save a mother's life; and

Whereas, the RHA expands that exception to permit abortions when necessary to protect the mother's "health," which has generally been interpreted by courts to include age as well as economic, social, and emotional factors, rather than the biological definition of "health" that normally comes to mind; and

Whereas, at least by 20 weeks' post-fertilization age, unborn children are capable of feeling excruciating pain and suffering and should be protected from abortion; and

Whereas, the RHA allows any licensed health care practitioner to perform an abortion while previous law allowed only a duly licensed physician to perform the procedure; and

Whereas, the RHA allows any licensed health care practitioner to perform an abortion if he or she acts in "good faith," rather than applying an objective medical standard of care, thereby opening the door broadly for abuse; and

Whereas, the RHA removed protections for women and unborn children from illegal abortion by removing abortion from New York's Penal Law, thereby preventing prosecution of illegal abortions, including those performed by any self-proclaimed health care provider as well as those resulting from intentional violence committed against a pregnant woman and her child; and

Whereas, the RHA is the opposite of pro-woman; and
Whereas, the RHA repeals protective medical standards for women and their unborn children, such as requiring that certain abortions be performed in hospitals on an in-patient basis and that a second physician attend the procedure for women who are 20 weeks pregnant in order to provide medical care to any infant born alive; and

Whereas, the repeal of these protective medical standards is tantamount to endorsing infanticide; and

Whereas, legislators across the country have filed multiple bills similar to New York's so-called Reproductive Health Act, and these bills are a threat to existing pro-life protections that have been enforced and upheld for years; and

Whereas, the intentions of these laws are to enable the abortion industry to operate without regulation, reservation, or regard for human life; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly stands in mourning due to the countless lives that will be lost as a result of New York’s Reproductive Health Act.

SECTION 2. The General Assembly will continue to educate the public about the developing unborn child and advocate for protective pro-life laws.

SECTION 3. The General Assembly stands in solidarity with all who advocate for the effective and legal protection of unborn children and their mothers in this country.

SECTION 4. This resolution is effective upon ratification.