

## THE REPRODUCTIVE HEALTH ACT = NOT A CODIFICATION OF *ROE VS. WADE*

The Reproductive Health Act (RHA) must be examined not only for what it would newly enact into law, but also for what it would *repeal* from current law. Here are four ways the RHA goes way beyond *Roe vs. Wade* in its extremism.

### ***Roe vs. Wade* never gave permission for non-doctors to perform abortions.**

- **RHA** repeals the current state requirement that only a licensed physician may perform an abortion.
- In its place, the bill would allow health care practitioners (some licensed, some simply certified or authorized) to perform both chemical and surgical abortions, both early and late-term abortions.
- RHA repeals NY's doctor-only law. (Subdivision 3 of Section 125.05 of NYS Penal Law)

### ***Roe vs. Wade* never condoned coerced or involuntary abortions.**

- **RHA** repeals the crimes of coerced, unwanted abortions.
- This disallows additional criminal charges and penalties in cases where a perpetrator seeks to make his partner "un-pregnant" using a drug cocktail or physical violence.
- RHA proposes no penalties for violations of the new abortion law.
- RHA repeals accountability for illegal abortions. (Sections 125.05, 125.40 and 125.45 of NYS Penal Law)

### ***Roe vs. Wade* said nothing about denying care to live-born infants.**

- The RHA repeals the current state requirement that a second physician must be present for abortions performed after 20 weeks gestation to provide immediate medical care to any live birth that may result.
- The bill also removes all legal protections for any infant accidentally born alive during an abortion and repeals protections for accidental live births. (Section 4164 of NYS Public Health Law)

### ***Roe vs. Wade* said that states have the right to prohibit abortion in the third trimester to promote their interest in the potential life of the fetus.**

- RHA repeals the current law which allows third-trimester abortions only in cases where a mother's life is in danger.
- In its place, the bill would allow third-trimester abortions for reasons of "health," which has been defined by the courts as age or economics. The bill therefore allows late-term abortions for virtually any reason, repealing New York's current ban on most late-term abortions. (Subdivision 3 of Section 125.05 of NYS Penal Law)

