



## Memorandum in Support

### S.438 (Stewart-Cousins)

#### *The Reproductive Health Act: An act to amend the public health law, education law, and penal law in relation to the regulation of abortion and other reproductive health issues*

The New York State Association of Licensed Midwives (“NYSALM”), which represents the interests of licensed midwives as well as the welfare of women, children and families, voices its support for and strongly urges lawmakers to pass **S.438**. The hallmarks of midwifery practice are (i) to encourage women to be active participants in their care, (ii) to provide clear information regarding options for that care and (iii) to trust in a woman’s ability to make the decisions most appropriate for own reproductive health. This legislation updates the law that regulates the legal practice of abortion, repeals outdated statutes and provides stronger protection for women’s health choices.

In 1970, New York proved to be a leader in reproductive health, enacting the country’s second “legalized abortion” law, three years before *Roe v. Wade* entered the courts. However, now almost 40 years since its enactment, the current law is outdated and confusing. Current law does not reflect the principles contained in *Roe v. Wade* that a woman has a fundamental right to make medical decisions about the course of a pregnancy. The Act updates and modernizes New York law to recognize a woman’s fundamental right to make medical decisions relating to contraception and pregnancy.

The decision to continue or to end a pregnancy is one made by a woman and her health care provider. As such the Act will repeal the penal code provisions containing New York’s abortion statute and properly codify the law in the Public Health Law. The Act will ensure that New York law protects a pregnant woman’s health and life, as well as her right to make private reproductive health care decisions.

Because licensed midwives have always believed in and supported the availability of safe reproductive health care, and a woman’s right to access this care, **NYSALM strongly supports the passage of S.438.**