

New York Shield Law Fact Sheet

MARCH 2026

For both reproductive and gender-affirming health care, New York’s shield laws provide protections against out-of-state investigations and prosecutions, professional discipline, and civil liability. New York’s shield laws also provide protections for health care providers’ professional liability insurance and for medical information and other data related to reproductive and gender-affirming care.

PROTECTION AGAINST OUT-OF-STATE INVESTIGATIONS AND PROSECUTIONS

Protection Barring State Agency/Employee Assistance

State and local entities and people acting on their behalf may not cooperate with, provide information, or use resources in furtherance of an out-of-state investigation that seeks to impose liability, professional sanctions, or other legal consequences for any “legally protected health activity.”¹ “Legally protected health activity” includes the receipt of reproductive or gender-affirming care regardless of the recipient’s location; aiding or encouraging receipt of reproductive and gender-affirming care while in New York regardless of the location of the recipient or provider of such care; providing insurance for reproductive and gender-affirming care as an entity located, headquartered, or incorporated in New York, regardless of the location of the recipient or provider of such care; and providing reproductive or gender-affirming care while licensed by and physically present in New York, regardless of the recipient’s location.²

¹ SB S9077A (N.Y. 2022), S1066B (N.Y. 2023), SB S4914 (N.Y. 2025) (N.Y. Exec. Law § 837-x).

² SB S4914 (N.Y. 2025) (N.Y. Crim. Proc. Law § 570.17).

Protection against Extradition and Arrests

Except as required by federal law, the Governor may not recognize any demand for extradition if criminal liability is based on provision, receipt, assistance, or material support for any “legally protected health activity.”³ Additionally, a police officer may not arrest any person for any “legally protected health activity.”⁴

Protection against Issuance of Subpoenas and Witness Summons

Any request for issuance of an out-of-state subpoena must include an affirmation that the subpoena is not related to any investigation or proceeding seeking to impose any legal consequences on a person for “legally protected health activity” (“protected health activity affirmation”).⁵ Courts, clerks, and attorneys licensed to practice in New York may not issue subpoenas in connection with out-of-state proceedings related to any “legally protected health activity” unless the subpoena is accompanied by a “protected health activity affirmation.”⁶ The sole circumstance where issuance of a subpoena related to this care is permitted is when a proceeding involves tort or contract claims, is actionable under New York law, and was brought by the person who received the health care.⁷

Similarly, witnesses may not be compelled to appear and testify in connection with an out-of-state proceeding relating to any “legally protected health activity,” unless the petition requesting that order is accompanied by a “protected health activity affirmation.”⁸

Any party who submits a false “protected health activity affirmation” with their subpoena request or petition for witness testimony may be sued in New York court for damages and subject to a penalty of fifteen thousand dollars per violation.⁹

PROTECTION FROM PROFESSIONAL DISCIPLINE

Protection against Adverse Actions related to Providers’ Licenses and Other Board Discipline

“Legally protected health activity” may not by itself constitute professional misconduct, and a provider’s license, certification, or authorization may not be revoked, suspended, annulled, or

³ SB S9077A (N.Y. 2022), SB S1351 (N.Y. 2023), SB S4914 (N.Y. 2025) (N.Y. Crim. Proc. Law § 570.17). An exception to this prohibition applies if the demanding state alleges the person was physically present in its state at the time of the alleged offense and then fled. N.Y. Crim. Proc. Law § 570.17(2).

⁴ SB S9077A (N.Y. 2022), SB 1066B (N.Y. 2023), SB S4914 (N.Y. 2025) (N.Y. Crim. Proc. Law § 140.10(3)).

⁵ SB S4914 (N.Y. 2025) (N.Y. C.P.L.R. 3119(b)(2)).

⁶ *Id.*

⁷ SB S4914 (N.Y. 2025) (N.Y. C.P.L.R. 3119(g)(1-2)).

⁸ SB S9077A (N.Y. 2022), SB 1066B (N.Y. 2023), SB 2475B (N.Y. 2023) (N.Y. C.P.L.R. § 3102(e)).

⁹ SB S4914 (N.Y. 2025) (N.Y. C.P.L.R. §§ 3119(b)(2)(iii), 3102(e), 3102(f)(2)). The attorney general may also bring an action for damages and penalties against a party that submits a false “protected health activity affirmation.” *Id.*

otherwise subject to penalty or discipline on the sole basis that the provider engaged in “legally protected health activity.”¹⁰ An application for licensure, certification, or authorization may not be denied because of a disciplinary action in another state based on engaging in “legally protected health activity.”¹¹

Protection against Adverse Actions related to Attorneys Representing Individuals

Attorneys licensed in New York may not be subject to discipline for advising or representing a client related to reproductive health care or gender-affirming care based solely on the client’s offer, provision, facilitation, or receipt of reproductive health care or gender-affirming health care unlawful in another state, or based solely on liability or discipline imposed on the attorney in another state because of the same client activity.¹²

PROTECTION AGAINST CIVIL LIABILITY

Protection against Application of Another State’s Laws in New York State Court

New York law governs any case or controversy heard in New York related to “legally protected health activity.”¹³

Additionally, New York courts may not apply the law of another state authorizing a child to be removed from their guardian based on the guardian engaging in “legally protected health activity” or allowing the child to engage in “legally protected health activity.”¹⁴

Provision of a “Clawback Lawsuit” to Recover Damages from Litigation related to Protected Care

A person may bring a claim to recover damages if litigation or criminal charges were brought against them for “legally protected health activity.”¹⁵

¹⁰ SB S9079B (N.Y. 2022), SB 1066B (N.Y. 2023), SB 2475B (N.Y. 2023), SB S4914 (N.Y. 2025) (N.Y. Educ. Law §§ 6531-b, 6509-f).

Additionally, the board for professional misconduct may not charge a licensee with misconduct based solely on the licensee’s engagement in “legally protected health activity.” SB 9709B (N.Y. 2022), SB 2475B (N.Y. 2023), SB S4914 (N.Y. 2025) (N.Y. Pub. Health Law § 230(9)).

¹¹ SB 9709B (N.Y. 2022), SB 8508 (N.Y. 2024), SB S4914 (N.Y. 2025) (N.Y. Educ. Law § 6505-d).

¹² SB S4914 (N.Y. 2025) (N.Y. Judiciary Law § 90 (2-b)).

¹³ SB S4914 (N.Y. 2025) (N.Y. C.L.P.R. § 350).

¹⁴ New York courts also may not admit or consider a finding of abuse, neglect, or maltreatment based on the guardian engaging in “legally protected health activity” or allowing the child to engage in “legally protected health activity” in any proceeding regarding that parent or guardian and their children. SB 2475B (N.Y. 2023), SB S4914 (N.Y. 2025) (N.Y. Fam. Ct. Act § 659).

¹⁵ SB S9039A (N.Y. 2022), SB S4914 (N.Y. 2025) (N.Y. Civ. Rights Law § 70-b).

PROTECTION OF PROFESSIONAL LIABILITY INSURANCE AND PROTECTION RELATED TO HEALTH PLANS

Protection against an Insurer’s Refusal to Issue Insurance, Increase in Premiums, or Denial of Coverage Based Solely on Providing Protected Care

Medical malpractice or professional liability insurance companies may not take adverse action—including refusing to renew or execute a contract with a provider, reporting the practices of the provider to the agencies of a state where they be in violation of an abortion law, or increasing any charge or otherwise unfavorably changing the terms of coverage or amount for insurance—against a provider acting within their lawful scope of practice solely on the basis that the provider engages in “legally protected health activity.”¹⁶

PRIVACY OF MEDICAL INFORMATION AND OTHER DATA RELATED TO REPRODUCTIVE OR GENDER-AFFIRMING CARE

Protection Against Disclosure of Medical Information

People and entities located, headquartered, or incorporated in New York that receive an inquiry, investigation, subpoena, or summons for information regarding “legally protected health activity” may not comply with the request unless certain requirements are met: (1) First, the request must be accompanied by a “protected health activity affirmation” as described above; (2) Second, the recipient of the request must notify the attorney general of their intent to comply with the request 30 days before responding to the request by filling out [the form available here](#); and (3) Finally, they must make reasonable attempts to notify the person who engaged in “legally protected health activity” and about whom the request pertains 30 days before providing any responsive information.¹⁷ The attorney general may bring an action against those that provide information in violation of these requirements.¹⁸ A person who submits a false affirmation may be sued in New York court for damages and subject to a penalty of fifteen thousand dollars per violation.¹⁹

Additionally, law enforcement may not purchase or obtain individually identifiable electronic health information without a warrant.²⁰

¹⁶ SB S9080B (N.Y. 2022), SB1066B (N.Y. 2023), SB 2475B (N.Y. 2023), SB S04914 (N.Y. 2025) (N.Y. Ins. Law § 3436-a). This protection extends to providers who prescribe abortion medication to out-of-state patients by telehealth. N.Y. Ins. Law § 3436-a

¹⁷ SB S04914 (N.Y. 2025) (N.Y. Gen. Bus. Law § 394-i). The person or entity receiving the request may bring a civil action to obtain relief from complying with the request under these requirements. *Id.* These requirements do not prohibit compliance with a valid federal court order and do not prohibit disclosure of deidentified information in compliance with reporting requirements under federal law or identified information necessary to comply with a federal audit. *Id.*

¹⁸ SB S04914 (N.Y. 2025) (N.Y. Gen. Bus. Law § 394-i(4)).

¹⁹ SB S04914 (N.Y. 2025) (N.Y. Gen. Bus. Law § 394-i(3)(a)). The attorney general may bring an action for damages and penalties against a person or entity that submits a false attestation.

²⁰ SB 4007-C (N.Y. 2023) (N.Y. Gen. Bus. Law § 394-h).

Protection Against Disclosure of Data by Businesses Providing Electronic Communications

Any entity incorporated or headquartered in New York that provides electronic communication services may not comply with an out-of-state warrant to produce records revealing customers' identities, customers' data, the recipient of their communications, or the content of their communications if the entity knows the warrant relates to an investigation into or enforcement of another state's law creating liability for providing, facilitating, or obtaining reproductive health care services lawful in New York.²¹

Protection of Location Data

It is unlawful to establish a geofence around any health care facility for the purpose of delivering an advertisement, building consumer profiles, or inferring health status of a person within the health care facility, and it is unlawful to deliver advertisements to users at a health care facility by using geofencing.²²

Protection of Providers' or Patients' Personal Information

Reproductive health care service providers, employees, volunteers, patients, and the immediate family members of reproductive health care service providers may apply to participate in the state's address confidentiality program, through which they may use a substitute mailing address and prevent public disclosure of their actual address.²³ Additionally, at the prescriber's request, the prescription labels for mifepristone and misoprostol (common medications used in medication abortion) must include the name or address of the prescribing health care practice instead of the name of the prescriber.²⁴ The prescriber must inform the patient that they've requested this labeling.²⁵

²¹ SB 4007-C (N.Y. 2023) (N.Y. Gen. Bus. Law § 394-f). The entity may comply with the warrant if it is accompanied by a sworn statement that the evidence sought does not relate to an investigation into or enforcement of another state's law creating liability for providing, facilitating, or obtaining reproductive health care services lawful in New York.

²² SB 4007-C (N.Y. 2023) (N.Y. Gen. Bus. Law § 394-g).

²³ SB S9384A (N.Y. 2022) (N.Y. Exec. Law § 108).

²⁴ SB S36-A; AB 5285 (N.Y. 2025) (N.Y. Educ. Law §§ 6807, 6810).

²⁵ AB 5285 (N.Y. 2025) (N.Y. Public Health Law § 280-d).

ABOUT THE CENTER ON REPRODUCTIVE HEALTH, LAW, AND POLICY (CRHLP)

CRHLP is a nationwide think tank and research center created to meet the current national crisis in access to abortion while working towards long-term solutions to advance reproductive justice. CRHLP conducts analysis and research for legal, policy, and narrative change and serves as a trusted hub for convening and engaging academics, advocates, health care providers, policy makers, and community members to reimagine the landscape of reproductive health law and policy. CRHLP also trains the reproductive law and policy leaders of tomorrow. CRHLP is committed to the highest standards of independent inquiry, academic excellence, and rigor. Research findings and conclusions are never altered to accommodate other interests, including those of funders, other organizations, or government bodies and officials.

For more information

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To receive pro bono legal assistance on questions related to the shield laws or other reproductive rights or justice issues, email: larj@law.ucla.edu

