



STATE OF NEW YORK  
**EXECUTIVE CHAMBER**  
ALBANY 12224

**KATHY HOCHUL**  
GOVERNOR

May 6, 2022

The Honorable Charles E. Schumer  
Majority Leader  
United States Senate  
322 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable Nancy Pelosi  
Speaker of the House  
U.S. House of Representatives  
1236 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Mitch McConnell  
Minority Leader  
United States Senate  
317 Russell Office Building  
Washington, D.C. 20510

The Honorable Kevin McCarthy  
Minority Leader  
U.S. House of Representatives  
2468 Rayburn House Office Building  
Washington, D.C. 20515

Dear Leader Schumer, Leader McConnell, Speaker Pelosi, and Leader McCarthy:

On May 2, a leaked draft of the upcoming Supreme Court decision in *Dobbs v. Jackson Women's Health* abruptly threw into question reproductive rights protections established by *Roe v. Wade* nearly 50 years ago. The expected Supreme Court decision will remove legal protection for abortions, denying the basic human rights of women and relegating determinations about abortion rights and reproductive health to the states.

New York legalized abortion in 1970 – three years before the landmark *Roe v. Wade* decision. In that time, New York served as a safe harbor for women seeking care, with health officials estimating that more than 400,000 abortions were performed in the state in the first two years after the legalization, of which two-thirds were for women who traveled from out of state. Now, if *Roe* is overturned, we could expect at least an 11 to 13 percent increase in out-of-state patients traveling to New York for abortion care. History will repeat itself.

I am proud to continue New York's long tradition of protecting women's rights and reproductive health, and I stand ready for New York to once again serve as a safe harbor for those who need abortion care. But we cannot do this alone. I applaud the House for its passage of the Women's Health Protection Act. Next week, the Senate will once again take up this legislation in an attempt to codify abortion rights and the protections of *Roe*. I urge you not only to enact this legislation and protect access to abortion – as we have already done in New York – but also to address other insidious barriers that impede access to reproductive health care.

Congress must immediately act to protect abortion services and access to care across the nation, taking steps including but not limited to:

- **Codify Roe v. Wade into Federal Law:** Without the protections afforded under Roe, abortion will become harder to obtain and afford, disproportionately harming women of color, people living in the South and Midwest, individuals with low incomes, immigrants, and others who already face barriers to healthcare, who may not be able to easily travel to safe harbors like New York. While New York remains committed to protecting abortion rights and access, it is unacceptable that those in need of abortion care in other states will be denied their rights. As mentioned above, it is past time to pass a nationwide law, like the Women's Health Protection Act, to enshrine the right to access abortion services.
- **Repeal the Hyde Amendment:** For decades, the Hyde Amendment has prevented federal funds from being used for abortion services, including health insurance funds that support low-income Americans. New York is proud to be one of only 15 states to cover abortion via state Medicaid dollars. Congress must eliminate the Hyde Amendment to ensure that no individual is denied access to abortion due to income or health insurance plan.
- **Provide Federal Support to Safe Harbor States:** New York State is preparing to welcome those from out of state who seek abortion care if Roe v. Wade is overturned, just as we did in the years before the landmark decision. For New York State to fully step up and be able to accommodate everyone who needs care, we need significant federal support to bolster our provider network and accommodate these new patients. Following action to repeal the Hyde Amendment, Congress must make federal funding available to states like New York that expect an influx of patients from other states.
- **Require States Receiving Medicaid Funds to Follow FDA Guidelines on Medical Abortion Medications:** In conjunction with repealing the Hyde Amendment, any state receiving Medicaid funding and participating in the Medicaid drug rebate program should be required to allow medications such as mifepristone, an FDA approved-drug, to be prescribed via telehealth. Such an action would override states with mifepristone prescription limitations already in place and open up an important new channel for safe and legal abortion services.
- **Expand Telehealth Services:** Telehealth has emerged as important tool to serve residents who have limited access to the traditional healthcare system due to cost, location, language barriers or other reasons. Access to telehealth for reproductive care must be on par with other eligible medical services. Federal funds must be increased to help our reproductive health providers reach all who need who need care, including patients seeking abortions via telehealth.



- **Ensure the U.S. Postal Service’s Ability to Ship Abortion Medication to All States:**  
As many states work to close off avenues to safe abortion services within their borders, the demand for abortion-inducing medications through mail and delivery services is growing. The U.S. Postal Service is a critical partner to meet the current demand, and Congress must adequately fund the postal service to ensure patients can receive prescribed medical abortion medications, regardless of their zip code.

In New York, my team and I are working tirelessly to provide access to quality, affordable healthcare – including abortion services. Under my direction, New York State’s Department of Health finalized regulations aligning New York law with clinical standards to provide a safe medical experience for patients, free from stigma. New York providers can offer abortion telehealth services without unnecessary barriers. We have convened an Abortion Access Working Group, meeting regularly with patients, providers, and advocates to guide state policy and respond to on-the-ground needs. And in our recently-passed State Budget, we enshrined into law a requirement for health plans to cover abortion services without cost-sharing.

New York State is a blueprint for how reproductive health services, including abortion, can be structured with a focus on real people’s experiences and needs, not political rhetoric. Now is the time for decisive, bold action to ensure that abortion remains safe, legal, and accessible for all who need it.

Sincerely,

  
Kathy Hochul  
Governor

CC:

Senator Kirsten Gillibrand  
Congresswoman Carolyn Maloney  
Congresswoman Nydia Velazquez  
Congressman Gregory Meeks  
Congressman Brian Higgins  
Congresswoman Yvette Clarke  
Congressman Paul Tonko  
Congressman Tom Reed  
Congressman Hakeem Jeffries  
Congressman Sean Patrick Maloney  
Congresswoman Grace Meng  
Congressman John Katko  
Congresswoman Kathleen Rice

Congresswoman Elise Stefanik  
Congressman Lee Zeldin  
Congressman Adriano Espaillat  
Congressman Tom Suozzi  
Congressman Joe Morelle  
Congressman Antonio Delgado  
Congresswoman Alexandria Ocasio-Cortez  
Congressman Chris Jacobs  
Congressman Jamaal Bowman  
Congressman Andrew Garbarino  
Congressman Mondaire Jones  
Congresswoman Nicole Malliotakis  
Congressman Ritchie Torres