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**Proposed New York State Health Regulation Contains Troubling
Exemption: The Public Rights/Private Conscience Project
Responds to a Proposal on Abortion Access**

Public Rights/Private Conscience Project

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THE PUBLIC RIGHTS/PRIVATE CONSCIENCE PROJECT
CENTER FOR GENDER AND SEXUALITY LAW
COLUMBIA LAW SCHOOL
435 WEST 116TH STREET
NEW YORK, NY 10027



Press Release:

March 29, 2017

From:

Columbia Law School, The Public Rights Private Conscience Project

Subject:

Proposed New York State Health Regulation Contains Troubling Exemption: The Public Rights/Private Conscience Project Responds to a Proposal on Abortion Access

Contact:

Liz Boylan, eboyla@law.columbia.edu, 212.854.0167

A proposed New York State [regulation](#) requiring insurance plans to cover “medically necessary” abortions contains a broad religious exemption that would undermine the state’s longstanding commitment to reproductive health. The exemption—which is not required by New York’s Constitution or laws— defines the term “religious employers” to include large nonprofits and even some for-profit companies. In the face of a national movement to enact anti-LGBTQ and anti-choice religious exemptions, the regulation would set a harmful precedent by accommodating religion at the expense of other fundamental liberty and equality rights. On Monday, March 27th, Elizabeth Reiner Platt, Director of Columbia Law School’s Public Rights/Private Conscience Project (PRPCP) submitted a [comment](#) on behalf of the PRPCP to the NYS Department of Financial Services “to express [] deep concerns regarding the regulations’ expansion of New York’s existing definition of religious employers.”

Noting that religious liberty is already robustly protected in New York, PRPCP’s comment states, “allowing an organization that operates in the public sphere to violate neutral employee health and benefit laws serves to reduce, not enhance, true religious pluralism. This is especially true when such accommodations single out particular religious tenets, such as opposition to abortion, for special protection.

“The proposed regulation would allow organizations to treat a medically necessary procedure overwhelmingly obtained by women differently than any other type of care,” said Elizabeth Reiner Platt. “Rather than surrender to the troubling trend of protecting particular religious beliefs at the expense of reproductive health, New York should continue to be a national leader in guaranteeing access to comprehensive health care.”

The PRPCP’s mission is to address contexts in which religious liberty rights conflict with or undermine fundamental rights to equality and liberty through academic legal analysis. PRPCP approaches the developing law of religion in a manner that respects the importance of religious liberty while recognizing the ways in which broad religious accommodations may violate the First Amendment’s Establishment Clause.

Read the full letter from the Public Rights/Private Conscience Project here:

<http://tinyurl.com/PRPCP-3-27>

Read the NYS Department of Financial Services Proposed Amendment

here: http://www.dfs.ny.gov/insurance/r_prop/rp62a48text.pdf

For more information on the PRPCP, visit the PRPCP's webpage, here: <http://tinyurl.com/PRPCP-Columbia>