



**Targeting Hospitals that Refuse to Abort for Subsequent  
Harassment (the THRASH bills)  
(Bill S.1003-A-Hinchey; Bill A.733-A-Rozic)  
Memorandum of Opposition**

Bill S.1003-A-Hinchey and Bill A.733-A-Rozic, collectively referred to herein as the THRASH bills, are dangerous and underhanded pieces of legislation.

The bills' stated purpose—"to ensure that individuals have access to information about whether the hospital, or hospitals, in their area provides [sic] the care they seek prior to admission and to identify health care deserts in regions of the state"—appears benign and uncontroversial. In the bills' sections on legislative findings, the THRASH bills' sponsors assert that hospital closures and consolidation have left some regions of the state lacking access to certain types of medical care, and that patients are unable to determine whether hospitals in their respective regions offer the medical care that they seek. Accordingly, the THRASH bills would require the New York State Department of Health to annually collect a list of policy-based exclusions from each general hospital. (Policy-based exclusions, in essence, are hospital rules concerning medical procedures that hospital personnel are not allowed to provide.) Significantly, the required lists would be published on the Department of Health's website.

In a March 9, 2022 article, *The River* offered the following additional information about the THRASH bills: "[The bills direct] New York's Department of Health to collect a list of 'policy-based exclusions' from every general hospital across the state on an annual basis and then publish that information on its website. If it becomes law, the data collected by [the bills] will also help lawmakers get a more accurate sense of the reproductive healthcare landscape around the state. 'No matter who you are, where you live, what your means, you should be able to find access to an abortion, and right now, we just don't even know where those gaps are,' [Sen. Michelle] Hinchey says. 'We don't know what we need to do to fix them... There's

still a lot more that we need to do in New York, especially as we start to see, possibly, an influx of people to our state who are seeking health care.”<sup>1</sup>

This quotation from Sen. Hinchey makes the true purpose behind the THRASH bills abundantly clear. The THRASH bills are designed to help New York government find out which areas of the state have “gaps” in hospital-provided abortion services. Once that information has been obtained by the state, the state could—as Sen. Hinchey suggested—seek to “fix” those gaps, both to ensure that New York women have convenient abortion access and to accommodate the “influx” of out-of-state women seeking to have abortions here. Presumably, the “gaps” in abortion services could be “fixed” in one of two ways. First, the state could increase funding to abortion providers to help them open new facilities in areas that have “gaps.” Second, the state of New York could pressure or force hospitals to violate their own core values by providing abortions. If the state were to choose this second approach, the continued existence of some faith-based hospitals would be placed in jeopardy. As the THRASH bills themselves state, dozens of New York hospitals have closed over the past two decades. It is not in anyone’s interest to pass legislation that could lead to more hospital closures.

The THRASH bills could also create hospital security concerns. The information that the THRASH bills would require the Department of Health to publish on its website could very easily be used to identify faith-based hospitals that decline to provide abortions and to target those hospitals for harassment and reprisals. In light of recent incidents of pro-abortion violence directed at pro-life organizations across the country, this possibility is all too real.<sup>2</sup>

New Yorkers for Constitutional Freedoms urges the New York State Legislature to reject the THRASH bills.

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<sup>1</sup> See <https://therivernewsroom.com/abortion-prohibition-meaning-for-new-york/>, last accessed May 30, 2022.

<sup>2</sup> See <https://www.congress.gov/bill/118th-congress/house-concurrent-resolution/3/text> and <https://downloads.frc.org/EF/EF22F17.pdf>, last accessed January 24, 2023.

In addition to being used as a mechanism to target hospitals that do not perform abortions, the THRASH bills could also be used to target hospitals that decline to provide so-called “sex-reassignment surgeries.”