

Testimony to Town of North Hempstead Council, 1 Sept 22

My name is Judy Esterquest. I'm a Manhasset resident of more than three decades, and a board member of the New York City chapter of Physicians for a National Health Program.

I speak to section 41A of the Town code. I've asking you to repeal it,

This law puts legislators between patients and their health care providers, and it threatens them both with criminal charges, without making anyone safer. It needs to be repealed.

It was unscientific government overreach 50 years ago — when it criminalized doctors offering abortion care outside of hospital-level facilities. It was more restrictive, expensive, and burdensome than medical “standard of care” required then, or that state law required. But it's completely out of date now because

- 1) It is a violation of New York State law which [today covers abortion in its Civil Code not its Criminal Code](#). Healthcare should not be criminalized. Nor should doctors or providers who are providing standard of care.
- 2) Hospitals were not required in New York State for childbirth 50 years ago, and they are not required now. Indeed, 40 years ago I chose to give birth in a midwife center, not in a hospital, because I wanted something safer. Carrying pregnancy to term is [17 times more dangerous](#) than abortions. A [2022 NYS government report](#) says that [New York rates 23rd](#) in the nation for maternal mortality. Within New York, there's an average of 18 maternal deaths for every 100,000 live births. Abortions have a death rate of [.7 per 100,000, less danger than colonoscopies and many other procedures](#).
- 3) Healthcare has changed in the past 50 years when abortions required a [surgical procedure](#) — and were much more similar to colonoscopies than they are today. Today [more than half of all abortions are induced by medication](#). And during the pandemic many of these were [prescribed by telemedicine](#) and taken at the [patient's home with no safety implications](#). And 2/3 of all abortions are before 8 weeks.

Requiring patients to go to a hospital to avoid possible criminal charges to take a pill is a dangerous law
it's against the public interest
it's an unreasonable burden on patients and providers and,
quite frankly, it's nuts.

So let me summarize:

A law that criminalizes abortion violates New York State law. Healthcare should not be in the Criminal Code.

Criminalizing abortions that happen outside of hospitals puts political interests above medical judgment. It's particularly outrageous for care that is safer than childbirth and other care that the Town and state regard as legal out-patient care.

Finally, it's indefensible, given that more than half of all abortions today require swallowing a pill and waiting, with no surgical procedures.

Our legislators need to leave healthcare decisions to patients and their healthcare providers.
Please repeal this law.