

#EqualityNowNY

Protect New Yorkers: Pass an Equality Amendment

As currently written, our state constitution is an inadequate tool to advance equality and protect against discrimination. As we reckon with the realities of how our systems - judicial, criminal, economic, educational - perpetuate our long history of racism, misogyny, and discrimination, we must pursue an amendment to our constitution that will contain both broad protections and the tools needed to pursue true equality through our court system.

Our state constitution fails to advance equality in two important ways. First, our state constitution is ineffective: it is incredibly hard to bring forward a successful claim of discrimination under our NYS Constitution. To do so, you must prove the discrimination was intentional - that a law or policy was enacted intending to discriminate. This is a high standard and almost impossible to meet because discrimination often happens not through intent, but through impact. A law or policy impacts individuals in a way that is discriminatory, even if it wasn't intended to.

Second, our state constitution is incomplete: Our NYS Constitution fails to prohibit discrimination against groups that have been historically targeted, including people with disabilities, LGBT individuals, immigrants, women, and pregnant people.

Advancing S.8797 (Krueger) will begin the process needed to add a new section to our state constitution that would provide robust protections against discrimination that work effectively to hold our state and its institutions accountable for dismantling systemic discrimination. Adding an Equality Amendment to our state constitution would:

1. broadly prohibit discrimination on the basis of race, color, ethnicity, national origin, disability, or sex including pregnancy and pregnancy outcomes, sexual orientation, gender identity, and gender expression.
2. provide tools to dismantle structural discrimination by prohibiting not only acts of intentional discrimination but also policies and practices that have a discriminatory impact.
3. explicitly include language to clarify that discrimination based on a person's pregnancy or pregnancy outcome is sex discrimination - which is crucial given the national trend of criminalizing people for various pregnancy outcomes, as well as the likely outcome of pending Supreme Court cases that are poised to upend abortion and contraception rights, and the rights of pregnant people.

To advance true equality we must explicitly prohibit discrimination on the basis of pregnancy and pregnancy outcomes. The term "pregnancy outcomes" refers to the result of pregnancy, including live birth (full term or preterm birth), still birth, miscarriage, birth to babies who do not survive past the neonatal period, and induced abortion. Across the country, and here in New York, women have been criminalized and had their rights denied on the basis of pregnancy, threatening women's equality under the law. Neither



the U.S. Constitution nor New York State's Constitution provides explicit protections against discrimination based on pregnancy - even though capacity for pregnancy has historically been at the heart of sex-based discrimination.

For many New Yorkers, our lives lie at the intersection of multiple identities that have historically faced discrimination - race, gender, gender identity and expression, sexual orientation, disability, national origin to name a few. It is critical that we ensure our constitution truly reflects and protects all New Yorkers. We call on the Assembly and Senate to advance an inclusive Equality Amendment this legislative session. If we do not pass S.8797 this year, the earliest the amendment could be on the ballot is 2026. We can't afford to wait four more years to advance equality for New Yorkers, especially with a U.S Supreme Court poised to roll back some of our most fundamental rights. We must fight to ensure the NYS Constitution reflects and protects all of us - and for that to occur it needs to be amended.

We urge lawmakers to pass a broad and inclusive Equality Amendment (S.8797) this legislative session.

AAUW

American Academy of Pediatrics, NYS

American Association of Women-Rockland County

BKForge: Brooklyn for Reproductive and Gender Equity

Brooklyn-Queens Chapter National Organization for Women

Callen-Lorde Community Health Center

Downtown Women OBGYN

Family Planning of South Central New York, Inc.

Girls for Gender Equity

HCMoneyball

Her Justice Inc.

League of Women Voters of New York State

League of Women Voters of Rensselaer County

League of Women Voters of Saratoga County

League of Women Voters of St Lawrence County

National Council of Jewish Women New York

National Institute for Reproductive Health Action Fund

New York Civil Liberties Union

New York State Coalition Against Domestic Violence

NYCD16 Indivisible

Planned Parenthood Empire State Acts

PowHerNY

Public Health Solutions

Reproductive Health Access Project, New York Chapter

RHAvote

Seramount

Southern Tier Women's Health Services

Virginia Reath RPA MPH PC

WCLA - Choice Matters

YWCA Brooklyn