



MEMORANDUM OF SUPPORT

NYS Equality Amendment

S.8797 (Krueger)/No Same As

May 20, 2022

The Community Health Care Association of New York State (CHCANYS) strongly supports the NYS Equality Amendment S.8797 (Krueger) which will begin the process to ensure that the NYS Constitution will 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 discrimination, provide robust protections against discrimination, and uphold equality for all New Yorkers.

As New York's primary care association for federally qualified health centers (FQHCs), also known as community health centers (CHCs), CHCANYS understands how discrimination has created barriers to accessing critical resources and services like healthcare, housing, jobs, and so much more. Our CHCs serve populations that the traditional healthcare system has historically failed, among CHC patients, 90% are low-income, 68% are Black, Hispanic/Latinx, and people of color, 13% are uninsured, and 59% are enrolled in Medicaid or Child Health Plus. CHCs have witnessed firsthand the negative impacts of longstanding and systematic discrimination on their patients' health and well-being, and work tirelessly to ensure that at least healthcare is one service that their patients will have access to without barriers such as insurance, immigration status, or ability to pay.

The current NYS constitution does not do enough to advance equality and protect New Yorkers. As it stands, the State Constitution makes it incredibly difficult to bring a successful claim of discrimination as you must prove that the discrimination was intentional – that a law or policy was enacted intending to discriminate – which is an incredibly high standard that is almost impossible to meet. Additionally, the State Constitution does not protect all New Yorkers as it fails to prohibit discrimination against groups that have been historically targeted including women, LGBTQ individuals, and immigrants.

It is critical that NYS adds an Equality Amendment to the State Constitution that would provide robust protections against discrimination that work effectively to hold the State and its institutions accountable as we continue to reckon with the ways structural and institutional discrimination perpetuate the long history of disparate health and life outcomes for marginalized communities. Adding an Equality Amendment to the State Constitution would broadly prohibit discrimination based on race, color, ethnicity, national origin, disability, or sex including pregnancy and pregnancy outcomes, sexual orientation, gender identity, and gender expression; provide tools to dismantle structural discrimination by prohibiting not only acts of intentional discrimination but also policies and practices that have a discriminatory impact; and explicitly include language to clarify that discrimination based on a person's pregnancy or pregnancy outcome is sex discrimination.

CHCANYS urges the New York State Legislature to pass the NYS Equality Amendment S.8797 (Krueger) to ensure our State Constitution truly reflects and protects all New Yorkers. By passing this legislation, NYS can begin the process of creating a pathway to dismantle structural and institutional discrimination, and to provide accountability.

Please reach out to Marie Mongeon, Senior Director of Policy, at mmongeon@chcanys.org for questions.