

HEALTH CARE INFORMATION MEMO

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New York Amends and Strengthens Its Healthcare “Shield” Law

During a flurry of end-of-year 2025 bill signings, Governor Kathy Hochul approved A5480C/S4914B, amending New York’s Shield Law (Shield Law) – a 2023 law intended to protect patients who receive and health care professionals who provide reproductive or gender-affirming health care services to individuals outside of New York State. Through the amendment, lawmakers bolted on additional protections and provisioned New York’s Office of the Attorney General (NYAG) with additional authority.

The amendment follows a 2024 lawsuit by Texas’s Attorney General (TXAG) – the Shield Law’s first test. In that suit, a Texas court issued a judgment against a New York healthcare provider for sending medication intended to end a pregnancy to an individual in Texas. The TXAG then attempted to enforce that judgment in New York. The county clerk in New York refused to file the judgment, relying on the Shield Law. Following the refusal, the TXAG filed suit against the New York county clerk alleging their actions violated the U.S. Constitution and seeking a writ of mandamus to enforce the Texas judgment. The New York State Supreme Court dismissed the suit, relying upon the Shield Law, but also denied the NYAG’s motion to intervene in the case.

What Has Changed?

The amendment bolsters protections for individual New York practitioners, healthcare delivery organizations and other health care service facilitators located, headquartered or incorporated in New York (each, a “Provider”) in several key respects.

First, the amendment adds protections for Providers involved in activities that the Shield Law is designed to protect, if those Providers receive out-of-state subpoenas that run contrary to the Shield Law. Now, if a Provider receives such an out-of-state subpoena, the Provider must notify the NYAG within 72 hours and indicate how the Provider intends to reply. Providers, however, can likely expect relief from this stringent timeline in 2026. [In her approval memorandum](#), Governor Hochul announced she reached an agreement with the legislature to address what she describes as “difficult to manage” timelines required by the amendment. The Provider also must make “reasonable” attempts to notify, at least 30 days before compliance with a subpoena, anyone who provided, sought, received, facilitated or otherwise engaged in the health care activity targeted by the subpoena and whose actions or records may be implicated. Through the amendment, Providers also have recourse in state court and may seek declaratory relief from subpoena compliance by raising incongruity with the Shield Law.

Second, the amendment adds hurdles for out-of-state actors seeking to obtain information the Shield Law protects. Now, any request must be accompanied by an affirmation under penalty of perjury indicating that the subpoena seeks information “not related to any investigation or proceeding that seeks to impose civil or criminal liability, professional sanctions or any other legal consequences upon a person for any legally protected health activity” unless a cognizable statutory exemption applies. Violation of this section implicates penalties for a “false affirmation,” including a statutory penalty of \$15,000 per violation, in addition to investigation and potential prosecution by the NYAG.

Facilitator Protections and Limits on Attorney Conduct

The amendment also extends Shield Law protections to others involved in providing legally protected health activity, among them therapists, speech pathologists and other clinicians. Such professionals who act within the scope of their practice cannot be charged with professional misconduct for providing reproductive and gender-affirming care that is legal in New York, and providing such care cannot, on its face, constitute professional misconduct. The law further prohibits medical and professional liability insurers from taking adverse actions against Providers solely for engaging in legally protected health activity.

Moreover, New York licensed attorneys cannot face discipline for “advising or representing a client or prospective client” in connection with facilitating protected health activity. The protection, however, is of course limited to the extent the attorney’s conduct otherwise complies with New York law and the Rules of Professional Conduct. The amendment also prohibits New York attorneys from assisting in the domestication of any subpoena for legally protected health information and further prohibits New York attorneys from issuing subpoenas under the uniform interstate depositions statute in connection with out-of-state proceedings that relate to legally protected health activity.

Other New NYAG Powers

The amendment authorizes the NYAG to intervene in any court proceeding related to protected healthcare information and activities and also provides new tools for the NYAG to enforce the law. This includes authorizing the NYAG to prosecute any party that submits a false affirmation accompanying a subpoena request. Additionally, the amendment empowers the NYAG to enforce compliance requirements under the Shield Law, including orders enjoining ongoing or future violations when the NYAG “has reason to believe the defendant or respondent intends to comply or has complied with an inquiry, investigation, subpoena, or summons regarding legally protected health activity.” Finally, the NYAG now can intervene in private actions where an entity or person seeks declaratory relief.

Next Steps

Entities that provide or facilitate providing protected health care activities – among them, hospitals, health systems, and on-campus healthcare teams – should be aware of these new protections and reporting obligations. As noted, additional updates to the specific timelines in this law are foreseeable, as are additional challenges to the Shield Law itself.

Bond attorneys regularly assist and advise health care and higher education clients on an array of issues related to providing health care, along with handling litigation arising out of health services. If you have any questions about this update, please contact attorneys [Gabriel S. Oberfield](#), [Samuel Wiles](#), [Brit Schoepp-Wong](#) or any Bond attorney with whom you work regularly.

