



NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE  
BOARD OF HEALTH

**Notice of Adoption of Amendments to  
Article 203 of the New York City Health Code**

In compliance with section 1043(b) of the New York City Charter (“the Charter”) and pursuant to the authority granted to the New York City Board of Health (“the Board”) by section 558 of the Charter, a notice of intention (“NOI”) to amend Article 203 of the New York City Health Code (“Health Code”) to align it with portions of recent legislative changes to Article 41 of the New York State Public Health Law, regarding reporting pregnancy loss and induced terminations of pregnancy, was published in the New York City Record on November 19, 2025. A public hearing was held on December 19, 2025, and one person testified at the hearing. An additional seven written comments were received. At its meeting on May 19, 2026, the Board adopted the following resolution.

**Statement of Basis and Purpose**

In 2025, New York State Public Health Law § 4160 was amended to, among other things, adopt the broader term “pregnancy loss” to replace “fetal death” to define the event described in Health Code § 203.01(a) as “termination of pregnancy”. Section 4160 was further amended to require reporting of pregnancy loss by spontaneous termination of pregnancy or still birth within 72 hours. To ensure that the Health Code is clear with regards to these provisions, the Department of Health and Mental Hygiene (“the Department”) is proposed to clarify Health Code § 203.01’s definitions of “termination of pregnancy” and “spontaneous termination of pregnancy” so that it is clear how these terms relate to law in effect in the rest of New York State. In addition, to align with the rest of the State, the Department will require the reporting of induced terminations of pregnancy only in instances where a disposition is requested by the parent.

Seven of the eight comments received about the proposed Health Code amendments were supportive and noted the potential challenges to maintaining the confidentiality of induced termination of pregnancy data as well as the burden such reporting places on healthcare providers. The sole comment not supporting the proposed amendments noted the utility of the reported data in targeting Department interventions on communities in need of reproductive healthcare services.

After consideration of the comments received, the final rule amends Article 203 as originally proposed and corrects a citation error in Health Code § 203.01(a). The Department is confident that it will be able to maintain its ability to track health data and target its services to meet the needs of the city’s diverse communities with the adoption of these amendments.

The amendment is as follows:

New material is underlined.

[Deleted material is in brackets.]

Ellipses [ . . . ] indicate unamended text.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

**RESOLVED**, that section 203.01 of Article 203 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, is amended to read as follows:

**§ 203.01 Definitions.**

When used in this title:

- (a) "Termination of pregnancy" means the expulsion or extraction of a conceptus, regardless of the duration of pregnancy, other than a live birth as defined in 24 RCNY Health Code § 201.01(a)[,] and includes [fetal death] “pregnancy loss” as defined in New York State Public Health Law § 4160.
- (b) "Spontaneous termination of pregnancy" means the unplanned termination of a pregnancy, including but not limited to an ectopic pregnancy, miscarriage, still birth, or such a termination associated with a cesarean section, or an operative procedure unrelated to pregnancy resulting in an inadvertent termination.
- (c) ["Induced termination of pregnancy" means the purposeful interruption of an intrauterine pregnancy with the intention other than to produce a live-born infant and which does not result in a live birth.
  - (1) This definition includes “medication-induced termination of pregnancy” as defined in this article.
  - (2) This definition excludes management or prolonged retention of products of conception following a spontaneous termination of pregnancy.
- (d)] "Conceptus" means the product of any termination of pregnancy, regardless of its duration, including a hydatidiform mole, fetal tissue or other evidence of pregnancy recovered by operative or other procedure, but not including a live birth as defined in 24 RCNY Health Code § 201.01(a).
- [(e)] (d) "Licensed health care practitioner" means a physician or other person licensed or authorized pursuant to the New York State Education Law, or other applicable law, to perform terminations of pregnancy.
- [(f) "Medication-induced termination of pregnancy" means an induced termination of pregnancy using medication prescribed or ordered by a licensed health care practitioner. A medication-induced termination of pregnancy occurs in the City when a licensed health care practitioner prescribes or orders the medication for a patient.]

**RESOLVED**, that section 203.03 of Article 203 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, is amended to read as follows:

**§ 203.03 Reporting Terminations of Pregnancy.**

- (a) When a spontaneous termination of pregnancy occurs in the City it must be reported as follows:

- (1) If in a hospital or en route thereto, by the person in charge of such hospital or his or her designee; or
  - (2) If elsewhere than in a hospital or en route thereto, by the licensed health care practitioner in attendance at or after such event or by their designee; or
  - (3) If a licensed health care practitioner attends at or after [a termination of pregnancy] the event elsewhere than in a hospital or en route thereto as an associate of a hospital, by the person in charge of the hospital with which the licensed health care practitioner is associated or by the designee of such person in charge; or
  - (4) If investigated by the office of chief medical examiner, by a medical examiner within that office[; or
  - (5) If a medication-induced termination of pregnancy, by the licensed health care practitioner prescribing or ordering the medication or by their designee].
- (b) The person required to report a spontaneous termination of pregnancy pursuant to subdivision (a) of this section must file[:
- (1) A certificate of induced termination of pregnancy for an induced termination of pregnancy; or
  - (2) A] a certificate of spontaneous termination of pregnancy, including a confidential medical report, for a spontaneous termination of pregnancy; provided that a medical examiner, when required to report pursuant to paragraph (a)(4) of this section, shall file a certificate of spontaneous termination of pregnancy only.
- (c) A certificate of spontaneous termination of pregnancy required by this section must be filed within 24 hours after the event if a disposition permit issued pursuant to Article 205 of this Code is required or requested, and in all other cases a certificate of spontaneous termination of pregnancy must be filed with any office maintained and designated by the Department for such purposes within five business days[, including within five business days after the date the medication for a medication-induced termination of pregnancy was prescribed or ordered].
- (d) (1) In circumstances where the issuance of a disposition permit pursuant to 24 RCNY Health Code Article 205 is requested and a person required to report a spontaneous termination of pregnancy pursuant to subdivision (a) of this section has not filed a report thereof electronically, the requirement of filing a certificate and confidential medical report, if any, required by this section may be fulfilled by delivery of the same immediately upon demand and within the time prescribed by subdivision (c) of this section to a funeral director or undertaker authorized to take charge of the conceptus or to the person in charge of the City mortuary if the remains are to be buried in the City cemetery. Such funeral director, undertaker or person in charge of the City mortuary, or an agent of such funeral director or undertaker registered with the Department pursuant to 24 RCNY Health Code Article 205 or a designee of the person in charge of the mortuary, must then file the certificate within 48 hours following the receipt of the certificate of spontaneous termination of pregnancy. [Funeral directors, undertakers, City mortuary personnel, and their agents or designees, shall not divulge information in the confidential documents except to authorized personnel of the Department.]
- (2) In all other circumstances where the issuance of a disposition permit pursuant to 24 RCNY Health Code Article 205 is requested for a conceptus, a funeral director or undertaker

authorized to take charge of the conceptus, or the person in charge of the City mortuary if the remains are to be buried in the City cemetery, registered with the Department pursuant to 24 RCNY Health Code Article 205 or a designee of the person in charge of the mortuary, must report within 24 hours of the termination of pregnancy to the Department only the information required on the forms prescribed by the Board and furnished by the Department.

(3) Funeral directors, undertakers, City mortuary personnel, and their agents or designees, must not divulge information in the confidential documents related to disposition of a conceptus except to authorized personnel of the Department.

(e) All spontaneous terminations of pregnancy occurring at or en route to hospitals or other facilities that report births electronically to the Department pursuant to 24 RCNY Health Code Article 201[ all induced terminations of pregnancy occurring at hospitals or other facilities reporting 100 or more induced terminations of pregnancy per year,] and all spontaneous terminations of pregnancy reported by the office of chief medical examiner, must be reported to the Department electronically by means of computer programs specified and provided or otherwise authorized for use by the Department. In circumstances where the issuance of a disposition permit pursuant to 24 RCNY Health Code Article 205 is [required or] requested, and a person required to report a spontaneous termination of pregnancy pursuant to subdivision (a) of this section files a report thereof electronically, a funeral director or undertaker authorized to take charge of the remains, or the person in charge of the City mortuary when said mortuary files an application for a disposition permit, must also file, within 72 hours following the termination of pregnancy, the application for such a permit electronically by means of computer programs specified and provided or otherwise authorized for use by the Department. All hospitals or other facilities that are not required to report spontaneous terminations of pregnancy electronically pursuant to this subdivision may, at their election and upon approval by the Department, implement an electronic reporting system, or continue to report spontaneous terminations of pregnancy on approved paper forms. However, once a hospital or facility has commenced reporting electronically, such hospital or facility may not report on paper forms unless otherwise authorized by the Department.

[ . . . ]

(g) The person required to report a spontaneous termination of pregnancy or to file an application for a disposition permit must provide to the Department information that was required to be reported, but that was not so reported, within five business days of that person receiving the information.

(h) Upon a request by the Department for additional information that may be necessary to complete, clarify or verify the information required to be reported, the person required to report a spontaneous termination of pregnancy or to file an application for a disposition permit must provide such information to the Department within five business days of the request.

**RESOLVED**, that section 203.05 of Article 203 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, is amended to read as follows:

**§ 203.05 Preparation and Certification of Certificates.**

- (a) (1) *Preparation.* Any certificate or confidential medical report required by this Article must be prepared by the same person required to file the same pursuant to 24 RCNY Health Code § 203.03 but when a spontaneous termination of pregnancy occurs in a hospital or en route thereto, the certificate and confidential medical report, if any, must be prepared by a licensed health care practitioner in attendance, assisting or present at or after the event, by the chief medical officer of the hospital, by the physician in charge of the service on which the woman was treated, or by a designee of the person in charge of the hospital who is trained or approved by the Department. When a licensed health care practitioner attends at or after a spontaneous termination of pregnancy elsewhere than in a hospital or en route thereto, he or she, or a designee of such person who is trained or approved by the Department, must prepare the required certificate and confidential medical report, if any.
- (2) *Certification.* A certificate of spontaneous termination of pregnancy and the confidential medical report must be certified by a physician in attendance or assisting at or after the event, by the chief medical officer of the hospital where the event occurred, or by the physician in charge of the service on which the woman was treated, or by a designee of such person who is trained or approved by the Department. [A certificate of induced termination of pregnancy shall be certified by a licensed health care practitioner, who is licensed or authorized pursuant to the State Education Law or other applicable law to perform such a termination of pregnancy, in attendance or assisting at or after the event, by the chief medical officer of the hospital where the event occurred, or by the physician in charge of the service on which the woman was treated.] When a spontaneous termination of pregnancy certificate is filed by the office of chief medical examiner, the certificate must be certified by a medical examiner within that office. A person certifying a certificate and confidential medical report, if any, must examine said documents for correctness of the information contained thereon and make necessary changes.
- (b) The certificates specified in 24 RCNY Health Code § 203.03(b), except for certificates filed electronically pursuant to 24 RCNY Health Code § 203.03(e), must be prepared on forms prescribed by the Board and furnished by the Department. Computer programs specified and provided or otherwise authorized for use by the Department for electronic filing must be reflective of the forms prescribed by the Board except to the extent that differences may be necessary or warranted in order to accommodate electronic formatting. The person preparing the certificate must enter all information required by the appropriate form. When a termination of pregnancy occurs in a hospital or en route thereto, the information must be taken from the hospital record of the case. If worksheets are used to prepare certificates of spontaneous termination of pregnancy and confidential medical reports, if any, the worksheets must be ones provided by the Department or in a form approved by the Department. If individuals other than a physician, licensed midwife, registered professional nurse, certified nurse practitioner or registered physician assistant use such worksheets, then such individuals must be trained or approved by the Department. The person preparing the certificate and confidential medical report, if any, or such person's employer, must retain such worksheets for a period of three years from the date of the event, and must, upon request, make such worksheets available to the Department for inspection.

**RESOLVED**, that subdivision (a) of section 203.07 of Article 203 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, is amended to read as follows:

- (a) The certificate and confidential medical report of a spontaneous termination of pregnancy and the [certificate of induced termination of pregnancy] documents submitted pursuant to § 203.03(d)(2) of this Article shall be confidential and not subject to disclosure or to inspection by persons other than the Commissioner or authorized personnel of the Department. The Commissioner or the Commissioner's designee may, however, approve the inspection by others of such medical reports and certificates for scientific purposes or in accordance with federal, New York State, or New York City law.