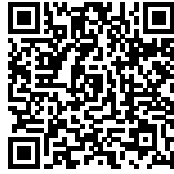




# Brian Kavanagh

**Senate** District SD-026  
**Democrat**

Contact: (518) 455-2625  
State St. and, Washington Ave, Albany, NY  
12224



View Online

This legislator voted constitutionally on **0%** of the votes shown below.

★ Pro-liberty      ✗ Anti-liberty      ? Did not Vote      **Vote**

**1. S07562 Film Tax Credits (Passed 50 to 13 on 6/9/2023).** **Yes**  
Modifies the process for claiming tax credits under the Empire State Film Production Credit and applies specific provisions of the tax law concerning the empire state film production credit and the empire state film post-production credit. **✗**

**2. A00627 State Sovereignty (Passed 63 to 0 on 2/6/2023).** **Yes**  
Requires nursing homes to follow Federal CDC or Medicare and Medicaid guidance relating to infectious disease control planning and procedures. **✗**

**3. S00825 Forced Insurance Coverage (Passed 56 to 7 on 1/18/2023).** **Yes**  
Requires insurance coverage by every large group policy to include medical, major medical, or comprehensive-type coverage for pre-exposure prophylaxis and post-exposure prophylaxis to prevent HIV infection. **✗**

**4. A01060 Pharmacist Prescribed Birth Control (Passed 48 to 15 on 3/31/2023).** **Yes**  
Allows pharmacists to prescribe birth control medication. **✗**

**5. S01359 Racist Government Office (Passed 42 to 21 on 3/27/2023).** **Yes**  
Establishes the Office of Racial Equity and Social Justice to coordinate policy, resource allocation, and services to promote equal opportunities and outcomes for all, regardless of race or "social justice constructs". **✗**

**6. A01142 Woke Terms in Law (Passed 46 to 15 on 5/22/2023).** **Yes**  
Requires the use of "gender-neutral" terms in New York law. **✗**



## NEW YORK LEGISLATIVE **SCORECARD** BASED ON THE U.S. CONSTITUTION

**Sen. Brian Kavanagh**

**NY Scorecard 2023**

**Lifetime Score: 0%**

**2023-2024 Regular Session Score 0%**

The Legislative Scorecard is a nationwide educational program of The John Birch Society. Its purpose is to create an informed electorate on how state legislators are voting. The Scorecard is nonpartisan; it does not promote any candidate or political party. Bills are selected for their constitutional implications and cost to the taxpayers.

**Please share this Scorecard in your district to inform people about your legislator's record on key votes.**

U.S. Constitution, Amendment I --- 11 C.F.R. §114(4)(c)(4) --- 616 F.2d 45 (2d Cir. 1980)

The following scorecard lists several key votes in the New York State Legislature in 2023 and ranks state assemblymen and senators based on their fidelity to (U.S.) constitutional and limited-government principles.

This is our second state-level Scorecard; the selected votes may not be reflective of legislators' overall records. Their cumulative scores will change as we add more votes. Please check regularly for updates.



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### The Constitution

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# Bill Descriptions for the Votes that Affect You

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## 1. Film Tax Credits

S07562 modifies the process for claiming tax credits under the empire state film production credit and applies specific provisions of the tax law concerning the Empire State Film Production Credit and the empire state film post-production credit.

The New York State Senate passed S07562 on June 9, 2023 by a vote of 50 to 13. We have assigned pluses to the nays because providing tax credits to a specific industry—particularly the film industry—is not appropriate because most of the film industry supports woke Marxist ideology. Taxpayers should not be financially responsible for supporting movie productions that are associated with leftists. Furthermore, government should not intervene in the marketplace by selectively granting tax incentives to specific industries.

## 2. State Sovereignty

A00627 requires nursing homes to follow Federal CDC or Medicare and Medicaid guidance relating to infectious disease control planning and procedures.

The New York State Senate passed A00627 on February 6, 2023 by a vote of 63 to 0. We have assigned pluses to the nays because states should not surrender their powers to the federal government. The Tenth Amendment of the U.S. Constitution states, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Surrendering power to an unconstitutional federal agency can restrict the state's autonomy when such an agency creates tyrannical guidelines.

## 3. Forced Insurance Coverage

S00825 requires insurance coverage by every large group policy to include medical, major medical, or comprehensive-type coverage for pre-exposure prophylaxis and post-exposure prophylaxis to prevent HIV infection.

The New York State Senate passed S00825 on January 18, 2023 by a vote of 56 to 7. We have assigned pluses to the nays because mandating specific coverage requirements for insurance policies is an overreach of government power. This mandate interferes with the free market and commerce by compelling insurance companies to offer coverage for certain conditions, stripping away their rights as a business.

## 4. Pharmacist Prescribed Birth Control

A01060 permits the dispensing of self-administered hormonal contraceptives by allowing licensed physicians and certified nurse practitioners to provide pharmacists licensed and operating within the state with non-patient-specific orders for the distribution of birth control.

The New York State Senate passed A01060 on March 31, 2023 by a vote of 48 to 15. We have assigned pluses to the nays because hormonal birth control drugs, particularly high-dose prescription-only 'morning-after' pills, can and do prevent uterine implantation of developing pre-born children, causing them to function not only as "contraceptives," but also as abortifacients, thereby resulting in 'silent abortions.' Given that the care of human life—not its destruction—is the greatest responsibility of government, New York should act to forbid all methods of abortion and secure the right to life for every pre-born child. The right to life is the most fundamental, God-given, and unalienable right asserted in the Declaration of Independence and protected by the Fifth and 14th Amendments to the U.S. Constitution.

## 5. Racist Government Office

S01359 establishes the Office of Racial Equity and Social Justice to coordinate policy, resource allocation, and services to promote equal opportunities and outcomes for all, regardless of race or "social justice constructs".

The New York State Senate passed S01359 on March 27, 2023 by a vote of 42 to 21. We have assigned pluses to the nays because this legislation expands the size of government by establishing a new government office, which is created to further divide and pit Americans against each other. The Declaration of Independence states, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness." We must remain true in our commitment to equality and resist government actions that seek to divide us.

## 6. Woke Terms in Law

A01142 requires the use of "gender-neutral" terms in New York law.

The New York State Senate passed A01142 on May 22, 2023 by a vote of 46 to 15. We have assigned pluses to the nays because this bill conforms to the woke leftist culture that focuses on virtue signaling and being politically correct.