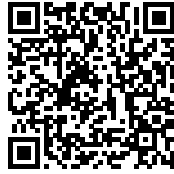




# Sam Berger

**State Assembly** District HD-027  
**Democrat**

Contact: (518) 455-4404  
State St. and, Washington Ave, Albany, NY  
12224



View Online

This legislator did not cast a sufficient number of votes to score this report.

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

**1. S02475 Sex Changes for Minors Protection (Passed 97 to 47 on 6/10/2023).** Prohibits the consideration of another state's law allowing a child's removal based on gender-affirming care in custody cases, restricts law enforcement from cooperating with out-of-state agencies regarding such care, and blocks subpoenas in out-of-state proceedings for health information of those seeking sex changes. ?

**2. A00627 State Sovereignty (Passed 144 to 0 on 1/17/2023).** 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 140 to 2 on 2/1/2023).** 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 109 to 37 on 3/28/2023).** Allows pharmacists to prescribe birth control medication. ?

**5. S01359 Racist Government Office (Passed 129 to 16 on 6/5/2023).** 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. A01395 College Abortions (Passed 100 to 49 on 4/18/2023).** Provides access to medication abortion prescription drugs at the State University of New York (SUNY) and the City University of New York (CUNY) campuses. ?



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

**Rep. Sam Berger**

**Lifetime Score: %**

**NY Scorecard 2023**

**2023-2024 Regular Session Score**

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.



### Get Alerts

Scan to view and subscribe to legislative action alerts.

### The Constitution

Learn more about the U.S. Constitution and our founding principles.



# Bill Descriptions for the Votes that Affect You

---

## 1. Sex Changes for Minors Protection

S02475 prohibits the consideration of another state's law allowing a child's removal based on gender-affirming care in custody cases, restricts law enforcement from cooperating with out-of-state agencies regarding such care, and blocks subpoenas in out-of-state proceedings for health information of those seeking sex changes in New York.

The New York State Assembly passed S02475 on June 10, 2023 by a vote of 97 to 47. We have assigned pluses to the nays because sex mutilation violates the unalienable right to life of minor children, while absurdly attempting to erase biological sex with fictional "gender" constructs. The Bill of Rights and the 14th Amendment of the U.S. Constitution state the States have a duty to protect the humanity of all people—male and female—who, as the Declaration of Independence affirms, are created by God and form the basis of individual and family self-government.

## 2. State Sovereignty

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

The New York State Assembly passed A00627 on January 17, 2023 by a vote of 144 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 Assembly passed S00825 on February 1, 2023 by a vote of 140 to 2. 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 by compelling insurance companies to offer coverage for certain conditions.

## 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 Assembly passed A01060 on March 28, 2023 by a vote of 109 to 37. 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.' 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 Assembly passed S01359 on June 5, 2023 by a vote of 129 to 16. 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. College Abortions

A01395 provides access to medication abortion prescription drugs at the State University of New York (SUNY) and the City University of New York (CUNY) campuses by employing or contracting with individuals authorized to prescribe such drugs.

The New York State Assembly passed A01395 on April 18, 2023 by a vote of 100 to 49. We have assigned pluses to the nays because public universities that receive taxpayer dollars should not offer abortion services. More importantly, the right to life is the most fundamental, God-given, and unalienable right asserted in the Declaration of Independence and guaranteed by the 5th and 14th Amendments to the U.S. Constitution.