

New York Amends Constitution to Expand Equal Protection

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On November 6, 2024, New Yorkers across the state voted “yes” on the Equal Rights Amendment, commonly known as [Proposition 1](#). The newly passed Equal Rights Amendment expands New Yorkers’ constitutional civil rights and codifies protections against discrimination in the state constitution.

Quick Hits

- The Equal Rights Amendment amended Article I, § 11 of the state constitution to include protections against discrimination based on sex, sexual orientation, gender, gender identity, and other classifications.
- Various state and local laws in New York already protect against discrimination based on a number of protected statuses.
- The Equal Rights Amendment does not curtail the free exercise of religion and does not invalidate laws or regulations designed to prevent discrimination.

Effective January 1, 2025, the New York State Constitution will include protections against discrimination “by any other person or by any firm, corporation, or institution, or by the state or any agency” based on “race, color, ethnicity, national origin, age, disability, creed, religion, or sex, including sexual orientation, gender identity, gender expression, pregnancy, pregnancy outcomes, and reproductive healthcare and autonomy.” The Equal Rights Amendment further clarifies that Article I, § 11 of the New York State Constitution does not invalidate or prevent any future law, program, or practice from preventing or dismantling discrimination (such as the New York State Human Rights Law). It also does not invalidate or curtail the free exercise of religion under Article I, § 3 of the New York State Constitution.

Previously, the New York State Constitution only protected against discrimination based on race, color, creed, and religion. While the state has many anti-discrimination laws, such as the New York State Human Rights Law and the Civil Rights Act, many protections afforded by state and local laws were not previously codified in the state constitution. Now enshrined in the New York State Constitution, the Equal Rights Amendment expands New Yorkers’ civil rights, and any repeal of those protections would require an arduous process where the proposal must be approved twice by the legislature and approved by a majority of the voting public.

What's Next

Although the Equal Rights Amendment is relatively straightforward, legal challenges to interpret the newly amended language are likely. Employers may want to consider reviewing their handbooks and policies to ensure compliance with all state and federal laws.

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