



House of Representatives

General Assembly

File No. 769

January Session, 2025

Substitute House Bill No. 7135

House of Representatives, April 24, 2025

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE PROVISION OF REPRODUCTIVE AND GENDER-AFFIRMING HEALTH CARE SERVICES TO PATIENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-571m of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2025*):

3 (a) As used in this section:

4 (1) "Reproductive health care services" includes all medical, surgical,
5 counseling or referral services relating to the human reproductive
6 system, including, but not limited to, services relating to pregnancy,
7 assisted reproduction, contraception or the termination of a pregnancy;
8 [and all medical care relating to treatment of gender dysphoria as set
9 forth in the most recent edition of the American Psychiatric
10 Association's "Diagnostic and Statistical Manual of Mental Disorders"
11 and gender incongruence, as defined in the most recent revision of the
12 "International Statistical Classification of Diseases and Related Health
13 Problems"; and]

14 (2) "Gender-affirming health care services" means all medical care
15 related to the treatment of gender dysphoria as set forth in the most
16 recent edition of the American Psychiatric Association's "Diagnostic and
17 Statistical Manual of Mental Disorders" and gender incongruence, as
18 defined in the most recent revision of the "International Statistical
19 Classification of Diseases and Related Health Problems". "Gender-
20 affirming health care services" does not include "conversion therapy" as
21 defined in section 19a-907; and

22 [(2)] (3) "Person" includes an individual, a partnership, an association,
23 a limited liability company or a corporation.

24 (b) When any person has had a judgment entered against such
25 person, in any state, where liability, in whole or in part, is based on the
26 alleged provision, receipt, assistance in receipt or provision, material
27 support for, or any theory of vicarious, joint, several or conspiracy
28 liability derived therefrom, for reproductive health care services or
29 gender-affirming health care services that are permitted under the laws
30 of this state, regardless of whether the patient was physically located in
31 this state at the time the services were provided, such person may
32 recover damages from any party that brought the action leading to that
33 judgment or has sought to enforce that judgment. Recoverable damages
34 shall include: (1) Just damages created by the action that led to that
35 judgment, including, but not limited to, money damages in the amount
36 of the judgment in that other state and costs, expenses and reasonable
37 attorney's fees spent in defending the action that resulted in the entry of
38 a judgment in another state; and (2) costs, expenses and reasonable
39 attorney's fees incurred in bringing an action under this section as may
40 be allowed by the court.

41 (c) The provisions of this section shall not apply to a judgment
42 entered in another state that is based on: (1) An action founded in tort,
43 contract or statute, and for which a similar claim would exist under the
44 laws of this state, brought by the patient who received the reproductive
45 health care services or gender-affirming health care services upon which
46 the original lawsuit was based or the patient's authorized legal

47 representative, for damages suffered by the patient or damages derived
48 from an individual's loss of consortium of the patient; (2) an action
49 founded in contract, and for which a similar claim would exist under
50 the laws of this state, brought or sought to be enforced by a party with
51 a contractual relationship with the person that is the subject of the
52 judgment entered in another state; or (3) an action where no part of the
53 acts that formed the basis for liability occurred in this state.

54 Sec. 2. Section 52-146w of the general statutes is repealed and the
55 following is substituted in lieu thereof (*Effective July 1, 2025*):

56 (a) Except as provided in sections 52-146c to 52-146k, inclusive,
57 sections 52-146o, 52-146p, 52-146q and 52-146s and subsection (b) of this
58 section, in any civil action or any proceeding preliminary thereto or in
59 any probate, legislative or administrative proceeding, no covered entity
60 or business associate, as defined in 45 CFR 160.103, shall disclose (1) any
61 communication made to such covered entity or business associate, or
62 any information obtained by such covered entity or business associate
63 from, a patient or the conservator, guardian or other authorized legal
64 representative of a patient relating to reproductive health care services
65 or gender-affirming health care services, as defined in section 52-571m,
66 as amended by this act, that are permitted under the laws of this state,
67 or (2) any information obtained by personal examination of a patient
68 relating to [reproductive health care services, as defined in section 52-
69 571m] such services, that are permitted under the laws of this state,
70 unless the patient or that patient's conservator, guardian or other
71 authorized legal representative explicitly consents in writing to such
72 disclosure. A covered entity shall inform the patient or the patient's
73 conservator, guardian or other authorized legal representative of the
74 patient's right to withhold such written consent. A covered entity or
75 business associate that receives a subpoena for patient information
76 related to reproductive health care services or gender-affirming health
77 care services subject to the provisions of this section that does not fall
78 under any exemption in subsection (b) of this section and is not
79 accompanied by the written consent of the patient or the conservator,
80 guardian or other authorized legal representative of the patient shall

81 provide a copy of the subpoena to the office of the Attorney General not
82 later than seven days after the date of receipt of the subpoena. The copy
83 of the subpoena shall not contain any information that identifies the
84 patient or the conservator, guardian or other authorized legal
85 representative of the patient. The office of the Attorney General shall
86 post notice of the methods by which a covered entity and business
87 associate may send the copy of the subpoena.

88 (b) Written consent of the patient or the patient's conservator,
89 guardian or other authorized legal representative shall not be required
90 for the disclosure of such communication or information (1) pursuant to
91 the laws of this state or the rules of court prescribed by the Judicial
92 Branch, (2) by a covered entity or business associate against whom a
93 claim has been made, or there is a reasonable belief will be made, in such
94 action or proceeding, to the covered entity's or business associate's
95 attorney or professional liability insurer or such insurer's agent for use
96 in the defense of such action or proceeding, (3) to the Commissioner of
97 Public Health for records of a patient of a covered entity in connection
98 with an investigation of a complaint, if such records are related to the
99 complaint, or (4) if child abuse, abuse of an elderly individual, abuse of
100 an individual who is physically disabled or incompetent or abuse of an
101 individual with intellectual disability is known or in good faith
102 suspected.

103 (c) Nothing in this section shall be construed to impede the lawful
104 sharing of medical records as permitted by state or federal law or the
105 rules of the court prescribed by the Judicial Branch, except in the case of
106 a subpoena commanding the production, copying or inspection of
107 medical records relating to reproductive health care services or gender-
108 affirming health care services, as defined in section 52-571m, as
109 amended by this act.

110 Sec. 3. Section 19a-17e of the general statutes is repealed and the
111 following is substituted in lieu thereof (*Effective July 1, 2025*):

112 (a) As used in this section, "reproductive health care services" [has]
113 and "gender-affirming health care services" have the same [meaning]

114 meanings as provided in section 52-571m, as amended by this act.

115 (b) Notwithstanding the provisions of subsection (a) of section 19a-
116 14, the Department of Public Health shall not deny the eligibility of an
117 applicant for a (1) permit, (2) license by examination, endorsement or
118 reciprocity, or (3) reinstatement of a license (A) voided pursuant to the
119 provisions of subsection (f) of section 19a-88, (B) voluntarily
120 surrendered, or (C) by agreement, not renewed or reinstated pursuant
121 to the provisions of subsection (d) of section 19a-17 based on pending
122 disciplinary action, an unresolved complaint or the imposition of
123 disciplinary action against the applicant by a duly authorized
124 professional disciplinary agency of another state, the District of
125 Columbia or a commonwealth, territory or possession of the United
126 States that is based solely on the alleged provision of, receipt of,
127 assistance in provision or receipt of, material support for, or any theory
128 of vicarious, joint, several or conspiracy liability derived therefrom,
129 reproductive health care services or gender-affirming health care
130 services that are permitted under the laws of this state and were
131 provided in accordance with the standard of care applicable to such
132 services, regardless of whether the patient receiving such services was a
133 resident of this state. The provisions of this subsection shall not apply
134 where the underlying conduct of the applicant would constitute the
135 basis of disciplinary action against the applicant under the laws of this
136 state if the applicant had been licensed or permitted in this state and the
137 conduct had occurred in this state.

138 (c) Notwithstanding the provisions of section 19a-17, a board or
139 commission established under title 20 that has jurisdiction over persons
140 licensed, certified or registered under said title who provide
141 reproductive health care services or gender-affirming health care
142 services, and the Department of Public Health, with respect to
143 professions under the department's jurisdiction that are not subject to
144 discipline by such a board or commission, shall not impose disciplinary
145 action against a licensed, certified or registered person based on
146 pending disciplinary action, an unresolved complaint or the imposition
147 of disciplinary action against such persons before or by a duly

148 authorized professional disciplinary agency of another state, the District
149 of Columbia, or a commonwealth, territory or possession of the United
150 States that is based solely on the alleged provision of, receipt of,
151 assistance in provision or receipt of, material support for, or any theory
152 of vicarious, joint, several or conspiracy liability derived therefrom,
153 reproductive health care services or gender-affirming health care
154 services that are permitted under the laws of this state and were
155 provided in accordance with the standard of care applicable to such
156 services, regardless of whether the patient receiving such services was a
157 resident of this state. The provisions of this subsection shall not apply
158 where the underlying conduct of the licensed, certified or registered
159 person would constitute the basis of disciplinary action against such
160 person under the laws of this state if the conduct had occurred in this
161 state.

162 Sec. 4. Section 19a-567 of the general statutes is repealed and the
163 following is substituted in lieu thereof (*Effective July 1, 2025*):

164 (a) As used in this section, (1) "credentialing" means the process of
165 assessing and validating the qualifications of a health care provider
166 applying to be approved to provide treatment, care or services in or for
167 an institution, (2) "health care provider" means a person licensed
168 pursuant to title 20 who provides reproductive health care services or
169 gender-affirming health care services, (3) "institution" has the same
170 meaning as provided in section 19a-490, (4) "privileging" means the
171 process of authorizing a health care provider to provide specific
172 treatment, care or services at an institution, and (5) "reproductive health
173 care services" [has] and "gender-affirming health care services" have the
174 same [meaning] meanings as provided in section 52-571m, as amended
175 by this act.

176 (b) An institution shall not revoke, suspend, reprimand, penalize,
177 refuse to issue or renew credentials or privileges or take any other
178 adverse action against a health care provider with respect to
179 credentialing or privileging based solely on the alleged provision of,
180 receipt of, assistance in provision or receipt of, material support for, or

181 any theory of vicarious, joint, several or conspiracy liability derived
182 therefrom, reproductive health care services or gender-affirming health
183 care services that (1) are permitted under the laws of this state, (2) were
184 provided in accordance with the standard of care applicable to such
185 services, and (3) were provided by the health care provider (A) before
186 the date on which the health care provider entered an employment
187 relationship with the institution, or (B) outside the scope of the health
188 care provider's employment with the institution, regardless of whether
189 the patient receiving such services was a resident of this state.

190 (c) An institution shall not revoke, suspend, reprimand, penalize,
191 refuse to issue or renew credentials or privileges or take any other
192 adverse action against a health care provider based on pending
193 disciplinary action, an unresolved complaint or the imposition of
194 disciplinary action against the applicant by a duly authorized
195 professional disciplinary agency of another state, the District of
196 Columbia, or a commonwealth, territory or possession of the United
197 States that is based solely on the alleged provision of, receipt of,
198 assistance in provision or receipt of, material support for, or any theory
199 of vicarious, joint, several or conspiracy liability derived therefrom,
200 reproductive health care services or gender-affirming health care
201 services that (1) are permitted under the laws of this state, (2) were
202 provided in accordance with the standard of care applicable to such
203 services, and (3) were provided by the health care provider (A) before
204 the date on which the health care provider entered an employment
205 relationship with the institution, or (B) outside the scope of the health
206 care provider's employment with the institution, regardless of whether
207 the patient receiving such services was a resident of this state.

208 (d) The provisions of this section shall not be construed to prevent an
209 institution from taking any of the actions described in subsections (b)
210 and (c) of this section against a health care provider for conduct that (1)
211 does not conform to the standards of care for the provider's profession,
212 (2) is illegal under the laws of this state, or (3) violates policies or rules
213 of the institution that define the scope of services provided by the
214 institution if (A) such conduct occurs within the scope of the health care

215 provider's employment with, or delivery of care at, the institution, and
216 (B) the institution's enforcement of such policies or rules is not otherwise
217 prohibited by law or regulation.

218 Sec. 5. Section 20-579a of the general statutes is repealed and the
219 following is substituted in lieu thereof (*Effective July 1, 2025*):

220 (a) As used in this section, "reproductive health care services" [has]
221 and "gender-affirming health care services" have the same [meaning]
222 meanings as provided in section 52-571m, as amended by this act.

223 (b) Notwithstanding any provision of this chapter, the Commissioner
224 of Consumer Protection and the Commission of Pharmacy shall not
225 deny the eligibility of an applicant for a license, permit or registration
226 under this chapter based on pending disciplinary action, an unresolved
227 complaint or the imposition of disciplinary action against the applicant
228 by a duly authorized professional disciplinary agency of another state,
229 the District of Columbia or a commonwealth, territory or possession of
230 the United States that is based solely on the alleged provision of, receipt
231 of, assistance in provision or receipt of, material support for, or any
232 theory of vicarious, joint, several or conspiracy liability derived
233 therefrom, reproductive health care services or gender-affirming health
234 care services that are permitted under the laws of this state and were
235 provided in accordance with the standard of care applicable to such
236 services, regardless of whether the patient receiving such services was a
237 resident of this state. The provisions of this subsection shall not apply
238 where the underlying conduct of the applicant would constitute the
239 basis of disciplinary action against the applicant under the laws of this
240 state if the applicant had been licensed, permitted or registered in this
241 state and the conduct had occurred in this state.

242 (c) Notwithstanding any provision of this chapter, the Commissioner
243 of Consumer Protection and the Commission of Pharmacy shall not
244 impose disciplinary action against any person licensed, permitted or
245 registered pursuant to the provisions of this chapter based on pending
246 disciplinary action, an unresolved complaint or the imposition of
247 disciplinary action against the applicant by a duly authorized

248 professional disciplinary agency of another state, the District of
249 Columbia, or a commonwealth, territory or possession of the United
250 States that is based solely on the alleged provision of, receipt of,
251 assistance in provision or receipt of, material support for, or any theory
252 of vicarious, joint, several or conspiracy liability derived therefrom,
253 reproductive health care services or gender-affirming health care
254 services that are permitted under the laws of this state and were
255 provided in accordance with the standard of care applicable to such
256 services, regardless of whether the patient receiving such services was a
257 resident of this state. The provisions of this subsection shall not apply
258 where the underlying conduct of the person licensed, permitted or
259 registered would constitute the basis of disciplinary action against such
260 person under the laws of this state if such person had been licensed,
261 permitted or registered in this state and the conduct had occurred in this
262 state.

263 Sec. 6. Section 38a-835 of the general statutes is repealed and the
264 following is substituted in lieu thereof (*Effective July 1, 2025*):

265 (a) As used in this section, (1) "health care provider" means a person
266 licensed pursuant to title 20 who provides reproductive health care
267 services or gender-affirming health care services, (2) "insurer" means an
268 insurer that insures a health care provider against professional liability,
269 and (3) "reproductive health care services" [has] and "gender-affirming
270 health care services" have the same [meaning] meanings as provided in
271 section 52-571m, as amended by this act.

272 (b) An insurer shall not take any adverse action, including, but not
273 limited to, denial or revocation of coverage, sanctions, fines, penalties or
274 rate increases against a health care provider, if such action is based
275 solely on:

276 (1) Such health care provider's alleged provision of, receipt of,
277 assistance in provision or receipt of, material support for, or any theory
278 of vicarious, joint, several or conspiracy liability derived therefrom,
279 reproductive health care services or gender-affirming health care
280 services that are permitted under the laws of this state and were

281 provided in accordance with the standard of care applicable to such
282 services, regardless of whether the patient receiving such services was a
283 resident of this state; or

284 (2) Pending disciplinary action, an unresolved complaint or the
285 imposition of disciplinary action against such health care provider by a
286 duly authorized professional disciplinary agency of another state, the
287 District of Columbia, or a commonwealth, territory or possession of the
288 United States that is based solely on the alleged provision of, receipt of,
289 assistance in provision or receipt of, material support for, or any theory
290 of vicarious, joint, several or conspiracy liability derived therefrom,
291 reproductive health care services or gender-affirming health care
292 services that are permitted under the laws of this state and were
293 provided in accordance with the standard of care applicable to such
294 services, regardless of whether the patient receiving such services was a
295 resident of this state.

296 Sec. 7. Section 52-155a of the general statutes is repealed and the
297 following is substituted in lieu thereof (*Effective July 1, 2025*):

298 Notwithstanding the provisions of sections 52-155 and 52-657, a
299 judge, justice of the peace, notary public or commissioner of the
300 Superior Court shall not issue a subpoena requested by a commissioner,
301 appointed according to the laws or usages of any other state or
302 government, or by any court of the United States or of any other state or
303 government, when such subpoena relates to reproductive health care
304 services or gender-affirming health care services, as defined in section
305 52-571m, as amended by this act, that are permitted under the laws of
306 this state, unless the subpoena relates to: (1) An out-of-state action
307 founded in tort, contract or statute, for which a similar claim would exist
308 under the laws of this state, brought by a patient or the patient's
309 authorized legal representative, for damages suffered by the patient or
310 damages derived from an individual's loss of consortium of the patient;
311 or (2) an out-of-state action founded in contract, and for which a similar
312 claim would exist under the laws of this state, brought or sought to be
313 enforced by a party with a contractual relationship with the person that

314 is the subject of the subpoena requested by a commissioner appointed
315 according to the laws or usages of another state.

316 Sec. 8. Subsection (b) of section 54-82i of the general statutes is
317 repealed and the following is substituted in lieu thereof (*Effective July 1,*
318 *2025*):

319 (b) If a judge of a court of record in any state which by its laws has
320 made provision for commanding persons within that state to attend and
321 testify in this state certifies, under the seal of such court, that there is a
322 criminal prosecution pending in such court, or that a grand jury
323 investigation has commenced or is about to commence, that a person
324 being within this state is a material witness in such prosecution or grand
325 jury investigation and that the presence of such witness will be required
326 for a specified number of days, upon presentation of such certificate to
327 any judge of a court of record in the judicial district in which such
328 person is, such judge shall fix a time and place for a hearing and shall
329 make an order directing the witness to appear at such time and place for
330 such hearing. If, at such hearing, the judge determines that the witness
331 is material and necessary, that it will not cause undue hardship to the
332 witness to be compelled to attend and testify in the prosecution or a
333 grand jury investigation in the other state and that the laws of such other
334 state and the laws of any other state through which the witness may be
335 required to pass by ordinary course of travel will give to such witness
336 protection from arrest and from the service of civil or criminal process,
337 the judge shall issue a summons, with a copy of the certificate attached,
338 directing the witness to attend and testify in the court where the
339 prosecution is pending, or where a grand jury investigation has
340 commenced or is about to commence at a time and place specified in the
341 summons, except that no judge shall issue a summons in a case where
342 prosecution is pending, or where a grand jury investigation has
343 commenced or is about to commence for a criminal violation of a law of
344 such other state involving the provision or receipt of or assistance with
345 reproductive health care services or gender-affirming health care
346 services, as defined in section [52-571n] 52-571m, as amended by this
347 act, that are legal in this state, unless the acts forming the basis of the

348 prosecution or investigation would also constitute an offense in this
349 state. At any such hearing, the certificate shall be prima facie evidence
350 of all the facts stated therein. If such certificate recommends that the
351 witness be taken into immediate custody and delivered to an officer of
352 the requesting state to assure the attendance of the witness in such state,
353 such judge may, in lieu of notification of the hearing, direct that such
354 witness be forthwith brought before such judge for such hearing, and,
355 being satisfied, at such hearing, of the desirability of such custody and
356 delivery, of which desirability such certificate shall be prima facie proof,
357 may, in lieu of issuing a subpoena or summons, order that such witness
358 be forthwith taken into custody and delivered to an officer of the
359 requesting state. If such witness, after being paid or tendered by an
360 authorized person the same amount per mile as provided for state
361 employees pursuant to section 5-141c for each mile by the ordinary
362 traveled route to and from the court where the prosecution is pending
363 and five dollars each day that such witness is required to travel and
364 attend as a witness, fails, without good cause, to attend and testify as
365 directed in the summons, the witness shall be punished in the manner
366 provided for the punishment of any witness who disobeys a summons
367 issued from a court of record in this state.

368 Sec. 9. Section 54-155a of the general statutes is repealed and the
369 following is substituted in lieu thereof (*Effective July 1, 2025*):

370 No public agency, as defined in section 1-200, or employee,
371 appointee, officer or official or any other person acting on behalf of a
372 public agency may provide any information or expend or use time,
373 money, facilities, property, equipment, personnel or other resources in
374 furtherance of any interstate investigation or proceeding seeking to
375 impose civil or criminal liability upon a person or entity for (1) the
376 provision, seeking or receipt of or inquiring about reproductive health
377 care services or gender-affirming health care services, as defined in
378 section 52-571m, as amended by this act, that are legal in this state, or
379 (2) assisting any person or entity providing, seeking, receiving or
380 responding to an inquiry about reproductive health care services or
381 gender-affirming health care services, as defined in section 52-571m, as

382 amended by this act, that are legal in this state. This section shall not
 383 apply to any investigation or proceeding where the conduct subject to
 384 potential liability under the investigation or proceeding would be
 385 subject to liability under the laws of this state if committed in this state.

386
 387 Sec. 10. Subdivision (17) of section 42-515 of the general statutes is
 388 repealed and the following is substituted in lieu thereof (*Effective July 1,*
 389 *2025*):

390 (17) "Gender-affirming health care services" has the same meaning as
 391 provided in section [52-571n] 52-571m, as amended by this act.

392 Sec. 11. Sections 52-146x, 52-155b, 52-571n and 54-155b of the general
 393 statutes are repealed. (*Effective July 1, 2025*)

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2025</i>	52-571m
Sec. 2	<i>July 1, 2025</i>	52-146w
Sec. 3	<i>July 1, 2025</i>	19a-17e
Sec. 4	<i>July 1, 2025</i>	19a-567
Sec. 5	<i>July 1, 2025</i>	20-579a
Sec. 6	<i>July 1, 2025</i>	38a-835
Sec. 7	<i>July 1, 2025</i>	52-155a
Sec. 8	<i>July 1, 2025</i>	54-82i(b)
Sec. 9	<i>July 1, 2025</i>	54-155a
Sec. 10	<i>July 1, 2025</i>	42-515(17)
Sec. 11	<i>July 1, 2025</i>	Repealer section

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill makes various changes to state laws to shield health care providers and recipients of reproductive or gender-affirming health care resulting in no fiscal impact to the state.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sHB 7135*****AN ACT CONCERNING THE PROVISION OF REPRODUCTIVE AND GENDER-AFFIRMING HEALTH CARE SERVICES TO PATIENTS.*****SUMMARY**

This bill makes several changes to state laws that generally shield health care providers and recipients who lawfully engage in reproductive or gender-affirming health care services in Connecticut from liability imposed by another state by allowing them to seek recovery of damages in an action here. Specifically, it:

1. applies them regardless of whether the patient was in Connecticut when receiving services (e.g., telehealth services);
2. subjects covered entities' business associates to existing law's limitations on disclosing communications or information without consent from a patient or patient's authorized legal representative;
3. requires these entities and associates to notify the attorney general when they receive a subpoena for certain patient information on reproductive or gender-affirming health care services; and
4. specifies that gender-affirming health care services do not include any practice or treatment administered to someone under age 18 to change the person's sexual orientation or gender identity, including efforts to change gender expression or to eliminate or reduce sexual or romantic attraction or feelings towards people of the same gender ("conversion therapy").

Lastly, the bill makes minor, technical, and conforming changes, including (1) explicitly including assisted reproduction in the

nonexclusive list of covered reproductive health care services and (2) merging the state's separate laws that protect reproductive and gender-affirming health care services providers from this liability.

EFFECTIVE DATE: July 1, 2025

SUBPOENA FOR PATIENT INFORMATION

Business Associates

Existing law prohibits, with certain exceptions, HIPAA-covered entities (generally, health care plans or payors, clearinghouses, and providers) from disclosing specified information about these health care services in a civil action (or a preliminary proceeding before it), or a probate, legislative, or administrative proceeding. Without explicit written consent from the patient or patient's authorized legal representative (e.g., conservator or guardian), communications made to a covered entity or obtained by it from the patient or representative cannot be disclosed.

The bill extends this prohibition to covered entities' "business associates," which are generally those who perform functions or activities on behalf of, or provide services to, the covered entity that involves accessing or using protected health information.

Attorney General Notification

Under the bill, within seven days after receiving a subpoena for patient information related to reproductive or gender-affirming health care services that is not exempt from disclosure and does not have written consent from the patient or patient's authorized legal representative, covered entities and their business associates must give the attorney general a copy of it.

The bill requires the attorney general to post information about how the entities and associates may send the copy. But it prohibits the copy from having any information that identifies the patient or representative.

BACKGROUND***Related Bill***

sSB 1530 (File 661), favorably reported by the Government Administration and Elections Committee, also merges the health care services liability protection laws and contains similar provisions on patients receiving services outside of the state; business associates; and notification to the attorney general, but with respect to information requests, not subpoenas.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 30 Nay 11 (04/04/2025)