
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)