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## OLR Bill Analysis

### sSB 1530

#### ***AN ACT CONCERNING A TECHNICAL CHANGE TO A PROVISION CONCERNING GOVERNMENT ADMINISTRATION AND THE PROVISION OF REPRODUCTIVE AND GENDER-AFFIRMING HEALTH CARE SERVICES TO PATIENTS REGARDLESS OF LOCATION.***

#### **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 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 authorized legal representative;
3. requires these entities and associates to notify the attorney general when they receive certain requests for patient information on reproductive or gender-affirming health care services;
4. exempts federal investigations or proceedings with an accompanying court order from the general ban on public agencies giving information or using resources to further another state's investigation or proceeding to impose liability on someone who provides, asks about, or receives reproductive or gender-affirming health care services that are legal in Connecticut; and
5. expands its scope to recover damages due to actions filed in

another state, as opposed to just those resulting in judgements.

Lastly, the bill makes minor, technical, and conforming changes, including (1) explicitly including fertility services 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 into one.

EFFECTIVE DATE: October 1, 2025

## **REQUESTS 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 in a civil action or a preliminary proceeding before a civil action, 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. It also specifies that the prohibition applies to information about services provided to a patient physically located in Connecticut when they were provided.

### ***Attorney General Notification***

The bill requires covered entities and their business associates to notify the attorney general within seven days after receiving a request 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. But it prohibits this notice from having any identifying information of the patient or the representative.

## **BACKGROUND**

### ***Related Bill***

sHB 7135, favorably reported by the Judiciary Committee, also merges the health care services liability protection laws and contains similar provisions on patients outside of the state when receiving services; business associates; and notification to the attorney general, but with respect to receiving a subpoena.

## **COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable

Yea 14    Nay 5    (03/26/2025)