



General Assembly

February Session, 2022

Raised Bill No. 5414

LCO No. 2991



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING PROTECTIONS FOR PERSONS RECEIVING
AND PROVIDING REPRODUCTIVE HEALTH CARE SERVICES IN THE
STATE.***

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

- 1 Section 1. (NEW) (*Effective July 1, 2022*) (a) As used in this section:
- 2 (1) "Reproductive health care services" means health care services
3 provided in a hospital, outpatient clinic, physician's office or other
4 medical facility or office, and includes medical, surgical, counselling or
5 referral services relating to the human reproductive system, including
6 services relating to pregnancy, contraception or the termination of a
7 pregnancy; and
- 8 (2) "Person" includes an individual, a partnership, an association, a
9 limited liability company or a corporation.
- 10 (b) When any person has had a judgment enter against such person,
11 in any state, where liability, in whole or in part, is based on the alleged
12 provision, receipt, assistance in receipt or provision, material support
13 for, or any theory of vicarious, joint, several or conspiracy liability

14 derived therefrom, for reproductive health care services that are
15 permitted under the laws of this state, such person may recover
16 damages from any party that brought the action leading to that
17 judgment or has sought to enforce that judgment. Recoverable damages
18 shall include: (1) Just damages created by the action that led to that
19 judgment, including, but not limited to, costs, expenses and attorney
20 fees spent in defending the action that resulted in the entry of a
21 judgment in another state; (2) costs, expenses and attorney fees incurred
22 in bringing an action under this section; and (3) money damages treble
23 the amount of any money damages award contained in the judgment
24 entered in another state.

25 (c) The provisions of this section shall not apply to a judgment
26 entered in another state that is based on: (1) An action founded in tort
27 or contract, and for which a similar claim would exist under the laws of
28 this state, brought by the patient who received the reproductive health
29 care services upon which the original lawsuit was based or the patient's
30 authorized legal representative, for damages suffered by the patient or
31 damages derived from an individual's loss of consortium of the patient;
32 or (2) an action founded in contract, and for which a similar claim would
33 exist under the laws of this state, brought or sought to be enforced by a
34 party with a contractual relationship with the person that is the subject
35 of the judgment entered in another state.

36 Sec. 2. (NEW) (*Effective July 1, 2022*) (a) Except as provided in sections
37 52-146c to 52-146k, inclusive, sections 52-146p, 52-146q and 52-146s of
38 the general statutes and subsection (b) of this section, in any civil action
39 or any proceeding preliminary thereto or in any probate, legislative or
40 administrative proceeding, no covered entity, as defined in 45 CFR
41 160.103, shall disclose (1) any communication made to such covered
42 entity, or any information obtained by such covered entity from, a
43 patient or the conservator, guardian or other authorized legal
44 representative of a patient relating to reproductive health care services
45 that are permitted under the laws of this state, or (2) any information
46 obtained by personal examination of a patient relating to reproductive
47 health care services that are permitted under the laws of this state,

48 unless the patient or that patient's conservator, guardian or other
49 authorized legal representative explicitly consents in writing to such
50 disclosure. A covered entity shall inform the patient or the patient's
51 conservator, guardian or other authorized legal representative of the
52 patient's right to withhold such written consent. As used in this
53 subsection, "reproductive health care services" means health care
54 services provided in a hospital, outpatient clinic, physician's office or
55 other medical facility or office, and includes medical, surgical,
56 counselling or referral services relating to the human reproductive
57 system, including services relating to pregnancy, contraception or the
58 termination of a pregnancy.

59 (b) Written consent of the patient or the patient's conservator,
60 guardian or other authorized legal representative shall not be required
61 for the disclosure of such communication or information (1) pursuant to
62 the laws of this state or the rules of court prescribed by the Judicial
63 Branch, (2) by a covered entity against whom a claim has been made, or
64 there is a reasonable belief will be made, in such action or proceeding,
65 to the covered entity's attorney or professional liability insurer or such
66 insurer's agent for use in the defense of such action or proceeding, (3) to
67 the Commissioner of Public Health for records of a patient of a covered
68 entity in connection with an investigation of a complaint, if such records
69 are related to the complaint, or (4) if child abuse, abuse of an elderly
70 individual, abuse of an individual who is physically disabled or
71 incompetent or abuse of an individual with intellectual disability is
72 known or in good faith suspected.

73 Sec. 3. Section 52-155 of the general statutes is repealed and the
74 following is substituted in lieu thereof (*Effective July 1, 2022*):

75 (a) Each commissioner, appointed according to the laws or usages of
76 any other state or government, or by any court of the United States or of
77 any other state or government, to take testimony in this state to be used
78 in any such court, may apply to a judge of any court of record, or to any
79 justice of the peace, notary public or commissioner of the Superior
80 Court, for a subpoena or to any such judge for a *capias*, to compel the

81 appearance of any witness before such commissioner.

82 (b) [Upon] Except as provided in subsection (d) of this section, upon
83 proof of the commissioner's authority and that the testimony of the
84 witness is material, the judge, justice of the peace, notary public or
85 commissioner of the Superior Court shall issue the subpoena or capias
86 requested. If any person summoned as a witness to testify before the
87 commissioner refuses to appear and testify, the judge of any court of
88 record may commit the person to prison until he signifies his
89 willingness to appear and testify.

90 (c) Before any compulsory process issues to cause any witness to
91 attend and give his deposition, it shall appear to the officer who was to
92 take the deposition, or, in the case of a commissioner, to the officer
93 issuing the summons, that the witness has been duly summoned and
94 the amount of his fees tendered to him by the officer serving the same.

95 (d) A judge, justice of the peace, notary public or commissioner of the
96 Superior Court shall not issue a subpoena requested by a commissioner,
97 appointed according to the laws or usages of any other state or
98 government, or by any court of the United States or of any other state or
99 government, when such subpoena relates to reproductive health care
100 services that are permitted under the laws of this state, unless the
101 subpoena relates to: (1) An out-of-state action founded in tort or
102 contract, for which a similar claim would exist under the laws of this
103 state, brought by a patient or the patient's authorized legal
104 representative, for damages suffered by the patient or damages derived
105 from an individual's loss of consortium of the patient; or (2) an out-of-
106 state action founded in contract, and for which a similar claim would
107 exist under the laws of this state, brought or sought to be enforced by a
108 party with a contractual relationship with the person that is the subject
109 of the subpoena requested by a commissioner appointed according to
110 the laws or usages of another state. As used in this subsection,
111 "reproductive health care services" means health care services provided
112 in a hospital, outpatient clinic, physician's office or other medical facility
113 or office, and includes medical, surgical, counselling or referral services

114 relating to the human reproductive system, including services relating
115 to pregnancy, contraception or the termination of a pregnancy.

116 Sec. 4. Subsection (b) of section 54-82i of the general statutes is
117 repealed and the following is substituted in lieu thereof (*Effective July 1,*
118 *2022*):

119 (b) If a judge of a court of record in any state which by its laws has
120 made provision for commanding persons within that state to attend and
121 testify in this state certifies, under the seal of such court, that there is a
122 criminal prosecution pending in such court, or that a grand jury
123 investigation has commenced or is about to commence, that a person
124 being within this state is a material witness in such prosecution or grand
125 jury investigation and that the presence of such witness will be required
126 for a specified number of days, upon presentation of such certificate to
127 any judge of a court of record in the judicial district in which such
128 person is, such judge shall fix a time and place for a hearing and shall
129 make an order directing the witness to appear at such time and place for
130 such hearing. If, at such hearing, the judge determines that the witness
131 is material and necessary, that it will not cause undue hardship to the
132 witness to be compelled to attend and testify in the prosecution or a
133 grand jury investigation in the other state and that the laws of such other
134 state and the laws of any other state through which the witness may be
135 required to pass by ordinary course of travel will give to such witness
136 protection from arrest and from the service of civil or criminal process,
137 the judge shall issue a summons, with a copy of the certificate attached,
138 directing the witness to attend and testify in the court where the
139 prosecution is pending, or where a grand jury investigation has
140 commenced or is about to commence at a time and place specified in the
141 summons, except that no judge shall issue a summons in a case where
142 prosecution is pending, or where a grand jury investigation has
143 commenced or is about to commence for a criminal violation of a law of
144 such other state involving the provision or receipt of or assistance with
145 reproductive health care services, as defined in section 1 of this act, that
146 are legal in this state. At any such hearing, the certificate shall be prima
147 facie evidence of all the facts stated therein. If such certificate

148 recommends that the witness be taken into immediate custody and
149 delivered to an officer of the requesting state to assure the attendance of
150 the witness in such state, such judge may, in lieu of notification of the
151 hearing, direct that such witness be forthwith brought before such judge
152 for such hearing, and, being satisfied, at such hearing, of the desirability
153 of such custody and delivery, of which desirability such certificate shall
154 be prima facie proof, may, in lieu of issuing a subpoena or summons,
155 order that such witness be forthwith taken into custody and delivered
156 to an officer of the requesting state. If such witness, after being paid or
157 tendered by an authorized person the same amount per mile as
158 provided for state employees pursuant to section 5-141c for each mile
159 by the ordinary traveled route to and from the court where the
160 prosecution is pending and five dollars each day that such witness is
161 required to travel and attend as a witness, fails, without good cause, to
162 attend and testify as directed in the summons, the witness shall be
163 punished in the manner provided for the punishment of any witness
164 who disobeys a summons issued from a court of record in this state.

165 Sec. 5. Section 54-162 of the general statutes is repealed and the
166 following is substituted in lieu thereof (*Effective July 1, 2022*):

167 The Governor of this state may also surrender, on demand of the
168 executive authority of any other state, any person found in this state
169 who is charged in such other state in the manner provided in section 54-
170 159 with committing an act in this state, or in a third state, intentionally
171 resulting in a crime in the state whose executive authority is making the
172 demand, and the provisions of this chapter not otherwise inconsistent
173 shall apply to such cases, even though the accused was not in that state
174 at the time of the commission of the crime and has not fled therefrom
175 provided (1) the crime for which extradition is sought would be
176 punishable by the laws of this state if committed in this state, and (2) the
177 consequences claimed to have resulted from the crime in the demanding
178 state had taken effect in this state.

179 Sec. 6. (NEW) (*Effective July 1, 2022*) (a) No state agency or employee,
180 appointee, officer or official or any other person acting on behalf of a

181 state agency may provide any information or expend or use time,
182 money, facilities, property, equipment, personnel or other resources in
183 furtherance of any interstate investigation or proceeding seeking to
184 impose civil or criminal liability upon a person or entity for (1) the
185 provision, seeking or receipt of or inquiring about reproductive health
186 care services, as defined in section 1 of this act, or (2) assisting any
187 person or entity providing, seeking, receiving or responding to an
188 inquiry about reproductive health care services, as defined in section 1
189 of this act.

190 (b) For purposes of this section, "state agency" has the same meaning
191 as provided in section 4-250 of the general statutes.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>July 1, 2022</i> | New section |
| Sec. 2 | <i>July 1, 2022</i> | New section |
| Sec. 3 | <i>July 1, 2022</i> | 52-155 |
| Sec. 4 | <i>July 1, 2022</i> | 54-82i(b) |
| Sec. 5 | <i>July 1, 2022</i> | 54-162 |
| Sec. 6 | <i>July 1, 2022</i> | New section |

Statement of Purpose:

To provide protections for persons receiving and providing reproductive health care services in the state.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]