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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1589 Session of  
2023

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KINSEY, MAYES, SHUSTERMAN, OTTEN, N. NELSON AND CEPEDA-  
FREYTIZ, JULY 25, 2023

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REFERRED TO COMMITTEE ON HEALTH, JULY 25, 2023

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AN ACT

1 Providing for protection of pregnant individuals' information,  
2 for authorization for disclosure, for data breach and for  
3 violation.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Protection of  
8 Pregnant Individuals' Information Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall  
11 have the meanings given to them in this section unless the  
12 context clearly indicates otherwise:

13 "Health information." Information or data, except age or  
14 gender, whether oral or recorded in a form or medium, created by  
15 or derived from a limited services pregnancy center or an  
16 individual that relates to one or more of the following:

17 (1) The past, present or future physical, mental or

1 behavioral health or condition of an individual.

2 (2) A service provided to or discussed with the  
3 individual, including any pregnancy-related service.

4 "Limited services pregnancy center." A pregnancy services  
5 center that does not directly provide, or provide referrals for,  
6 abortions or emergency contraception and is not covered by  
7 medical privacy laws.

8 "Nonpublic personal health information." Health information  
9 that identifies an individual who is the subject of the  
10 information or health information that there is a reasonable  
11 basis to believe could be used to identify an individual.

12 "Pregnancy-related service." A medical or counseling service  
13 related to pregnancy, pregnancy prevention or pregnancy  
14 termination, including contraception and contraceptive  
15 counseling, pregnancy testing, pregnancy diagnosis, pregnancy  
16 options counseling, obstetric ultrasound, obstetric sonogram and  
17 prenatal care.

18 "Pregnancy services center." A facility, including a mobile  
19 facility, the primary purpose of which is to provide services to  
20 clients who are or have reason to believe that they may be  
21 pregnant and that either:

22 (1) offers obstetric ultrasounds, obstetric sonograms,  
23 pregnancy testing or diagnosis or prenatal care to pregnant  
24 clients; or

25 (2) has the appearance of a medical facility by virtue  
26 of having two or more of the following factors present:

27 (i) staff or volunteers who wear medical attire and  
28 uniforms;

29 (ii) one or more examination tables;

30 (iii) a private or semiprivate room or area

1 containing medical supplies or medical instruments;

2 (iv) staff or volunteers who collect health  
3 information from clients; or

4 (v) the facility is located on the same premises as  
5 a licensed health care facility or health care provider  
6 or shares facility space with a licensed health care  
7 provider.

8 Section 3. Authorization required for disclosure.

9 (a) Disclosure prohibited.--A limited services pregnancy  
10 center may not disclose nonpublic personal health information  
11 about an individual unless an authorization is obtained from the  
12 individual whose nonpublic personal health information is sought  
13 to be disclosed.

14 (b) Exceptions.--A limited services pregnancy center may  
15 disclose nonpublic personal health information without  
16 authorization if disclosure is required to comply with Federal,  
17 State or local laws, a civil, criminal or regulatory inquiry,  
18 investigation, subpoena or summons by Federal, State or local  
19 authorities or to cooperate with law enforcement agencies  
20 concerning conduct or activity that the business, service  
21 provider or third party reasonably and in good faith believes  
22 may violate Federal, State or local laws.

23 (c) Valid authorization contents.--A valid authorization to  
24 disclose nonpublic personal health information shall be in  
25 written or electronic form and shall contain all of the  
26 following:

27 (1) The identity of the individual who is the subject of  
28 the nonpublic personal health information.

29 (2) A general description of the types of nonpublic  
30 personal health information to be disclosed.

1           (3) General descriptions of the parties to whom the  
2 limited services pregnancy center discloses nonpublic  
3 personal health information, the purpose of the disclosure  
4 and how the information will be used.

5           (4) The signature of the individual who is the subject  
6 of the nonpublic personal health information or the  
7 individual who is legally empowered to grant authority and  
8 the date signed.

9           (5) Notice of the length of time for which the  
10 authorization is valid, notice that the individual may revoke  
11 the authorization at any time and the procedure for making a  
12 revocation.

13         (d) Duration of authorization.--An authorization shall  
14 specify a length of time for which the authorization shall  
15 remain valid, which may not be for more than 24 months.

16         (e) Revocation of authorization.--An individual who is the  
17 subject of nonpublic personal health information may revoke an  
18 authorization provided under this act at any time, subject to  
19 the rights of a limited services pregnancy center who acted in  
20 reliance on the authorization prior to notice of the revocation.

21         (f) Record of authorization.--A limited services pregnancy  
22 center shall retain the authorization and a revocation of the  
23 authorization, or copies thereof, for six years in the record of  
24 the individual who is the subject of nonpublic personal health  
25 information.

26         (g) Nondiscrimination.--A limited services pregnancy center  
27 may not unfairly discriminate against an individual because that  
28 individual has not granted authorization for the disclosure of  
29 nonpublic personal health information under this act.

30 Section 4. Data breach.

1 A limited services pregnancy center that maintains, stores or  
2 manages computerized nonpublic personal health information shall  
3 provide notice of any breach of the security of the system as  
4 provided under the act of December 22, 2005 (P.L.474, No.94),  
5 known as the Breach of Personal Information Notification Act.

6 Section 5. Violation.

7 A violation of this act constitutes unfair methods of  
8 competition and unfair or deceptive acts or practices within the  
9 meaning of section 2(4) of the act of December 17, 1968  
10 (P.L.1224, No.387), known as the Unfair Trade Practices and  
11 Consumer Protection Law, and shall be subject to the enforcement  
12 provisions, civil penalties and private rights of action  
13 specified in that act. Loss of money or property is not required  
14 for private right of action under this act.

15 Section 6. Effective date.

16 This act shall take effect in 60 days.