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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 800 Session of  
2023

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INTRODUCED BY OTTEN, FIEDLER, FRANKEL, HILL-EVANS, KINKEAD,  
RABB, BURGOS, HOHENSTEIN, MADDEN, SANCHEZ, SCHLOSSBERG,  
PIELLI, PROBST, D. WILLIAMS, SHUSTERMAN, FLEMING, DEASY,  
STURLA, FREEMAN, KINSEY, KRAJEWSKI, N. NELSON, INNAMORATO,  
TAKAC AND MAYES, APRIL 4, 2023

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REFERRED TO COMMITTEE ON INSURANCE, APRIL 4, 2023

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AN ACT

1 Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An  
2 act relating to insurance; amending, revising, and  
3 consolidating the law providing for the incorporation of  
4 insurance companies, and the regulation, supervision, and  
5 protection of home and foreign insurance companies, Lloyds  
6 associations, reciprocal and inter-insurance exchanges, and  
7 fire insurance rating bureaus, and the regulation and  
8 supervision of insurance carried by such companies,  
9 associations, and exchanges, including insurance carried by  
10 the State Workmen's Insurance Fund; providing penalties; and  
11 repealing existing laws," providing for sharing of  
12 reproductive health information.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. The act of May 17, 1921 (P.L.682, No.284), known  
16 as The Insurance Company Law of 1921, is amended by adding an  
17 article to read:

18 ARTICLE XXIX

19 SHARING OF REPRODUCTIVE HEALTH INFORMATION

20 Section 2901. Definitions.

21 The following words and phrases when used in this article

1 shall have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 "Reproductive health services." Any of the following:

4 (1) Abortion as defined in 18 Pa.C.S. § 3203 (relating  
5 to definitions).

6 (2) Emergency contraception, including one or more  
7 prescription drugs used separately or in combination to be  
8 administered or self-administered by a patient to prevent  
9 pregnancy within a medically recommended amount of time after  
10 sexual intercourse and dispensed for that purpose in  
11 accordance with professional standards of practice and  
12 determined by the United States Food and Drug Administration  
13 to be safe.

14 (3) Medical, surgical, counseling or referral services  
15 relating to the human reproductive system, including services  
16 relating to pregnancy, the prevention of pregnancy or the  
17 termination of a pregnancy.

18 Section 2902. Prohibition on disclosure of reproductive health  
19 services information.

20 Except as provided under section 2903, in a civil action,  
21 preliminary proceeding to a civil action or any probate,  
22 legislative or administrative proceeding, a covered entity as  
23 defined in 45 CFR 160.103 (relating to definitions) may not  
24 disclose any of the following:

25 (1) A communication made to the covered entity or  
26 information obtained by the covered entity from a patient or  
27 the patient's conservator, guardian or other authorized legal  
28 representative relating to reproductive health services that  
29 are permitted under the laws of this Commonwealth.

30 (2) Information obtained by personal examination of a

1 patient relating to reproductive health services that are  
2 permitted under the laws of this Commonwealth, unless the  
3 patient or the patient's conservator, guardian or other  
4 authorized legal representative explicitly consents in  
5 writing to the disclosure. The covered entity shall inform  
6 the patient or the patient's conservator, guardian or other  
7 authorized legal representative of the patient's right to  
8 withhold the written consent specified under this paragraph.

9 Section 2903. Written consent for disclosure not required.

10 Written consent of a patient or the patient's conservator,  
11 guardian or other authorized legal representative shall not be  
12 required for the disclosure of a communication or information  
13 under section 2902 if any of the following applies:

14 (1) The communication or information is disclosed in  
15 accordance with the laws of this Commonwealth or the  
16 applicable rules of court.

17 (2) The communication or information is disclosed by a  
18 covered entity against whom a claim has been made, or there  
19 is a reasonable belief will be made, in an action or  
20 proceeding, to the covered entity's attorney or professional  
21 liability insurer or the insurer's agent for use in the  
22 defense of the action or proceeding.

23 (3) The communication or information is disclosed to the  
24 Secretary of Health for records of a patient of a covered  
25 entity in connection with an investigation of a complaint if  
26 the records are related to the complaint.

27 (4) Child abuse, abuse of an individual who is 65 years  
28 of age or older or abuse of an individual who is  
29 incapacitated or who has a physical or an intellectual  
30 disability is known or in good faith suspected.

1 Section 2904. Lawful sharing of medical records not prohibited.

2 Nothing in this article shall be construed to impede the  
3 lawful sharing of medical records as authorized by Federal or  
4 State law or the applicable rules of the court, except in the  
5 case of a subpoena ordering the production, copying or  
6 inspection of medical records relating to reproductive health  
7 services.

8 Section 2. This act shall take effect in 60 days.