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REferred TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, JUNE 1, 2022

AN ACT

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

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

Section 1. Short title.

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

Section 2. Definitions.

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

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

(1) The past, present or future physical, mental or behavioral health or condition of an individual.
(2) A service provided to or discussed with the individual, including any pregnancy-related service.

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

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

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

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

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

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

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

   (ii) one or more examination tables;

   (iii) a private or semiprivate room or area containing medical supplies or medical instruments;

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(iv) staff or volunteers who collect health
information from clients; or
(v) the facility is located on the same premises as
a licensed health care facility or health care provider
or shares facility space with a licensed health care
provider.

Section 3. Authorization required for disclosure.

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

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

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

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

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

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

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

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

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

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

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

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

Section 4. Data breach.

A limited services pregnancy center that maintains, stores or
Section 5. Violation.

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

Section 6. Effective date.

This act shall take effect in 60 days.