
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1217 Session of
2022

INTRODUCED BY CAPPELLETTI, SAVAL, STREET, FONTANA, KEARNEY,
COSTA, SCHWANK AND KANE, JUNE 1, 2022

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

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
18 behavioral health or condition of an individual.

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

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

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

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

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

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

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

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

28 (ii) one or more examination tables;

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

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

7 Section 3. Authorization required for disclosure.

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

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

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

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

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

30 (3) General descriptions of the parties to whom the

1 limited services pregnancy center discloses nonpublic
2 personal health information, the purpose of the disclosure
3 and how the information will be used.

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

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

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

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

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

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

29 Section 4. Data breach.

30 A limited services pregnancy center that maintains, stores or

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

5 Section 5. Violation.

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

14 Section 6. Effective date.

15 This act shall take effect in 60 days.