



Offered by:

REP. BLUMENTHAL, 147th Dist.

REP. GILCHREST, 18th Dist.

To: House Bill No. 5414

File No. 509

Cal. No. 383

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective July 1, 2022*) (a) As used in this section:

4 (1) "Reproductive health care services" includes all medical, surgical,
5 counseling or referral services relating to the human reproductive
6 system, including, but not limited to, services relating to pregnancy,
7 contraception or the termination of a 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 entered against such
11 person, in any state, where liability, in whole or in part, is based on the
12 alleged provision, receipt, assistance in receipt or provision, material
13 support for, or any theory of vicarious, joint, several or conspiracy
14 liability 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, money damages in the amount
20 of the judgment in that other state and costs, expenses and reasonable
21 attorney's fees spent in defending the action that resulted in the entry of
22 a judgment in another state; and (2) costs, expenses and reasonable
23 attorney's fees incurred in bringing an action under this section as may
24 be allowed by the court.

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 (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; or (3) an action where no part
36 of the acts that formed the basis for liability occurred in this state.

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

50 the patient or that patient's conservator, guardian or other authorized
51 legal representative explicitly consents in writing to such disclosure. A
52 covered entity shall inform the patient or the patient's conservator,
53 guardian or other authorized legal representative of the patient's right
54 to withhold such written consent.

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

69 (c) Nothing in this section shall be construed to impede the lawful
70 sharing of medical records pursuant to state or federal law or the rules
71 of the court prescribed by the Judicial Branch, except in the case of a
72 subpoena commanding the production, copying or inspection of
73 medical records relating to reproductive health care services, as defined
74 in section 1 of this act.

75 Sec. 3. (NEW) (*Effective July 1, 2022*) Notwithstanding the provisions
76 of section 52-155 of the general statutes and section 46 of substitute
77 house bill 5393 of the current session, a judge, justice of the peace, notary
78 public or commissioner of the Superior Court shall not issue a subpoena
79 requested by a commissioner, appointed according to the laws or usages
80 of any other state or government, or by any court of the United States or
81 of any other state or government, when such subpoena relates to
82 reproductive health care services, as defined in section 1 of this act, that

83 are permitted under the laws of this state, unless the subpoena relates
84 to: (1) An out-of-state action founded in tort, contract or statute, for
85 which a similar claim would exist under the laws of this state, brought
86 by a patient or the patient's authorized legal representative, for damages
87 suffered by the patient or damages derived from an individual's loss of
88 consortium of the patient; or (2) an out-of-state action founded in
89 contract, and for which a similar claim would exist under the laws of
90 this state, brought or sought to be enforced by a party with a contractual
91 relationship with the person that is the subject of the subpoena
92 requested by a commissioner appointed according to the laws or usages
93 of another state.

94 Sec. 4. Subsection (b) of section 54-82i of the general statutes is
95 repealed and the following is substituted in lieu thereof (*Effective July 1,*
96 *2022*):

97 (b) If a judge of a court of record in any state which by its laws has
98 made provision for commanding persons within that state to attend and
99 testify in this state certifies, under the seal of such court, that there is a
100 criminal prosecution pending in such court, or that a grand jury
101 investigation has commenced or is about to commence, that a person
102 being within this state is a material witness in such prosecution or grand
103 jury investigation and that the presence of such witness will be required
104 for a specified number of days, upon presentation of such certificate to
105 any judge of a court of record in the judicial district in which such
106 person is, such judge shall fix a time and place for a hearing and shall
107 make an order directing the witness to appear at such time and place for
108 such hearing. If, at such hearing, the judge determines that the witness
109 is material and necessary, that it will not cause undue hardship to the
110 witness to be compelled to attend and testify in the prosecution or a
111 grand jury investigation in the other state and that the laws of such other
112 state and the laws of any other state through which the witness may be
113 required to pass by ordinary course of travel will give to such witness
114 protection from arrest and from the service of civil or criminal process,
115 the judge shall issue a summons, with a copy of the certificate attached,
116 directing the witness to attend and testify in the court where the

117 prosecution is pending, or where a grand jury investigation has
118 commenced or is about to commence at a time and place specified in the
119 summons, except that no judge shall issue a summons in a case where
120 prosecution is pending, or where a grand jury investigation has
121 commenced or is about to commence for a criminal violation of a law of
122 such other state involving the provision or receipt of or assistance with
123 reproductive health care services, as defined in section 1 of this act, that
124 are legal in this state, unless the acts forming the basis of the prosecution
125 or investigation would also constitute an offense in this state. At any
126 such hearing, the certificate shall be prima facie evidence of all the facts
127 stated therein. If such certificate recommends that the witness be taken
128 into immediate custody and delivered to an officer of the requesting
129 state to assure the attendance of the witness in such state, such judge
130 may, in lieu of notification of the hearing, direct that such witness be
131 forthwith brought before such judge for such hearing, and, being
132 satisfied, at such hearing, of the desirability of such custody and
133 delivery, of which desirability such certificate shall be prima facie proof,
134 may, in lieu of issuing a subpoena or summons, order that such witness
135 be forthwith taken into custody and delivered to an officer of the
136 requesting state. If such witness, after being paid or tendered by an
137 authorized person the same amount per mile as provided for state
138 employees pursuant to section 5-141c for each mile by the ordinary
139 traveled route to and from the court where the prosecution is pending
140 and five dollars each day that such witness is required to travel and
141 attend as a witness, fails, without good cause, to attend and testify as
142 directed in the summons, the witness shall be punished in the manner
143 provided for the punishment of any witness who disobeys a summons
144 issued from a court of record in this state.

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

147 The Governor of this state may also surrender, on demand of the
148 executive authority of any other state, any person found in this state
149 who is charged in such other state in the manner provided in section 54-
150 159 with committing an act in this state, or in a third state, intentionally

151 resulting in a crime in the state whose executive authority is making the
152 demand, and the provisions of this chapter not otherwise inconsistent
153 shall apply to such cases, even though the accused was not in that state
154 at the time of the commission of the crime and has not fled therefrom
155 provided the acts for which extradition is sought would be punishable
156 by the laws of this state, if the consequences claimed to have resulted
157 from those acts in the demanding state had taken effect in this state.

158 Sec. 6. (NEW) (*Effective July 1, 2022*) No public agency, as defined in
159 section 1-200 of the general statutes, or employee, appointee, officer or
160 official or any other person acting on behalf of a public agency may
161 provide any information or expend or use time, money, facilities,
162 property, equipment, personnel or other resources in furtherance of any
163 interstate investigation or proceeding seeking to impose civil or criminal
164 liability upon a person or entity for (1) the provision, seeking or receipt
165 of or inquiring about reproductive health care services, as defined in
166 section 1 of this act, that are legal in this state, or (2) assisting any person
167 or entity providing, seeking, receiving or responding to an inquiry
168 about reproductive health care services, as defined in section 1 of this
169 act, that are legal in this state. This section shall not apply to any
170 investigation or proceeding where the conduct subject to potential
171 liability under the investigation or proceeding would be subject to
172 liability under the laws of this state if committed in this state.

173 Sec. 7. Section 19a-602 of the general statutes is repealed and the
174 following is substituted in lieu thereof (*Effective July 1, 2022*):

175 (a) The decision to terminate a pregnancy prior to the viability of the
176 fetus shall be solely that of the [pregnant woman] patient in consultation
177 with [her] the patient's physician or, pursuant to the provisions of
178 subsection (d) of this section, the patient's advanced practice registered
179 nurse, nurse-midwife or physician assistant.

180 (b) No abortion may be performed upon a [pregnant woman] patient
181 after viability of the fetus except when necessary to preserve the life or
182 health of the [pregnant woman] patient.

183 (c) A physician licensed pursuant to chapter 370 may perform an
 184 abortion, as defined in section 19a-912.

185 (d) An advanced practice registered nurse licensed pursuant to
 186 chapter 378, a nurse-midwife licensed pursuant to chapter 377 and a
 187 physician assistant licensed pursuant to chapter 370 may perform
 188 medication and aspiration abortions under and in accordance with said
 189 chapters."

| | | |
|---|---------------------|-------------|
| 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> | New section |
| 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 |
| Sec. 7 | <i>July 1, 2022</i> | 19a-602 |