



Offered by:

REP. BLUMENTHAL, 147<sup>th</sup> Dist.

REP. GILCHREST, 18<sup>th</sup> 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 contract or statute, and for which a similar claim would exist under the  
28 laws of this state, brought by the patient who received the reproductive  
29 health care services upon which the original lawsuit was based or the  
30 patient's authorized legal representative, for damages suffered by the  
31 patient or damages derived from an individual's loss of consortium of  
32 the patient; (2) an action founded in contract, and for which a similar  
33 claim would exist under the laws of this state, brought or sought to be  
34 enforced by a party with a contractual relationship with the person that  
35 is the subject of the judgment entered in another state; or (3) an action  
36 where no part of the acts that formed the basis for liability occurred in  
37 this state.

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

49 patient relating to reproductive health care services, as defined in  
50 section 1 of this act, that are permitted under the laws of this state, unless  
51 the patient or that patient's conservator, guardian or other authorized  
52 legal representative explicitly consents in writing to such disclosure. A  
53 covered entity shall inform the patient or the patient's conservator,  
54 guardian or other authorized legal representative of the patient's right  
55 to withhold such written consent.

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

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

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

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

95 Sec. 4. Subsection (b) of section 54-82i of the general statutes is  
96 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
97 *2022*):

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

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

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

148 The Governor of this state may also surrender, on demand of the  
149 executive authority of any other state, any person found in this state

150 who is charged in such other state in the manner provided in section 54-  
151 159 with committing an act in this state, or in a third state, intentionally  
152 resulting in a crime in the state whose executive authority is making the  
153 demand, and the provisions of this chapter not otherwise inconsistent  
154 shall apply to such cases, even though the accused was not in that state  
155 at the time of the commission of the crime and has not fled therefrom  
156 provided the acts for which extradition is sought would be punishable  
157 by the laws of this state, if the consequences claimed to have resulted  
158 from those acts in the demanding state had taken effect in this state.

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

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

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

181       (b) No abortion may be performed upon a [pregnant woman] patient

182 after viability of the fetus except when necessary to preserve the life or  
183 health of the [pregnant woman] patient.

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2022	New section
Sec. 2	July 1, 2022	New section
Sec. 3	July 1, 2022	New section
Sec. 4	July 1, 2022	54-82i(b)
Sec. 5	July 1, 2022	54-162
Sec. 6	July 1, 2022	New section
Sec. 7	July 1, 2022	19a-602