



General Assembly

February Session, 2024

Raised Bill No. 214

LCO No. 1074



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONSOLIDATING STATUTORY PROVISIONS RELATING TO
REPRODUCTIVE HEALTH CARE SERVICES AND GENDER-
AFFIRMING HEALTH CARE SERVICES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-571m of the 2024 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective July 1, 2024*):

4 (a) As used in this section:

5 (1) "Reproductive health care services" includes all medical, surgical,
6 counseling or referral services relating to the human reproductive
7 system, including, but not limited to, services relating to pregnancy,
8 contraception or the termination of a pregnancy; [and all medical care
9 relating to treatment of gender dysphoria as set forth in the most recent
10 edition of the American Psychiatric Association's "Diagnostic and
11 Statistical Manual of Mental Disorders" and gender incongruence, as
12 defined in the most recent revision of the "International Statistical
13 Classification of Diseases and Related Health Problems";]

14 (2) "Gender-affirming health care services" means all medical care
15 relating to the treatment of gender dysphoria as set forth in the most
16 recent edition of the American Psychiatric Association's "Diagnostic and
17 Statistical Manual of Mental Disorders" and gender incongruence, as
18 defined in the most recent revision of the "International Statistical
19 Classification of Diseases and Related Health Problems"; and

20 [(2)] (3) "Person" includes an individual, a partnership, an association,
21 a limited liability company or a corporation.

22 (b) When any person has had a judgment entered against such
23 person, in any state, where liability, in whole or in part, is based on the
24 alleged provision, receipt, assistance in receipt or provision, material
25 support for, or any theory of vicarious, joint, several or conspiracy
26 liability derived therefrom, for reproductive health care services or
27 gender-affirming health care services that are permitted under the laws
28 of this state, such person may recover damages from any party that
29 brought the action leading to that judgment or has sought to enforce that
30 judgment. Recoverable damages shall include: (1) Just damages created
31 by the action that led to that judgment, including, but not limited to,
32 money damages in the amount of the judgment in that other state and
33 costs, expenses and reasonable attorney's fees spent in defending the
34 action that resulted in the entry of a judgment in another state; and (2)
35 costs, expenses and reasonable attorney's fees incurred in bringing an
36 action under this section as may be allowed by the court.

37 (c) The provisions of this section shall not apply to a judgment
38 entered in another state that is based on: (1) An action founded in tort,
39 contract or statute, and for which a similar claim would exist under the
40 laws of this state, brought by the patient who received the reproductive
41 health care services or gender-affirming health care services upon which
42 the original lawsuit was based or the patient's authorized legal
43 representative, for damages suffered by the patient or damages derived
44 from an individual's loss of consortium of the patient; (2) an action
45 founded in contract, and for which a similar claim would exist under
46 the laws of this state, brought or sought to be enforced by a party with

47 a contractual relationship with the person that is the subject of the
48 judgment entered in another state; or (3) an action where no part of the
49 acts that formed the basis for liability occurred in this state.

50 Sec. 2. Section 52-146w of the general statutes is repealed and the
51 following is substituted in lieu thereof (*Effective July 1, 2024*):

52 (a) Except as provided in sections 52-146c to 52-146k, inclusive,
53 sections 52-146o, 52-146p, 52-146q and 52-146s and subsection (b) of this
54 section, in any civil action or any proceeding preliminary thereto or in
55 any probate, legislative or administrative proceeding, no covered entity,
56 as defined in 45 CFR 160.103, shall disclose (1) any communication made
57 to such covered entity, or any information obtained by such covered
58 entity from, a patient or the conservator, guardian or other authorized
59 legal representative of a patient relating to reproductive health care
60 services or gender-affirming health care services, as defined in section
61 52-571m, as amended by this act, that are permitted under the laws of
62 this state, or (2) any information obtained by personal examination of a
63 patient relating to [reproductive health care services, as defined in
64 section 52-571m] such services, that are permitted under the laws of this
65 state, unless the patient or that patient's conservator, guardian or other
66 authorized legal representative explicitly consents in writing to such
67 disclosure. A covered entity shall inform the patient or the patient's
68 conservator, guardian or other authorized legal representative of the
69 patient's right to withhold such written consent.

70 (b) Written consent of the patient or the patient's conservator,
71 guardian or other authorized legal representative shall not be required
72 for the disclosure of such communication or information (1) pursuant to
73 the laws of this state or the rules of court prescribed by the Judicial
74 Branch, (2) by a covered entity against whom a claim has been made, or
75 there is a reasonable belief will be made, in such action or proceeding,
76 to the covered entity's attorney or professional liability insurer or such
77 insurer's agent for use in the defense of such action or proceeding, (3) to
78 the Commissioner of Public Health for records of a patient of a covered
79 entity in connection with an investigation of a complaint, if such records

80 are related to the complaint, or (4) if child abuse, abuse of an elderly
81 individual, abuse of an individual who is physically disabled or
82 incompetent or abuse of an individual with intellectual disability is
83 known or in good faith suspected.

84 (c) Nothing in this section shall be construed to impede the lawful
85 sharing of medical records as permitted by state or federal law or the
86 rules of the court prescribed by the Judicial Branch, except in the case of
87 a subpoena commanding the production, copying or inspection of
88 medical records relating to reproductive health care services or gender-
89 affirming health care services, as defined in section 52-571m, as
90 amended by this act.

91 Sec. 3. Section 52-155a of the general statutes is repealed and the
92 following is substituted in lieu thereof (*Effective July 1, 2024*):

93 Notwithstanding the provisions of sections 52-155 and 52-657, a
94 judge, justice of the peace, notary public or commissioner of the
95 Superior Court shall not issue a subpoena requested by a commissioner,
96 appointed according to the laws or usages of any other state or
97 government, or by any court of the United States or of any other state or
98 government, when such subpoena relates to reproductive health care
99 services or gender-affirming health care services, as defined in section
100 52-571m, as amended by this act, that are permitted under the laws of
101 this state, unless the subpoena relates to: (1) An out-of-state action
102 founded in tort, contract or statute, for which a similar claim would exist
103 under the laws of this state, brought by a patient or the patient's
104 authorized legal representative, for damages suffered by the patient or
105 damages derived from an individual's loss of consortium of the patient;
106 or (2) an out-of-state action founded in contract, and for which a similar
107 claim would exist under the laws of this state, brought or sought to be
108 enforced by a party with a contractual relationship with the person that
109 is the subject of the subpoena requested by a commissioner appointed
110 according to the laws or usages of another state.

111 Sec. 4. Subsection (b) of section 54-82i of the general statutes is

112 repealed and the following is substituted in lieu thereof (*Effective July 1,*
113 *2024*):

114 (b) If a judge of a court of record in any state which by its laws has
115 made provision for commanding persons within that state to attend and
116 testify in this state certifies, under the seal of such court, that there is a
117 criminal prosecution pending in such court, or that a grand jury
118 investigation has commenced or is about to commence, that a person
119 being within this state is a material witness in such prosecution or grand
120 jury investigation and that the presence of such witness will be required
121 for a specified number of days, upon presentation of such certificate to
122 any judge of a court of record in the judicial district in which such
123 person is, such judge shall fix a time and place for a hearing and shall
124 make an order directing the witness to appear at such time and place for
125 such hearing. If, at such hearing, the judge determines that the witness
126 is material and necessary, that it will not cause undue hardship to the
127 witness to be compelled to attend and testify in the prosecution or a
128 grand jury investigation in the other state and that the laws of such other
129 state and the laws of any other state through which the witness may be
130 required to pass by ordinary course of travel will give to such witness
131 protection from arrest and from the service of civil or criminal process,
132 the judge shall issue a summons, with a copy of the certificate attached,
133 directing the witness to attend and testify in the court where the
134 prosecution is pending, or where a grand jury investigation has
135 commenced or is about to commence at a time and place specified in the
136 summons, except that no judge shall issue a summons in a case where
137 prosecution is pending, or where a grand jury investigation has
138 commenced or is about to commence for a criminal violation of a law of
139 such other state involving the provision or receipt of or assistance with
140 reproductive health care services or gender-affirming health care
141 services, as defined in section [52-571n] 52-571m, as amended by this
142 act, that are legal in this state, unless the acts forming the basis of the
143 prosecution or investigation would also constitute an offense in this
144 state. At any such hearing, the certificate shall be prima facie evidence
145 of all the facts stated therein. If such certificate recommends that the

146 witness be taken into immediate custody and delivered to an officer of
147 the requesting state to assure the attendance of the witness in such state,
148 such judge may, in lieu of notification of the hearing, direct that such
149 witness be forthwith brought before such judge for such hearing, and,
150 being satisfied, at such hearing, of the desirability of such custody and
151 delivery, of which desirability such certificate shall be prima facie proof,
152 may, in lieu of issuing a subpoena or summons, order that such witness
153 be forthwith taken into custody and delivered to an officer of the
154 requesting state. If such witness, after being paid or tendered by an
155 authorized person the same amount per mile as provided for state
156 employees pursuant to section 5-141c for each mile by the ordinary
157 traveled route to and from the court where the prosecution is pending
158 and five dollars each day that such witness is required to travel and
159 attend as a witness, fails, without good cause, to attend and testify as
160 directed in the summons, the witness shall be punished in the manner
161 provided for the punishment of any witness who disobeys a summons
162 issued from a court of record in this state.

163 Sec. 5. Section 54-155a of the general statutes is repealed and the
164 following is substituted in lieu thereof (*Effective July 1, 2024*):

165 No public agency, as defined in section 1-200, or employee,
166 appointee, officer or official or any other person acting on behalf of a
167 public agency may provide any information or expend or use time,
168 money, facilities, property, equipment, personnel or other resources in
169 furtherance of any interstate investigation or proceeding seeking to
170 impose civil or criminal liability upon a person or entity for (1) the
171 provision, seeking or receipt of or inquiring about reproductive health
172 care services or gender-affirming health care services, as defined in
173 section 52-571m, as amended by this act, that are legal in this state, or
174 (2) assisting any person or entity providing, seeking, receiving or
175 responding to an inquiry about reproductive health care services or
176 gender-affirming health care services, as defined in section 52-571m, as
177 amended by this act, that are legal in this state. This section shall not
178 apply to any investigation or proceeding where the conduct subject to
179 potential liability under the investigation or proceeding would be

180 subject to liability under the laws of this state if committed in this state.

181 Sec. 6. Subdivision (17) of section 42-515 of the 2024 supplement to
182 the general statutes is repealed and the following is substituted in lieu
183 thereof (*Effective July 1, 2024*):

184 (17) "Gender-affirming health care services" has the same meaning as
185 provided in section [52-571n] 52-571m, as amended by this act.

186 Sec. 7. Sections 52-146x, 52-155b and 54-155b of the general statutes
187 are repealed. (*Effective July 1, 2024*)

188 Sec. 8. Section 52-571n of the 2024 supplement to the general statutes
189 is repealed. (*Effective July 1, 2024*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2024</i>	52-571m
Sec. 2	<i>July 1, 2024</i>	52-146w
Sec. 3	<i>July 1, 2024</i>	52-155a
Sec. 4	<i>July 1, 2024</i>	54-82i(b)
Sec. 5	<i>July 1, 2024</i>	54-155a
Sec. 6	<i>July 1, 2024</i>	42-515(17)
Sec. 7	<i>July 1, 2024</i>	Repealer section
Sec. 8	<i>July 1, 2024</i>	Repealer section

Statement of Purpose:

To consolidate various provisions of the general statutes relating to reproductive health care services and gender-affirming health care services by incorporating existing statutory language concerning gender-affirming health care services into existing statutes concerning reproductive health care services.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]