



ATTORNEY GENERAL WILLIAM TONG
STATE OF CONNECTICUT

**Testimony of Special Co-Counsel for Reproductive Rights Alma Nunley and Emily Gait
House Bill 7135, An Act Concerning the Provision of Reproductive and Gender-Affirming
Health Care Services to Patients
Judiciary Committee
March 24th, 2025**

Thank you for the opportunity to submit testimony regarding H.B. 7135, which makes important changes to protect providers and patients of reproductive and gender-affirming health care in Connecticut. The Trump Administration continues to attack transgender individuals, women and patients. The attacks have increased in severity and specifically target health care that is lawful in Connecticut. Other states seek to criminally prosecute, collect information about, impose liability on, confuse, and intimidate patients and providers for obtaining health care that is legal in Connecticut. This bill keeps Connecticut on the front line of states protecting providers and patients. The Office of the Attorney General supports the bill and respectfully requests some clarifying changes that have been brought to our attention in recent days.

H.B. 7135 makes necessary changes to Connecticut's shield law to clarify the scope of its protections

In 2022, Connecticut, led by the Judiciary Committee, was the first state in the nation to pass a reproductive rights “shield law” in anticipation of the ruling in *Dobbs v. Jackson Women's Health Organization*, which overturned decades of precedent holding that the United States Constitution protects individuals' rights to control their own bodies, including the choice to have an abortion. Public Act 22-19, shields individuals from being subjected to litigation for providing or receiving reproductive and gender-affirming health care services that are lawful in Connecticut. These protections are essential for individuals seeking the medical care they need without fear of intimidation or legal liability. H.B. 7135 makes important changes to Connecticut's shield law by shoring up existing protections, consolidating duplicative statutes, and consistently protecting the provision of gender-affirming care.

First, H.B. 7135 draws on lessons learned from other state shield laws to enhance Connecticut's protections in the following ways:

- Clarifies in § 52-571m(a)(1) (Section 1 of H.B. 7135) that “reproductive health care services” encompass assisted reproduction. The recent Alabama Supreme Court¹ decision confirms that Connecticut should make it as clear as possible that individuals seeking and providing assisted reproduction services in Connecticut are protected from criminal prosecution or civil liability based on the laws of other states and the actions of those states' courts. In the Alabama case, the court held that a non-implanted embryo is a child for purposes of civil liability in that state, opening the

¹ *LePage v. The Center for Reproductive Medicine, P.C.*, No. SC-2022-0515 & SC-2022-0579, 2024 Ala. LEXIS 60 (Ala. Sup. Ct. Feb. 16, 2024).



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door to future litigation against patients and providers of assisted reproduction services. Although the current definition of “reproductive health care services” is broad and would include assisted reproduction, expressly adding “assisted reproduction” to the non-exhaustive list of types of reproductive health care services will provide clarity on this issue. There should be no opportunity for confusion or doubt that those who receive or provide assisted reproduction services in Connecticut are entitled to the same protections in Connecticut as individuals seeking any other reproductive health care services.

- Expressly protects Connecticut providers from liability for providing care to patients in states where the provider is licensed, even if the patient is not physically located in Connecticut at the time of care. Section 52-571m(b) (Section 1 of H.B. 7135). Texas obtained a \$100,000 judgment against a New York doctor for sending mifepristone, a safe and legal abortion inducing drug, to a Texas woman. *See Texas v. Carpenter*, Docket No. 471-08943-2024 (Dec. 12, 2024). This bill will ensure that Connecticut’s shield law would protect a Connecticut doctor facing a similar situation from having that judgment enforced in Connecticut, as long as the Connecticut doctor is licensed in Texas.
- Expands sensitive healthcare information protections to “business associates.” *See* Sections 52-146w(a) and (b) (Section 2 of H.B. 7135). The inclusion of “business associates,” in addition to the current covered entities, is necessary to clarify that a patient’s reproductive and gender-affirming health care records are protected regardless of whether a person seeks to subpoena those records from a patient’s health care provider or a third-party who lawfully receives those records from the initial covered entity. Covered entities interact with numerous business associates daily, who provide important services related to the provision of health care to patients. Applying the same confidentiality requirements to business associates as those applied to covered entities benefits both and is consistent with existing confidentiality provisions in HIPAA. Significantly, covered entities transmit health care records to several Health Information Exchanges (HIEs) that are active in Connecticut and fall under the definition of “business associate.” These HIEs are an important tool to improve patient care by sharing a patient’s health care records among the patient’s health care providers, even when providers are in different medical groups. For example, a hospital emergency department doctor would be able to access an incapacitated patient’s records from their OB/GYN, allowing the doctor to quickly learn that the patient is pregnant and may not be a candidate for certain medications, diagnostic methods, or treatments. By including “business associates” in the provisions of § 52-146w, patients benefit from health care record sharing between their providers while, at the same time, protect their reproductive and gender-affirming health care records.
- Provides notice to the Office of the Attorney General when a subpoena seeks information about reproductive or gender-affirming health care information. The notice *will not* contain any personally identifiable information about the patient. The



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notice *will* alert the Office of the Attorney General to those seeking sensitive information, potentially in pursuit of criminal or civil out-of-state actions, for receiving health care that is legal in Connecticut. The recent legal actions and requests for information from a Washington children's hospital,² a New York doctor,³ and a Texas midwife⁴ raise concerns about anti-abortion states' desire to collect information outside their borders. *See* Section 52-146w(a) (Section 2 of H.B. 7135). The Office of the Attorney General is committed to protecting Connecticut residents from that overreach, and can act, when necessary, if it has notice early in the process.

Second, H.B. 7135 makes technical changes to consolidate and repeal duplicative statutes that relate to reproductive and gender-affirming health care protections. Consolidation is important to reduce confusion caused by duplicative, but not identical, statutory provisions.

Third, H.B. 7135 consistently protects gender-affirming care to the same extent that the statutes protect reproductive health care. The Trump Administration's recent Executive Orders demonstrate an unambiguous attack on transgender individuals and seek to do nothing short of end all gender-affirming care and erase transgender individuals' existence. *See* Executive Order Nos. 14,168 "Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government" and 14,187 "Protecting Children from Chemical and Surgical Mutilation." The Office of the Attorney General rejects those efforts. Transgender individuals are members of our community and deserve the same access to necessary health care as all individuals. We seek to protect transgender individuals and their health care needs to the fullest extent possible.

Requested Revisions to H.B. 7135

We would respectfully request that the Committee consider adopting the following revisions to the bill language for Sections 52-146w and 19a-567:

1. Narrow the notice provision to "subpoenas" and provide contact information for such notice

As found in H.B. 7135, Section 2:

² Associated Press, Seattle hospital says Texas attorney general asked for records of transgender care for children, <https://apnews.com/article/texas-transgender-paxton-seattle-a6af41985e566beaf381c855fd6e0379> (last visited March 18, 2024).

³ Associated Press, New York doctor is fined in Texas, charged in Louisiana over abortion pills in tests of shield laws, <https://apnews.com/article/abortion-doctor-maggie-carpenter-pills-847112cde026e29333c3481310593582> (last visited March 18, 2024).

⁴ NPR, Texas midwife and associate arrested for allegedly performing illegal abortions, <https://www.npr.org/2025/03/18/nx-s1-5331332/texas-midwife-and-associate-arrested-for-allegedly-performing-illegal-abortions> (last visited March 18, 2024).



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At line 75, replace “notice of the request” with “a copy of such subpoena”

At line 84, after “patient” insert “The Office of the Attorney General shall post notice of the methods by which covered entities and business associates may send the subpoena copy.”

The substitution of “subpoena” for “notice of the request” ensures that covered entities and business associates can comply with the notice requirement without disclosure of protected health information, but still provide sufficient information for the Attorney General to determine if action is necessary.

The addition of the requirement that the Office of the Attorney General post notice of the methods of compliance ensures that covered entities and business associates have clear guidance on how to comply with the new notice requirement.

2. Consistently cover “gender-affirming health care services”

As found in H.B. 7135, Section 4:

At line 165, after “services” insert “or gender-affirming health care services”

The addition of “gender-affirming health care services” in this Section is necessary to be consistent with the other shield law provisions and clarify the inclusion of both reproductive and gender-affirming health care services in this Section.

For additional information, please contact Nate Kalechman, Director of Legislative Affairs for the Office of the Attorney General at Nathan.Kalechman@ct.gov