

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1640 Session of  
2025

INTRODUCED BY DALEY, SHUSTERMAN, OTTEN, HILL-EVANS, RIVERA,  
SANCHEZ, WAXMAN, SCHLOSSBERG, HOWARD, PROBST, PIELLI, GUENST,  
ISAACSON, HOHENSTEIN, D. WILLIAMS, BRENNAN, FIEDLER AND  
BOROWSKI, JUNE 23, 2025

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 23, 2025

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in rules of evidence,  
3 providing for protection of reproductive health services  
4 records.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Title 42 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a section to read:  
9 § 6152.2. Protection of reproductive health services records.

10 (a) Disclosures.--Notwithstanding any other provision of  
11 this subchapter and except as provided under subsections (c) and  
12 (d), in a civil action or proceeding, including a preliminary  
13 hearing, or in an investigation or a proceeding by a district  
14 attorney or an agency, a covered entity may not disclose any of  
15 the following unless a patient or the patient's guardian or  
16 other authorized legal representative explicitly consents in  
17 writing to the disclosure:

18 (1) A communication made to the covered entity from the

1 patient or the patient's guardian or other authorized legal  
2 representative relating to reproductive health care services  
3 that are permitted under the laws of this Commonwealth.

4 (2) Information obtained by personal examination of the  
5 patient relating to reproductive health care services that  
6 are permitted under the laws of this Commonwealth.

7 (b) Duties of covered entities.--A covered entity shall  
8 inform a patient or the patient's guardian or other authorized  
9 legal representative of the patient's right to withhold written  
10 consent to a disclosure specified under subsection (a).

11 (c) Exceptions.--The written consent of a patient or  
12 patient's guardian or other authorized legal representative  
13 shall not be required for a disclosure under subsection (a) if  
14 any of the following apply:

15 (1) The disclosure is authorized by the rules of court  
16 under section 1722 (relating to adoption of administrative  
17 and procedural rules).

18 (2) The disclosure is made by a covered entity to the  
19 covered entity's attorney or professional liability insurer  
20 or the insurer's agent for use in the defense of a claim made  
21 against the covered entity or when there is a reasonable  
22 belief that a claim will be made against the covered entity  
23 in a civil action or proceeding.

24 (3) The disclosure is made to the Department of State in  
25 connection with an investigation of a complaint if the  
26 disclosure is related to the complaint.

27 (4) The disclosure is made because child abuse, abuse of  
28 a senior citizen or abuse of an individual with physical or  
29 intellectual disabilities is known or is suspected in good  
30 faith.

1     (d) Construction.--

2         (1) Nothing in this section shall be construed to impede  
3     the lawful sharing of medical records as permitted by Federal  
4     or State law or the rules of court under section 1722, except  
5     in the case of a subpoena commanding the production, copying  
6     or inspection of medical records relating to reproductive  
7     health care services.

8         (2) Nothing in this section shall be construed to  
9     supplant existing State law or regulations governing the  
10    disclosure requirements for confidential communications,  
11    records or information regarding any of the following:

12             (i) The provisions of section 5929 (relating to  
13         physicians not to disclose information).

14             (ii) The provisions of section 5944 (relating to  
15         confidential communications to psychiatrists or licensed  
16         psychologists), 5945 (relating to confidential  
17         communications to school personnel) or 5945.1 (relating  
18         to confidential communications with sexual assault  
19         counselors).

20             (iii) An individual subject to the act of July 9,  
21         1987 (P.L.220, No.39), known as the Social Workers,  
22         Marriage and Family Therapists and Professional  
23         Counselors Act.

24             (iv) An individual and a domestic violence  
25         counselor/advocate as defined in 23 Pa.C.S. § 6102  
26         (relating to definitions).

27             (v) A physician licensed to practice medicine under  
28         the act of December 20, 1985 (P.L.457, No.112), known as  
29         the Medical Practice Act of 1985, a physician licensed to  
30         practice osteopathic medicine under the act of October 5,

1       1978 (P.L.1109, No.261), known as the Osteopathic Medical  
2       Practice Act, or any other licensed health care  
3       practitioner or health care provider in a civil action or  
4       proceeding, including a preliminary hearing, or in an  
5       investigation or a proceeding by a district attorney or  
6       an agency.

7       (vi) The provisions of section 111 of the act of  
8       July 9, 1976 (P.L.817, No.143), known as the Mental  
9       Health Procedures Act, or section 8 of the act of April  
10       14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug  
11       and Alcohol Abuse Control Act.

12       (e) Definitions.--As used in this section, the following  
13       words and phrases shall have the meanings given to them in this  
14       subsection unless the context clearly indicates otherwise:

15       "Agency." As defined in section 102 of the act of February  
16       14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

17       "Covered entity." As defined in 45 CFR 160.103 (relating to  
18       definitions).

19       "Reproductive health care services." Medical, surgical,  
20       counseling or referral services relating to the human  
21       reproductive system, including services relating to pregnancy,  
22       contraception or the termination of pregnancy.

23       Section 2. This act shall take effect in 60 days.