
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.