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To: The Honorable Joseline Peña-Melnyk, Chair and  
Members of the House Health and Government Operations Committee

From: The Office of the Attorney General

Re: SB786 – Health – Reproductive Health Services – Protected Information and  
Insurance Requirements: **Letter of Support with Amendments**

The Office of the Attorney General writes in continuing support of SB786. This bill furthers Maryland's efforts to ensure high quality, affordable reproductive health services are available to Marylanders and shields the identifying information of anyone who obtains or provides reproductive health services in the state from out-of-state investigations that could threaten their privacy, safety, and liberty.

The bill proposes to amend certain sections of the General Provisions, Health, and Insurance articles to shield "legally protected health care data," defined as "all reproductive health services, medications, and supplies related to the direct provision or support of the provision of care related to pregnancy, contraception, assisted reproduction, and abortion that is lawful in the state." The bill also shields and defines a "protected medication record," (identifying information regarding medication used in a medical abortion) and "protected services record" (identifying information related to the provision of legally protected healthcare).

The bill directs the Maryland Health Care Commission to adopt regulations to restrict the flow of data of patients who have obtained legally protected health care (LPHC), and to establish policies and standards to protect the confidentiality of patient and healthcare practitioner information related to LPHC. The bill also prohibits a dispenser from submitting information about any medication used for a medical abortion to the state designated exchange and prohibits a health information exchange from disclosing protected records to anyone outside the state, subject to criminal penalties,

except for the adjudication of claims or to a specific treating provider with the patient's written consent. Furthermore, the bill removes from disclosure through PIA requests the name or other identifying information related to an ambulatory surgery center or a surgical abortion facility or information relating to an investigation of a licensee or certificate holder regarding the provision of LPHC pending a final order.

In concert with key stakeholders, we have worked on amendments to clarify content and correct drafting errors in the bill. The bill, as amended, continues to provide critical guardrails for the safety, privacy and liberty of those who provide, support, or access reproductive healthcare in Maryland. It also establishes a Protected Health Care Commission, provides for the adoption of emergency regulations, and directs quarterly reporting on implementation to the Senate Finance and House Health and Government Operations Committees.

The Office of the Attorney General supports SB786 as amended, and urges a favorable report from this Committee.