

Connecticut

Shield Law Fact Sheet

AUGUST 2024

For both reproductive and gender-affirming care, Connecticut's shield laws provide protections against out-of-state investigations and prosecutions, professional discipline, and civil liability. Additionally, Connecticut's shield laws provide protections for health care providers' professional liability insurance. Connecticut also provides protections for medical information and, in 2023, Connecticut enacted extensive protections for consumer health data, including related to reproductive and gender-affirming care.

PROTECTION AGAINST OUT-OF-STATE INVESTIGATIONS AND PROSECUTIONS

Protection Barring against State Agency/Employee Assistance

Public agencies and employees, officers, or other people acting on behalf of public agencies may not provide information or expend resources in furtherance of an investigation or proceeding to impose criminal or civil liability for providing, seeking, receiving, or assisting in reproductive or gender-affirming health care services legal in Connecticut.¹

Protection against Extradition and Arrests

The Governor may not extradite individuals charged in another state if the alleged acts would not be punishable under Connecticut's laws if their consequences had taken effect in Connecticut.²

Protection against Issuance of Search Warrants, Subpoenas, and Witness Summons

Courts may not issue summons for the criminal violation of another state's laws involving the provision, receipt, or assistance in reproductive or gender-affirming health care services legal in Connecticut.³ Additionally, courts may not issue subpoenas related to reproductive or gender-affirming health care services legal in Connecticut.⁴

¹ HB 5414 (Conn. 2022) (Conn. Gen. Stat. § 54-155b).

² HB 5414 (Conn. 2022) (Conn. Gen. Stat. § 54-162).

³ HB 5414 (Conn. 2022) (Conn. Gen. Stat. § 54-82i(b)).

⁴ This rule does not apply to subpoenas relating to an out-of-state action for which a similar claim would exist under Connecticut law

PROTECTION FROM PROFESSIONAL DISCIPLINE

Protection against Adverse Actions related to Providers' Licenses and Other Board Discipline

The Department of Health, Commissioner of Consumer Protection, and Commission of Pharmacy may not deny an applicant's license or impose a disciplinary action based on another state's disciplinary action related to the provision, receipt, or assistance in reproductive health care services—defined to include reproductive and gender-affirming health care services—permitted in Connecticut.⁵

Protection against Denial or Restriction of Facility Privileges

An institution may not revoke, suspend, reprimand, penalize, refuse to issue or renew credentials or privileges or take any other adverse action against a health care provider based solely on provision, receipt, or assistance in reproductive health care services—defined to include reproductive and gender-affirming health care services—that are permitted in Connecticut and were provided before the provider entered into an employment relationship with the institution, or were provided outside the scope of the employment relationship.⁶

PROTECTION AGAINST CIVIL LIABILITY

Provision of a “Clawback Lawsuit” to Recover Damages from Litigation related to Protected Care

A person or entity against whom a judgment was entered in another state may bring an action to recover damages from the party that brought the action or the party that tried to enforce it, if the liability in the action was based solely on the provision, receipt, or assistance in reproductive or gender-affirming health care services permitted under Connecticut law.⁷ Damages may include the amount of the judgment in the out-of-state action, as well as the costs, expenses, and attorney's fees incurred both in defending the out-of-state action and in bringing the action under Connecticut law to recover the damages.⁸

brought by the patient or a party with a contractual relationship to the subpoena recipient. HB 5414 (Conn. 2022) (Conn. Gen. Stat. § 52-155b).

⁵ HB 6820 (Conn. 2023) (Conn. Gen. Stat. §§ 19a-17e, 20-579a, 52-571m (defining “reproductive health care services”).

⁶ HB 6820 (Conn. 2023) (Conn. Gen. Stat. § 19a-567).

⁷ HB 5414 (Conn. 2022) (Conn. Gen. Stat. § 52-571n).

⁸ *Id.* Connecticut's shield laws do not appear to include express protections against application of another state's laws or enforcement of another state's judgments in Connecticut's state courts.

PROTECTION OF PROFESSIONAL LIABILITY INSURANCE AND PROTECTION RELATED TO HEALTH PLANS

Protection against an Insurer’s Refusal to Issue Insurance, Increase in Premiums, or Denial of Coverage Based Solely on Providing Protected Care

Insurers may not take adverse action (such as denial or revocation of coverage, sanctions, fines, penalties or rate increases) based solely on the health care provider’s provision, receipt, or assistance in reproductive health care services—defined to include reproductive and gender-affirming care services—that are permitted under Connecticut law.⁹ Insurers also may not take adverse action based solely on another’s state’s disciplinary action related to the provider’s same activity.¹⁰

PRIVACY OF MEDICAL INFORMATION AND OTHER DATA RELATED TO ABORTION AND GENDER-AFFIRMING CARE

Protection Against Disclosure of Medical Information

Health plans, health care clearinghouse, and health care providers that electronically transmit health information may not disclose patient communications or any information obtained by a patient’s physical examination related to reproductive or gender-affirming health care services permitted in Connecticut in any civil or administrative action without the patient’s written consent.¹¹

Protection Against Disclosure of Data by Reproductive Health Apps

No one conducting business in Connecticut or producing products or services targeted to Connecticut residents may sell consumer health data (including gender-affirming, reproductive, and sexual health data) without consumer consent, or provide employees or contractors with access to consumer health data unless the employee or contractor is subject to a contractual or statutory duty of confidentiality.¹²

Additionally, anyone processing personal data must: limit the collection and processing of personal data to what is adequate, relevant, and reasonably necessary for the purpose for which the data is processed, establish security practices to protect the confidentiality of personal data, not process sensitive data—including consumer health data—without consumer consent, and provide an effective mechanism for a consumer to revoke consent for processing such data.¹³

⁹ HB 6820 (Conn. 2023) (Conn. Gen. Stat. §§ 38a-835, 52-571m (defining “reproductive health care services”)).

¹⁰ *Id.*

¹¹ HB 5414 (Conn. 2022) (Conn. Gen. Stat. §§ 52-146w, 52-146x).

¹² SB 3 (Conn. 2023) (Conn. Gen. Stat. § 42-526).

¹³ SB 3 (Conn. 2023) (Conn. Gen. Stat. § 42-520).

Protection of Location Data

No one may use a geofence to establish a virtual boundary within 1,750 feet of any reproductive or sexual health facility for the purpose of identifying, tracking, collecting data from or sending any notification to a consumer regarding their health data.¹⁴

¹⁴ SB 3 (Conn. 2023) (Conn. Gen. Stat. § 42-526).

ABOUT THE CENTER ON REPRODUCTIVE HEALTH, LAW, AND POLICY (CRHLP)

CRHLP is a nationwide think tank and research center created to meet the current national crisis in access to abortion while working towards long-term solutions to advance reproductive justice. CRHLP conducts analysis and research for legal, policy, and narrative change and serves as a trusted hub for convening and engaging academics, advocates, health care providers, policy makers, and community members to reimagine the landscape of reproductive health law and policy. CRHLP also trains the reproductive law and policy leaders of tomorrow. CRHLP is committed to the highest standards of independent inquiry, academic excellence, and rigor. Research findings and conclusions are never altered to accommodate other interests, including those of funders, other organizations, or government bodies and officials.

For more information

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To receive pro bono legal assistance on questions related to the shield laws or other reproductive rights or justice issues, email: larj@law.ucla.edu