

Virginia

Shield Law Fact Sheet

JULY 2025

Virginia provides consumer protections for data related to reproductive or sexual health information, and protects against issuance of search warrants, subpoenas, and court orders for menstrual health data. In April 2024, the Governor vetoed other proposed shield legislation, including a bill protecting against extradition of individuals charged with violating another state's laws criminalizing reproductive health care lawfully provided in Virginia, and a bill protecting against professional discipline for abortion care lawful in Virginia.¹

PRIVACY OF MEDICAL INFORMATION AND OTHER DATA RELATED TO REPRODUCTIVE CARE

Protection Against Disclosure of Data by Reproductive Health Apps

Under Virginia's Consumer Protection Act, amended effective July 1, 2025, anyone that engages in a "consumer transaction" (including advertising or selling goods or services for personal purposes) may not obtain, disclose, sell, or disseminate any personally identifiable reproductive or sexual health information without the individual's consent—an individual may bring an action for damages and the attorney general may bring an action for civil penalties against those who violate this law.² "Reproductive or sexual health information" does not include a patient's health records or other information covered by HIPAA (identifiable health information held by health care providers who electronically transmit health information, health plans, and health care clearing houses), but includes other information related to: efforts to research or obtain reproductive or sexual health information services or supplies (including related location information); reproductive or sexual health conditions, status, diseases, diagnoses, symptoms, and procedures, including pregnancy termination; and, use or purchase of medication related to reproductive health, including contraceptives and abortifacients.³

¹ The Governor's veto statements related to SB15/HB1539 (2024) (related to extradition) and SB716/HB519 (2024) (related to professional discipline) are available at: [https://www.governor.virginia.gov/media/governorvirginiagov/secretary-of-public-safety-and-homeland-security/pdf/pshs-docs/FINAL-VETO-STATEMENTS-\(1\).pdf](https://www.governor.virginia.gov/media/governorvirginiagov/secretary-of-public-safety-and-homeland-security/pdf/pshs-docs/FINAL-VETO-STATEMENTS-(1).pdf).

² SB 754 (Va. 2025) (Va. Code §§ 59.1-198, 59.1-200, 59.1-204, 59.1-206) (effective July 1, 2025).

³ SB 754 (Va. 2025) (Va. Code § 59.1-198) (effective July 1, 2025).

Additionally, search warrants, subpoenas, court orders, or other legal processes may not be issued, executed, or served for the search, seizure, or production of menstrual health data stored on a computer, computer network, or other device containing electronic or digital information. “Menstrual health data” means any information that relates to or is used to determine, predict, or estimate the past, present, or future menstrual health or menstrual status of an individual.⁴

Protection of Location Data

As noted above, anyone that engages in a “consumer transaction” may not obtain, disclose, sell, or disseminate any personally identifiable “reproductive or sexual health information” (as defined above) without the individual’s consent, including location information indicating an attempt to obtain reproductive or sexual health information services or supplies.⁵

⁴ HB 78 (Va. 2024) (Va. Code § 19.2-60.2).

⁵ SB 754 (Va. 2025) (Va. Code §§ 59.1-198, 59.1-200) (effective July 1, 2025).

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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