

By Senator Lynn

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1 A bill to be entitled
 2 An act relating to pregnancy resource centers;
 3 creating the "Pregnancy Confidentiality Act"; defining
 4 the terms "client," "client records," and "pregnancy
 5 resource center"; providing that records of clients of
 6 pregnancy resource centers may be disclosed only if
 7 the client or his or her legal representative requests
 8 or consents, in writing, to the release of such
 9 information; providing penalties; providing for civil
 10 relief; providing an effective date.

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 12 Be It Resolved by the Senate of the State of Florida:

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 14 Section 1. This act may be cited as the "Pregnancy
 15 Confidentiality Act."

16 Section 2. Pregnancy resource centers; release of client
 17 information.-

18 (1) As used in this section, the term:

19 (a) "Client" means an individual who is inquiring about or
 20 seeking services at a pregnancy resource center.

21 (b) "Client records" means any individually identifiable
 22 health information collected by a pregnancy resource center from
 23 an individual, including, but not limited to, demographic
 24 information; his or her name, address, phone number, e-mail
 25 address, date of birth, social security number, driver license
 26 number, or Florida identification card number; employer's name,
 27 address, or phone number; the names, addresses, and phone
 28 numbers of any relatives or partners; and any personal or
 29 health-related information collected by a pregnancy resource

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30 center related to an individual client's past, present, or
31 future physical or mental health or condition; the provision of
32 health care to an individual; the past, present, or future
33 payment for the provision of health care to an individual; or
34 any other information related to the client's health care,
35 including, but not limited to, the results of any tests or
36 services provided by the pregnancy resource center.

37 (c) "Pregnancy resource center" means an organization or
38 facility that:

39 1. Provides pregnancy counseling or information as its
40 primary purpose, either for a fee or as a free service;

41 2. Does not provide abortions or refer a client who wishes
42 to obtain an abortion;

43 3. Does not furnish any contraceptive drug or device or
44 refer a client who wishes to obtain a contraceptive drug or
45 device approved by the federal Food and Drug Administration; and

46 4. Is not licensed or certified by the state or the Federal
47 Government to provide medical or health care services.

48 (2) The records of a client of a pregnancy resource center
49 may be disclosed only if the client or his or her legal
50 representative requests or consents, in writing, to the release
51 of such information.

52 (3) A person who violates subsection (2) commits a
53 misdemeanor of the first degree, punishable as provided in s.
54 775.082 or s. 775.083, Florida Statutes.

55 (4) Any person injured as a result of a willful violation
56 of subsection (2) shall have a civil cause of action for
57 compensatory and punitive damages, reasonable attorney fees, and
58 costs.

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Section 3. This act shall take effect July 1, 2012.