

115TH CONGRESS
1ST SESSION

H. R. 3443

To amend the Public Health Service Act to prohibit wellness programs, including those offered by health insurance issuers or in connection with a group health plan, from disclosing personally identifiable information related to individuals' use or non-use of contraceptives.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2017

Ms. DELBENE (for herself, Ms. CLARK of Massachusetts, Ms. SPEIER, Ms. NORTON, Mr. MEEKS, Miss RICE of New York, Mrs. NAPOLITANO, Mr. CUMMINGS, Mr. AGUILAR, Ms. JUDY CHU of California, Ms. MCCOLLUM, Mr. TAKANO, Mr. RYAN of Ohio, Mrs. CAROLYN B. MALONEY of New York, Mr. CICILLINE, Mr. ENGEL, Ms. BONAMICI, Mr. HASTINGS, Ms. WASSERMAN SCHULTZ, Mr. EVANS, Mr. KILMER, Ms. MOORE, Mr. WELCH, Ms. SLAUGHTER, Mr. HECK, Mr. ELLISON, Mr. KHANNA, Mr. SEAN PATRICK MALONEY of New York, Ms. LOFGREN, Mr. MCGOVERN, Mr. GALLEGGO, Mr. CONYERS, Ms. LEE, Mr. GRIJALVA, Ms. VELÁZQUEZ, Mr. LANGEVIN, Ms. CASTOR of Florida, Mr. DANNY K. DAVIS of Illinois, Ms. SHEA-PORTER, Ms. KELLY of Illinois, Ms. BARRAGÁN, Mr. GUTIÉRREZ, Mr. VARGAS, Mr. MCNERNEY, Ms. SÁNCHEZ, Ms. BORDALLO, and Mr. KEATING) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Health Service Act to prohibit wellness programs, including those offered by health insurance issuers or in connection with a group health plan, from disclosing personally identifiable information related to individuals' use or non-use of contraceptives.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Birth Control Privacy
5 Act”.

6 **SEC. 2. PROHIBITION ON DISCLOSING PERSONALLY IDEN-**
7 **TIFIABLE INFORMATION RELATED TO INDI-**
8 **VIDUALS’ USE OR NON-USE OF CONTRACEP-**
9 **TIVES.**

10 (a) IN GENERAL.—Section 2705 of the Public Health
11 Service Act (42 U.S.C.300gg–4) is amended—

12 (1) by redesignating subsection (n) as sub-
13 section (o); and

14 (2) by inserting after subsection (m) the fol-
15 lowing new subsection:

16 “(n) PRIVACY OF INDIVIDUALS’ USE OR NON-USE OF
17 CONTRACEPTIVES.—

18 “(1) IN GENERAL.—A wellness program de-
19 scribed in subsection (j) (or its third-party adminis-
20 trator or service provider), including those offered by
21 health insurance issuers or in connection with a
22 group health plan, shall not disclose to an employer,
23 directly or indirectly, personally identifiable informa-
24 tion related to the use or non-use of contraceptives
25 by an individual employed by that employer.

1 “(2) REGULATIONS.—The Secretary may pro-
2 mulgate such regulations, including interim final
3 regulations, as may be necessary or appropriate to
4 ensure against indirect disclosure to employers, as
5 described in paragraph (1).”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 subsection (a) shall apply with respect to plan years begin-
8 ning on or after the date of the enactment of this Act.

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