

1 S.49

2 Introduced by Senators Gulick, Hardy, Vyhovsky and White

3 Referred to Committee on

4 Date:

5 Subject: Health care privacy; reproductive health care services

6 Statement of purpose of bill as introduced: This bill proposes to restrict the
7 ability to establish geofences around health care facilities offering reproductive
8 health care services and to prevent law enforcement from obtaining reverse
9 keyword warrants for individuals who search for reproductive health care
10 services.

11 An act relating to protecting the privacy of individuals seeking reproductive
12 health care services

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. PURPOSE

15 The purpose of this act is to protect the privacy of individuals receiving
16 reproductive health care services by prohibiting persons, including law
17 enforcement officials, from using a geofence, or acquiring data gained from a
18 geofence, to identify or track those individuals or to send messages or
19 notifications to those individuals. It also prohibits a government entity from
20 seeking or obtaining a warrant that would target individuals who searched

1 electronically for reproductive health services. This act is supported by
2 Chapter I, Article 22 of the Vermont Constitution, which protects an
3 individual's right to personal reproductive autonomy.

4 Sec. 2. 18 V.S.A. chapter 42B is amended to read:

5 42B. HEALTH CARE PRIVACY

6 Subchapter 1. Disclosure of Protected Health Information

7 § 1881. DISCLOSURE OF PROTECTED HEALTH INFORMATION
8 PROHIBITED

9 * * *

10 Subchapter 2. Geofencing of Health Care Facilities

11 § 1891. PROHIBITION OF GEOFENCING;

12 (a) Definitions. As used in this subchapter:

13 (1) "Device" means a cell phone, a computer, a tablet, and any other
14 device that is capable of transmitting, receiving, or recording messages,
15 images, sounds, data, or other information by electronic means or that, in
16 appearance, purports to be a cell phone, computer, tablet, or other such device.

17 (2) "Geofence" means any technology that uses global positioning
18 coordinates, cell tower connectivity, cellular data, radio frequency
19 identification, wireless fidelity technology data, or any other form of location
20 detection, or any combination of such coordinates, connectivity, data,
21 identification, or other form of location detection, to establish a virtual

1 boundary. It shall also mean the process of identifying whether a device
2 enters, exits, or is present within a geographic area through the use of any
3 information stored, transmitted, or received by the device.

4 (3) “Health care facility” means a hospital, ambulatory surgical center,
5 health center, clinic, health care provider’s office, or other facility that
6 provides reproductive health care services and includes the building or
7 structure in which the facility is located.

8 (4) “Reproductive health care services” has the same meaning as in
9 1 V.S.A. § 150.

10 (b) Prohibitions. No person shall:

11 (1) use or establish a geofence, or similar virtual boundary, that is within
12 1,850 feet of any health care facility, other than a person’s own health care
13 facility, for the purpose of:

14 (A) identifying or tracking an individual seeking reproductive health
15 care services; or

16 (B) sending a notification, message, or advertisement to an
17 individual’s device that is related to an individual’s reproductive health care
18 services; or

19 (2) acquire data of an individual that it knows, or reasonably should
20 have known, was obtained through the use of a geofence as set forth in
21 subdivision (1)(A) of this subsection.

1 (c) Penalty. A person who violates this section shall be assessed a civil
2 penalty of not more than \$500.00 per violation.

3 Subchapter 3. Reverse Keyword Warrants

4 § 1893. PROHIBITION OF REVERSE KEYWORD WARRANTS

5 (a) Definitions. As used in this subchapter:

6 (1) “Reproductive health care services” has the same meaning as in
7 1 V.S.A. § 150.

8 (2) “Reverse keyword court order” means any court order, including a
9 search warrant, compelling the disclosure of records or information identifying
10 any unnamed individuals, by name or other unique identifier, who
11 electronically searched for particular words, phrases, character strings, or
12 websites related to reproductive health care services, or who visited a
13 particular website through a link generated by such a search, regardless of
14 whether or not the order is limited to a specific geographic area or time frame.

15 (b) Prohibition. No government entity shall seek or obtain:

16 (1) a reverse keyword court order;

17 (2) the assistance in obtaining a reverse keyword court order from any:

18 (A) nongovernmental entity;

19 (B) agency of the federal government; or

20 (C) agency of the government of any other state or subdivision
21 thereof.

1 Sec. 3. EFFECTIVE DATE

2 This act shall take effect on July 1, 2025.