



Rep. Mary Beth Canty

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10400HB5295ham001

LRB104 20300 BDA 36294 a

1 AMENDMENT TO HOUSE BILL 5295

2 AMENDMENT NO. _____. Amend House Bill 5295 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Reproductive Health Records Privacy Act.

6 Section 5. Definitions. As used in this Act:

7 "Abortion" has the meaning given to that term in Section
8 1-10 of the Reproductive Health Act.

9 "Abortion-related health care services" means all
10 supplies, care, and services of a medical, behavioral health,
11 mental health, surgical, psychiatric, therapeutic, diagnostic,
12 preventive, rehabilitative, or supportive nature relating to
13 an abortion.

14 "Electronic health network" means:

15 (1) an entity that facilitates the electronic exchange
16 of health information by providing software or services

1 that allow health care providers to maintain medical
2 information electronically and make that information
3 available to other authorized persons, providers, or
4 entities; or

5 (2) a health information technology developer of
6 certified health information technology that develops or
7 offers health information technology, as that term is
8 defined in 42 U.S.C. 300jj(5).

9 "Health care provider" has the meaning given to that term
10 in the Health Insurance Portability and Accountability Act
11 (HIPAA) of 1996, as specified in 45 CFR 160.103.

12 "Patient" means any person who has received or is
13 receiving medical care, treatment, or services from an
14 individual or institution licensed to provide medical care or
15 treatment in this State.

16 "Protected health information" means the following, unless
17 otherwise defined by rule adopted by the Department of Public
18 Health under this Act:

19 (1) abortion or abortion-related health care services;

20 (2) any medical diagnosis codes, Current Procedural
21 Terminology (CPT) codes, Healthcare Common Procedure
22 Coding System (HCPCS) codes, or National Drug Codes
23 associated with any of the following:

24 (A) complications following induced termination of
25 pregnancy;

26 (B) failed attempted termination of pregnancy;

1 (C) continuing pregnancy after selective reduction
2 of one fetus or more;

3 (D) encounter for elective termination of
4 pregnancy;

5 (E) induced abortion;

6 (F) multifetal pregnancy reductions;

7 (G) mifepristone; or

8 (H) medically induced abortion by oral ingestion
9 of medication, including all associated services and
10 supplies except drugs or medications; and

11 (3) any medical diagnosis codes associated with gender
12 dysphoria.

13 Section 10. Segregation of information.

14 (a) An electronic health network shall prevent the
15 disclosure of electronic medical information related to
16 protected health information to a provider, business entity,
17 electronic health network, or health information exchange
18 located outside this State unless the disclosure is:

19 (1) for technical support purposes;

20 (2) for quality assurance purposes;

21 (3) for billing or the adjudication of claims; or

22 (4) to a specific treating provider at the request of
23 and with the consent of:

24 (A) a patient, for services for which the patient
25 can provide consent under State law; or

1 (B) a parent or guardian of a patient, for
2 services that the parent or guardian can provide
3 consent under State law.

4 (b) To comply with subsection (a), an electronic health
5 network shall develop and enable the technological
6 capabilities to:

7 (1) filter and restrict from disclosure electronic
8 medical information related to protected health
9 information;

10 (2) parse restricted codes and convey all other
11 information in the health record that is not prohibited by
12 law; and

13 (3) allow a consumer to request and consent to the
14 exchange of protected health information to a specific
15 treating provider.

16 (c) An electronic health network shall not notify a
17 provider, business entity, electronic health network, or
18 health information exchange located outside this State that
19 electronic medical information related to protected health
20 information may have been segregated from a patient's
21 electronic medical record.

22 (d) The Department of Public Health may adopt rules as
23 necessary to administer and implement this Act.

24 (e) Any fees charged to health care providers to comply
25 with this Section shall be consistent with 45 CFR 171.302.

26 (f) This Section does not apply to a health care provider.

1 Section 15. Patient direction to share medical
2 information. A patient may direct electronic medical
3 information related to protected health information to be
4 shared in whole or in part with a specific treating provider
5 outside this State through an electronic health network. A
6 patient may also revoke a prior decision to direct electronic
7 medical information related to protected health information to
8 be shared or not to be shared. The patient shall be provided
9 meaningful information by the electronic health network
10 regarding the patient's right to direct the electronic health
11 network to share the patient's electronic medical information
12 related to protected health information. An electronic health
13 network participant shall not condition the provision of its
14 services upon a patient's decision regarding disclosure of the
15 patient's electronic medical information related to protected
16 health information.

17 Section 20. Violations. Any person aggrieved by a
18 violation of this Act by an electronic health network may
19 bring an action against that electronic health network. Actual
20 damages, injunctive relief, and reasonable attorney's fees and
21 costs, as well as any other relief which the court deems
22 proper, may be awarded to a successful plaintiff in any action
23 under this Act.

1 Section 97. Severability. The provisions of this Act are
2 severable under Section 1.31 of the Statute on Statutes.

3 Section 99. Effective date. This Act takes effect July 1,
4 2027.".