

114TH CONGRESS
2D SESSION

H. R. 5746

To amend the Public Health Service Act to prohibit wellness programs from sharing personally identifiable information related to individuals' use of or prescriptions for contraceptives.

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2016

Ms. DELBENE (for herself, Ms. SLAUGHTER, Ms. SCHAKOWSKY, Ms. SPEIER, Mrs. WATSON COLEMAN, Mrs. CAPPS, Ms. JUDY CHU of California, Ms. EDWARDS, Mr. LARSEN of Washington, Mrs. NAPOLITANO, Mr. KILMER, Mr. CICILLINE, Ms. BONAMICI, Mr. DESAULNIER, Mr. GALLEGRO, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. CONYERS, Mr. MURPHY of Florida, Mr. BEYER, Mr. SWALWELL of California, Mr. VAN HOLLEN, Ms. MOORE, Mr. KEATING, Miss RICE of New York, Mr. HASTINGS, Ms. WASSERMAN SCHULTZ, Mr. CÁRDENAS, Mr. TAKANO, Mr. HONDA, Mr. HECK of Washington, Mr. GUTIÉRREZ, Mr. DANNY K. DAVIS of Illinois, Ms. KELLY of Illinois, Mr. GRIJALVA, Ms. LORETTA SANCHEZ of California, Ms. NORTON, Ms. CLARK of Massachusetts, Mr. HIGGINS, Mr. FARR, Mr. SEAN PATRICK MALONEY of New York, Mr. CUMMINGS, Mr. WELCH, Mr. LEWIS, Mr. MEEKS, Ms. LINDA T. SÁNCHEZ of California, Mr. RYAN of Ohio, and Mr. ENGEL) 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 from sharing personally identifiable information related to individuals' use of or prescriptions for contraceptives.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Birth Control Privacy
3 Act”.

4 **SEC. 2. PROHIBITING WELLNESS PROGRAMS FROM SHAR-**
5 **ING PERSONALLY IDENTIFIABLE INFORMA-**
6 **TION RELATED TO INDIVIDUALS’ USE OF OR**
7 **PRESCRIPTIONS FOR CONTRACEPTIVES.**

8 (a) **IN GENERAL.**—Section 2705(j)(1) of the Public
9 Health Service Act (42 U.S.C.300gg–4(j)(1)) is amended
10 by adding at the end the following new subparagraph:

11 “(D) **PRIVACY OF INDIVIDUALS’ USE OF**
12 **OR PRESCRIPTIONS FOR CONTRACEPTIVES.**—
13 Such wellness program shall violate this sub-
14 section if the plan or issuer involved shares per-
15 sonally identifiable information of an individual
16 with an employer, either directly or indirectly,
17 related to the individual’s use of or prescrip-
18 tions for contraceptives.”.

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

○