



# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 956

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H.P. 603

House of Representatives, March 2, 2023

### **An Act Concerning Sexual Orientation and Gender Identity Data Collection in Health Care Facilities**

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Reference to the Committee on Health and Human Services suggested and ordered printed.

  
ROBERT B. HUNT  
Clerk

Presented by Representative RANA of Bangor.  
Cosponsored by Senator BALDACCI of Penobscot and  
Representatives: MADIGAN of Waterville, MOONEN of Portland, SHEEHAN of Biddeford,  
SKOLD of Portland, Senator: TIPPING of Penobscot.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §265** is enacted to read:

3 **§265. Electronic health record; sexual orientation and gender identity data**

4 A health care facility shall ensure that data related to sexual orientation and gender  
5 identity is collected from an individual as part of the health care information collected upon  
6 intake at a health care facility or during a visit to a health care facility. This data is part of  
7 the individual's electronic health record. For the purposes of this section, "health care  
8 facility" has the same meaning as in section 1711-C, subsection 1, paragraph D, "health  
9 care information" has the same meaning as in section 1711-C, subsection 1, paragraph E  
10 and "individual" has the same meaning as in section 1711-C, subsection 1, paragraph G.  
11 Data collected pursuant to this section is health care information that is subject to the  
12 confidentiality requirements of section 1711-C. The sexual orientation and gender identity  
13 data required to be collected pursuant to this section is the same as the sexual and gender  
14 identity data elements added by the federal Department of Health and Human Services,  
15 Health Resources and Services Administration to the uniform data system administered by  
16 the Health Resources and Services Administration in 2016 or included in any subsequent  
17 standards.

18 **SUMMARY**

19 This bill requires health care facilities to collect data related to sexual orientation and  
20 gender identity from an individual as part of the individual's health care information. The  
21 federal uniform data system has included sexual orientation and gender identity data since  
22 2016. This data is part of an individual's health care information that is confidential under  
23 the Maine Revised Statutes, Title 22, section 1711-C.