

To: Senator Carney, Representative Moonen, and Honorable members of the Judiciary Committee
From: Anna Sirois
Re: Testimony in Support of LD 1902, “An Act to Protect Personal Health Data”

My name is Anna Sirois and I live in Portland, Maine, and go to school at University of Maine School of Law in Portland, Maine. I am writing as a law student at the University of Maine School of Law, as well as concerned citizen and future attorney of the state of Maine, to urge you to vote “Ought to Pass” on LD 1902.

As a first-generation law student, I have relied heavily on student loans to be able to afford and pursue a legal career and have provided for myself. I know that should I be forced to carry out a pregnancy would also force me to rely on alternative forms of income and likely also force me to enroll part-time or dropping out. Being forced to carry out a pregnancy would mean that I would need to put my career on hold until I had the income to sustain myself, a dependent, and a new career. While this right the right to carry on or terminate a pregnancy is still upheld in Maine, as a future attorney of Maine, I want to ensure that my own, my cis-woman and uterus-owning peers, and my future clients’, can seek reproductive healthcare and gender affirming care without fear that their personal data will be used against them to seek healthcare.

In the aftermath of regressive policies passes by neighboring states and a major reversal of the *Roe* decision by the U.S. Supreme Court, this bill is an urgent and critical step to protect the privacy of personal health care decisions. Without federal policy protections and the safety net of *Roe*, states need to act to create protections. The LD 1902 will protect health data not protected by HIPAA, including app data, WebMD searches, and data collected by Apple watches. Currently, websites, apps, and health tracking devices lack basic data privacy protections, much less the protections we expect for sensitive personal health data. Most consumers are completely unaware of it and have no way to consent to the collection and sharing of their private information.

The LD 1902 also provides people with necessary rights to access and delete their reproductive health information. Companies must also disclose what information they process and why, providing transparency and ensuring that companies are held to public promises they make about data protection. The restrictions through LD 1902 will apply to companies that collect personal information related to a person’s reproductive or sexual health and gender-affirming care. That includes information such as data related to pregnancy, menstruation, surgery, termination or pregnancy, contraception, basal body temperature or diagnoses. The bill would protect people who, for example, use fertility or period-tracking apps or are seeking information about reproductive health services.

Privacy fears should never stand in the way of healthcare. This common-sense bill will require business and non-governmental organizations to act responsibly with personal information concerning reproductive health care. Specifically, it restricts them from collecting, using, retaining, or disclosing health information that is not essential to providing the service someone ask them for.

There are so many women and girls who rely on menstrual tracking apps, WebMD searches, among other apps and websites, to track their menstrual cycles and symptoms. It is as much a right to use these apps for personal health-related uses as much as it is a right to not have data from these apps or website be used against cis-women or uterus-owning persons who are seeking reproductive healthcare, in addition to being used against persons for any healthcare reasons. Women who are forced to carry out a pregnancy are also forced to work longer hours to make an income, to rely on additional household income, or to pause personal life goals and dreams for a reason they did not choose for themselves. To feel free using apps and websites to seek the reproductive, menstrual, and other health-related information women need and to track symptoms is something that should exist no matter what happens in the state of Maine. This bill is a big step ensuring additional state protection for women and persons seeking reproductive healthcare, gender affirming care, and all healthcare.

For these reasons, I respectfully urge this Committee to vote “Ought to Pass” on 1902. Thank you for your time and consideration.

Respectfully submitted,

Anna Sirois

Anna Sirois
University of Maine School of Law
LD 1902

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