

Mark Sayre
Portland
LD 1902

May 22, 2023

To: Senator Carney, Representative Moonen, and Honorable members of the
Judiciary Committee

From: Mark A. Sayre

Re: Testimony in Support of LD 1902, "An Act to Protect Personal Health Data"

My name is Mark Sayre and I live in Portland.

I am writing as a student of the University of Maine School of Law and activist to
urge you to vote "Ought to Pass" on LD 1902.

Every day, Maine residents become increasingly concerned about the pervasive nature
of new technologies and increasing invasions on individual privacy. These concerns
now drive individual decisions such as choosing what information to share online,
what settings to use on phones and other smart devices, and, increasingly, whether to
seek medical treatment and how. Never have these concerns felt more justified since
the Supreme Court's decision to overturn *Roe v. Wade* and the resultant attacks on
reproductive health that have spread throughout the country, and the politicization of
personal and private decisions related to gender-affirming care for transgender youth
and adults. There are countless corners of our society that feverishly desire to insert
themselves into one of the most sensitive and sacrosanct private relationships that
exists - that between an individual and their doctor or medical provider.

It is for this reason that LD 1902 is sorely needed in Maine. LD 1902 improves upon
the foundational privacy requirements in HIPAA by explicitly addressing new
technologies and data gathering methods that HIPAA is simply too outdated to cover.

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.

LD 1902 also restricts geo-fencing around health-care facilities. Geofencing has been
used to track individuals entering and exiting healthcare facilities. One story revealed
that it costs just over \$160 to get a week's worth of data on where people who visited
Planned Parenthood came from, and where they went afterwards.

Finally, the bill lets people take on companies that violate their privacy with a strong
private right of action. Empowering people to bring their own lawsuits not only places
more control in the individual's hands, but also ensures that companies will not take
these regulations lightly. This year, Washington state passed a similar law with a
private right of action.

LD 1902 is not perfect - no law is. But it is a critical and necessary step that we can
take here in Maine to ensure that no person has to choose between seeking medical
care and treatment or maintaining their own privacy and safety.

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

Respectfully submitted,
Mark Sayre