



Office of  
**Representative Hannah E. Kane**  
Commonwealth of Massachusetts

**FOR IMMEDIATE RELEASE**  
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## **Representative Kane supports data shield bill to protect patient privacy when accessing reproductive health care services**

**BOSTON** – State Representative Hannah Kane (R-Shrewsbury) recently supported legislation to protect the privacy of patients accessing reproductive and other health care services by prohibiting cell phone carriers and data providers from sharing or selling the individual’s location information.

The data shield bill, which was released by the House Ways and Means Committee as House Bill 4844, was given initial approval by the House of Representatives on July 10 by a vote of 159-0. The bill is a redraft of House Bill 357, *An Act protecting reproductive health access, LGBTQ lives, religious liberty, and freedom of movement by banning the sale of cell phone location information*, which Representative Kane cosponsored. The bill now heads to the Senate for its consideration.

Representative Kane noted that privacy is a fundamental right guaranteed by Article 12 of the United Nations’ Universal Declaration of Human Rights. Because of the ease with which companies can collect personal data on customers, she maintained it is critical that consumers have control over how that information is used and to be able to prevent companies from sharing it without their full and informed prior consent.

Representative Kane noted that the data shield bill offers strong privacy protections for consumers, including those who utilize the state’s crisis pregnancy centers that provide abortion counseling. It explicitly prohibits companies, organizations and individuals from sharing personal location data with third parties, unless the individual specifically authorizes the release of the data through informed consent or it is required by federal law.

According to Representative Kane, the bill defines consent as “a clear affirmative act that signifies an individual’s freely given, specific, informed and unambiguous opt-in agreement.” The bill mandates that consumers must first be provided with “a clear and conspicuous disclosure of any information material to the consent, apart from any privacy policy, terms of service, terms of use, general release, user agreement or other similar document” before consenting to the sharing of their data. House Bill 4844 also stipulates that the consumer’s consent will not be considered valid if it is “obtained through the use of a user interface designed or manipulated with the substantial effect of subverting or impairing user autonomy, decision making or choice.”

Representative Kane said House Bill 4844 defines location information as information that can be easily linked to an individual, obtained from a device or from interactions between multiple devices with or without the user’s knowledge, and which can show the past or present geographical location of an individual or device “with sufficient precision to identify street-level location information within a range of 1,850 feet or less.”

The data shield bill prohibits the disclosure of an individual’s location information, whether that information is transmitted “orally, in writing, electronically or by any other means.” Violations will be treated as an unfair or deceptive act under Chapter 93A of the Massachusetts General Laws, which governs the regulation of business practices for consumer protection.

House Bill 4844 directs the Attorney General to promulgate regulations to implement the provisions of the data shield legislation within 120 days of its passage. It also authorizes the Attorney General to pursue court action against offenders pursuant to Chapter 93A.

Representative Kane said House Bill 4844 will provide important privacy protections for consumers and expressed their strong support for further extending these protections through future legislation.

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