

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

Beginning October 1, 2026, a health care facility, other than a pharmacy licensed pursuant to Title 32, chapter 117, shall ensure that data related to sexual orientation and gender identity is collected from an individual as part of the health care information collected upon intake at a health care facility and at any other time demographic information is collected, unless the individual declines to answer questions regarding the individual's sexual orientation or gender identity. This data is part of the individual's electronic health record. For the purposes of this section, "health care facility" has the same meaning as in section 1711-C, subsection 1, paragraph D, "health care information" has the same meaning as in section 1711-C, subsection 1, paragraph E and "individual" has the same meaning as in section 1711-C, subsection 1, paragraph G. Data collected pursuant to this section is health care information that is subject to the confidentiality requirements of section 1711-C. The sexual orientation and gender identity data required to be collected pursuant to this section is the same as the sexual and gender identity data elements added by the federal Department of Health and Human Services, Health Resources and Services Administration to the uniform data system administered by the Health Resources and Services Administration in 2016 or included in any subsequent standards. [PL 2023, c. 129, §1 (NEW).]

**SECTION HISTORY**

PL 2023, c. 129, §1 (NEW).

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