

July 3, 2023

Senator John J. Cronin, Chair
Joint Committee on Consumer Protection
and Professional Licensure
State House, Room 203
Boston, MA 02133

Representative Tackey Chan, Chair
Joint Committee on Consumer Protection
and Professional Licensure
State House, Room 42
Boston, MA 02133

RE: Provider support for H.357/S.148, *An Act protecting reproductive health care access, LGBTQ lives, religious liberty, and freedom of movement by banning the sale of cell phone location information*

Dear Chairs Cronin and Chan, and members of the Committee:

We represent health care providers who offer reproductive health care services in Massachusetts and are writing to you today in support of H.357 and S.148, known as the Location Shield Act, filed by Representative Kate Lipper-Garabedian and Senator Cynthia Creem.

We first want to thank the Legislature for its steadfast commitment to protecting reproductive health care. As providers, many of whom saw the urgent need to enshrine the right to abortion in our statute and advocated for the passage of the ROE Act, we are grateful for your swift action in response to *Dobbs v. Jackson*. Your historic legislative action and financial investments in reproductive equity during the last legislative session will ensure that our patients can access the abortion care they want or need, and our clinics and funds have the necessary support to continue providing compassionate care in a post-Roe world. The best-in-the-nation protections secured in *An Act expanding protections for reproductive and gender-affirming care* ensure that we can continue to provide care that remains legal in Massachusetts without fear of extradition or legal repercussions, and the bill's expansion of the Address Confidentiality Program offered us an opportunity to protect our home addresses. But without protections that go further to secure our digital privacy, we are concerned about our continued ability to provide care—and our patients' ability to access it—safely.

The widespread availability of granular cell phone location information enables anyone with a credit card to purchase and track the location data of people seeking or providing reproductive health care in our state. As long as the cell phone location market remains entirely unregulated in Massachusetts—which means that despite the protections the Legislature has enacted, a bounty hunter in Texas can buy our location data and use it to track our every movement—we as providers continue to face risk of personal harm. Now that almost half of U.S. states are hostile to or have criminalized the provision of abortion care in the wake of *Dobbs v. Jackson Women's Health Organization*, the ability for companies and other third parties to sell our location data to the highest bidder is a practice that directly threatens our rights and safety as abortion providers. This open market emboldens anti-abortion activists to track our movements and those of our staff, putting us in danger.

It's also a threat to all of our patients. App companies selling our location data to the highest bidder not only enable hostile actors—and bounty hunters—to harass us, other providers, and our patients who come to Massachusetts to seek abortion care that is legally protected in our state, it also makes *all* of our patients vulnerable to harassment and physical violence. In the current climate, where anti-abortion sentiments are becoming increasingly radicalized, the availability of location information on the open market—available to anyone with a credit card—enables people with malicious intent to target, harass, or even physically harm individuals they suspect may be obtaining abortion care. We shudder to think what John Salvi, the anti-abortion extremist who murdered two people at Planned Parenthood in Brookline

nearly 30 years ago, would have done with the power to precisely identify and track all the people who worked at and visited the clinic.

We are further concerned about the potential for this looming threat of surveillance to deter any of our prospective patients from seeking needed care. The knowledge that they could be tracked may discourage people from seeking essential health care services beyond abortion care—including sexually transmitted infection testing or prenatal care. This will only further exacerbate existing inequities in our health care system and perpetuate stigma related to sexual and reproductive health care.

To protect our privacy from this surveillance and the privacy of our patients—so that they can benefit from the protections to reproductive freedom our Commonwealth guarantees—the legislature must act to create a location privacy shield around our state.

Massachusetts has been and continues to be a bold leader on reproductive health, access, and justice, and the Legislature has taken bold action to make our Commonwealth a beacon for abortion access in the wake of national crisis. We can be the first state to pass this kind of bold and innovative legislation to protect our providers and patients. We, as providers, are deeply grateful for your commitment to reproductive freedom, as it allows us to continue to deliver exemplary, essential, and life-saving abortion care. We urge you to take further action to secure our own safety and security, and that of our patients, by protecting our digital location privacy.

We encourage you to give a favorable report to H.357 and S.148, *An Act protecting reproductive health care access, LGBTQ lives, religious liberty, and freedom of movement by banning the sale of cell phone location information*. Thank you for your consideration.

Sincerely,

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