

AMENDED IN ASSEMBLY MARCH 28, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 82

Introduced by Assembly Member Ward

**(Coauthors: Assembly Members Garcia, Mark González, Jackson,
and Krell)**

(Coauthors: Senators Gonzalez, Laird, and Wiener)

December 20, 2024

An act to amend ~~Section 1798.46 of the Civil Code, relating to privacy~~. Sections 6215.1, 6215.2, 6218, 6218.01, and 6218.05 of the Government Code, to amend Section 11165 of the Health and Safety Code, and to amend Sections 629.51, 1269b, and 13778.2 of the Penal Code, relating to health care.

LEGISLATIVE COUNSEL'S DIGEST

AB 82, as amended, Ward. ~~Information Practices Act of 1977: civil actions.~~ Health care: legally protected health care activity.

(1) Existing law, the Confidentiality of Medical Information Act (CMIA), generally prohibits a provider of health care, a health care service plan, or a contractor from disclosing medical information regarding a patient, enrollee, or subscriber without first obtaining an authorization, unless a specified exception applies. The CMIA prohibits a provider of health care, health care service plan, pharmaceutical company, contractor, or employer from knowingly disclosing, transmitting, transferring, sharing, or granting access to medical information in an electronic health records system or through a health information exchange that would identify an individual and that is related to an individual seeking, obtaining, providing, supporting, or aiding in the performance of an abortion that is lawful under the laws

of this state to any individual or entity from another state, unless the disclosure, transmittal, transfer, sharing, or granting of access is authorized in accordance with specified existing provisions of law. Existing law makes a violation of the CMIA that results in economic loss or personal injury to a patient punishable as a misdemeanor.

This bill would state the intent of the Legislature to expand existing confidentiality protections for the exchange of health information to include gender-affirming health care.

(2) Existing law authorizes reproductive health care service providers, employees, volunteers, and patients, and individuals who face threats of violence or violence or harassment from the public because of their affiliation with a reproductive health care services facility, to complete an application to be approved by the Secretary of State for the purposes of enabling state and local agencies to respond to requests for public records without disclosing a program participant's residence address contained in any public record and otherwise provide for confidentiality of identity for that person, subject to specified conditions. Under existing law, any person who makes a false statement in an application is guilty of a misdemeanor.

This bill would expand the address confidentiality program to a gender-affirming health care provider, employee, or volunteer, as defined, who faces threats of violence or harassment from the public because of their affiliation with a gender-affirming health care services facility. By imposing new duties on local agencies and expanding the scope of a crime, this bill would create a state-mandated local program.

(3) Existing law prohibits a person, business, or association from knowingly publicly posting or publicly displaying, disclosing, or distributing on internet websites or on social media, the personal information or image of any reproductive health care services patient, provider, or assistant, or other individuals residing at the same home address, with the intent to incite a 3rd person to cause imminent great bodily harm to the person identified in the posting or display, or to a coresident of that person, as specified, or to threaten the person identified in the posting or display, or a coresident of that person, as specified. Existing law additionally prohibits a person, business, or association from soliciting, selling, or trading on the internet or social media the personal information or image of a reproductive health care services patient, provider, or assistant with the intent described above. Existing law establishes a cause of action for injunctive or declarative relief for a violation of these prohibitions.

Existing law prohibits a person from posting on the internet or social media, with the intent that another person imminently use that information to commit a crime involving violence or a threat of violence against a reproductive health care services patient, provider, or assistant, or other individuals residing at the same home address, the personal information or image of a reproductive health care services patient, provider, or assistant, or other individuals residing at the same home address. Existing law makes a violation of this prohibition punishable by a fine of up to \$10,000 per violation, imprisonment, as specified, or by both that fine and imprisonment.

This bill would additionally prohibit a person, business, or association from soliciting, selling, or trading on the internet or social media the personal information or image of a gender-affirming health care services patient, provider, or assistant with the intent described above. The bill would also prohibit a person from posting on the internet or social media, as described above, the personal information or image of a gender-affirming health care services patient, provider, or assistant, or other individuals residing at the same home address. The bill would define various terms for these purposes. By expanding the scope of a crime, this bill would create a state-mandated local program.

(4) Existing law, the California Uniform Controlled Substances Act (the act), classifies controlled substances into 5 designated schedules, with the most restrictive limitations generally placed on controlled substances classified in Schedule I, and the least restrictive limitations generally placed on controlled substances classified in Schedule V. The act requires the Department of Justice to maintain the Controlled Substances Utilization Review and Evaluation System (CURES) for the electronic monitoring of the prescribing and dispensing of certain controlled substances by a health care practitioner authorized to prescribe, order, administer, furnish, or dispense those controlled substances. Existing law limits the entities to which data may be provided from CURES, as well as the type of data that may be released and the uses to which it may be put. Existing law makes a violation of the act a crime. Existing law defines the term “legally protected health care activity” to include the exercise of, or an act undertaken to aid a person to exercise, the provision of reproductive health care services, gender-affirming health care services, or gender-affirming mental health care services.

This bill would prohibit a prescription for or the dispensing of testosterone or mifepristone from being reported to the department,

CURES, or a contractor, as specified. The bill would authorize the department, in consultation with the California Health and Human Services Agency, health care providers, and clinicians, to add medications for legally protected health care activity to the list of medications prohibited from being reported. By creating a new crime, the bill would establish a state-mandated local program.

(5) Existing law authorizes a court to issue various orders relating to criminal investigations, including the interception of wire or electronic communications, the installation and use of a pen register or trap and trace device, or a search warrant upon specified grounds. Existing law prohibits the issuance of any orders or warrants for the purpose of investigating or recovering evidence of a prohibited violation. Existing law defines “prohibited violation” for this purpose as a violation of a law that creates liability for, or arising out of, either providing, facilitating, or obtaining an abortion or intending or attempting to provide, facilitate, or obtain an abortion that is lawful under the laws of this state.

This bill would instead define a prohibited violation as a violation of a law that creates liability for, or arising out of, either providing, facilitating, or obtaining a legally protected health care activity or intending or attempting to provide, facilitate, or obtain a legally protected health care activity, as defined.

(6) Existing law requires superior court judges in each county to prepare, adopt, and annually revise a uniform countywide schedule of bail for all bailable offenses, as specified. Existing law requires a uniform countywide schedule of bail to set \$0 bail for an individual who has been arrested in connection with a proceeding in another state regarding an individual performing, supporting, or aiding in the performance of an abortion in this state, or an individual obtaining an abortion in this state, if the abortion is lawful under California law.

This bill would instead require a uniform countywide schedule of bail to set \$0 bail for an individual who has been arrested in connection with a proceeding in another state regarding an individual performing, supporting, or aiding in the performance of a legally protected health care activity in this state, or an individual obtaining a legally protected health care activity in this state, as specified.

(7) Existing law prohibits a state or local law enforcement agency or officer from knowingly arresting or knowingly participating in the arrest of any person for performing, supporting, or aiding in the performance of an abortion or for obtaining an abortion, if the abortion

is lawful in this state. Existing law prohibits a state or local public agency from cooperating with or providing information to an individual or agency from another state or a federal law enforcement agency, as specified, regarding a lawful abortion. Existing law prohibits specified persons, including a judicial officer, a court employee, or an authorized attorney, among others, from issuing a subpoena in connection with a proceeding in another state regarding an individual performing, supporting, or aiding in the performance of an abortion in this state, or an individual obtaining an abortion in this state, if the abortion is lawful in this state. Existing law does not prohibit the investigation of criminal activity that may involve an abortion, provided that no information relating to any medical procedure performed on a specific individual is shared with an agency or individual from another state for the purpose of enforcing another state's abortion law.

This bill would instead expand those above-described provisions to apply to legally protected health care activity, as defined.

(8) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~Existing law, the Information Practices Act of 1977, authorizes an individual to bring an action against an agency, as defined, under specified conditions, including whenever an agency refuses to comply with an individual's lawful request to inspect certain records. The act authorizes a court to enjoin the agency from withholding the records and to order production to the complainant, as specified, and requires the court to assess against the agency reasonable attorney's fees and other litigation costs, as provided.~~

~~This bill would make a nonsubstantive change to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.

State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. It is the intent of the Legislature to expand existing*
2 *confidentiality protections for the exchange of health information*
3 *to include gender-affirming health care.*

4 *SEC. 2. Section 6215.1 of the Government Code is amended*
5 *to read:*

6 6215.1. Unless the context clearly requires otherwise, the
7 definitions in this section apply throughout this chapter.

8 (a) “Address” means a residential street address, school address,
9 or work address of an individual, as specified on the individual’s
10 application to be a program participant under this chapter.

11 (b) “Domicile” means a place of habitation as defined in Section
12 349 of the Elections Code.

13 (c) “Gender-affirming health care” and “gender-affirming
14 mental health care” shall have the same meaning as provided in
15 Section 16010.2 of the Welfare and Institutions Code.

16 (d) “Gender-affirming health care and gender-affirming mental
17 health care provider, employee, volunteer, or patient” means a
18 person who obtains, provides, or assists, at the request of another
19 person, in obtaining or providing gender-affirming health care
20 services, or a person who owns or operates a gender-affirming
21 health care services facility.

22 (e) “Gender-affirming health care services facility” includes a
23 hospital, an office operated by a licensed physician and surgeon,
24 a licensed clinic, or other licensed health care facility that provides
25 gender-affirming health care services and includes only the
26 building or structure in which the gender-affirming health care
27 services are actually provided.

28 ~~(e)~~

29 (f) “Reproductive health care services” means health care
30 services relating to the termination of a pregnancy in a reproductive
31 health care services facility.

32 ~~(f)~~

33 (g) “Reproductive health care services provider, employee,
34 volunteer, or patient” means a person who obtains, provides, or

1 assists, at the request of another person, in obtaining or providing
2 reproductive health care services, or a person who owns or operates
3 a reproductive health care services facility.

4 (e)

5 (h) “Reproductive health care services facility” includes a
6 hospital, an office operated by a licensed physician and surgeon,
7 a licensed clinic, or other licensed health care facility that provides
8 reproductive health care services and includes only the building
9 or structure in which the reproductive health care services are
10 actually provided.

11 *SEC. 3. Section 6215.2 of the Government Code is amended*
12 *to read:*

13 6215.2. (a) An adult person, a parent or guardian acting on
14 behalf of a minor, or a guardian acting on behalf of an incapacitated
15 person, who is domiciled in California, may apply to the Secretary
16 of State to have an address designated by the Secretary of State to
17 serve as the person’s address or the address of the minor or
18 incapacitated person. An application shall be completed in person
19 at a community-based assistance program designated by the
20 Secretary of State. The application process shall include a
21 requirement that the applicant shall meet with a counselor and
22 receive orientation information about the program. The Secretary
23 of State shall approve an application if it is filed in the manner and
24 on the form prescribed by the Secretary of State and if it contains
25 all of the following:

26 (1) If the applicant alleges that the basis for the application is
27 that the applicant, or the minor or incapacitated person on whose
28 behalf the application is made, is a reproductive health care service
29 provider, employee, or ~~volunteer~~ *volunteer, or a gender-affirming*
30 *health care provider, employee, or volunteer*, who is fearful for
31 their safety or the safety of their family because of their affiliation
32 with a reproductive health care services ~~facility~~, *facility or*
33 *gender-affirming health care services facility*, the application shall
34 be accompanied by all of the following:

35 (A) Documentation showing that the individual is to commence
36 employment or is currently employed as a provider or employee
37 at a reproductive health care services facility *or gender-affirming*
38 *health care services facility*, or is volunteering at a reproductive
39 health care services ~~facility~~, *facility or gender-affirming health*
40 *care services facility*.

1 (B) One of the following:

2 (i) A certified statement signed by a person authorized by the
3 reproductive health care services facility *or gender-affirming health*
4 *care services facility* stating that the facility or any of its providers,
5 employees, volunteers, or patients is or was the target of threats,
6 harassment, or acts of violence or harassment within one year of
7 the date of the application. A person who willfully certifies as true
8 any material matter pursuant to this section that the person knows
9 to be false is guilty of a misdemeanor.

10 (ii) A certified statement signed by the employee or patient of,
11 or volunteer for, the reproductive health care services facility *or*
12 *gender-affirming health care services facility* stating that they have
13 been the target of threats, harassment, or acts of violence within
14 one year of the date of the application because of their association
15 with the reproductive health care services ~~facility.~~ *facility or*
16 *gender-affirming health care services facility*. A person who
17 willfully certifies as true any material matter pursuant to this
18 section ~~which~~ *that* the person knows to be false is guilty of a
19 misdemeanor.

20 (iii) A workplace violence restraining order described in Section
21 527.8 of the Code of Civil Procedure, issued after a noticed hearing,
22 or a civil restraining order described in Section 527.6 of the Code
23 of Civil Procedure, issued after a noticed hearing, protecting the
24 applicant or the minor or incapacitated person on whose behalf
25 the application is made. The order must be based upon threats or
26 acts of violence to the applicant or the minor or incapacitated
27 person on whose behalf the application is made and connected
28 with the reproductive health care services ~~facility.~~ *facility or*
29 *gender-affirming health care services facility*.

30 (C) A sworn statement that the applicant fears for their safety
31 or the safety of their family, or the safety of the minor or
32 incapacitated person on whose behalf the application is made due
33 to their affiliation with the reproductive health care services facility
34 *or gender-affirming health care services facility* authorized to
35 provide the declaration described in subparagraph (B).

36 (2) If the applicant alleges that the basis for the application is
37 that the applicant is a reproductive health care services facility *or*
38 *gender-affirming health care services facility* volunteer, the
39 application shall, in addition to the documents specified in
40 paragraph (1), be accompanied by reproductive health care services

1 facility or gender-affirming health care services facility
2 documentation showing the length of time the volunteer has
3 committed to working at the facility.

4 (3) If the applicant alleges that the basis of the application is
5 that the applicant, or the minor or incapacitated person on whose
6 behalf the application is made, is a person who is or has been the
7 target of threats or acts of violence because the applicant is
8 obtaining or seeking to obtain services at a reproductive health
9 care services facility or gender-affirming health care services
10 facility within one year of the date of the application, the
11 application shall be accompanied by the following:

12 (A) A sworn statement that the applicant has good reason to
13 fear for their safety or the safety of their family.

14 (B) Any police, court, or other ~~government~~ governmental agency
15 records or files that show any complaints of the alleged threats or
16 acts of violence.

17 (4) A designation of the Secretary of State as agent for purposes
18 of service of process and for the purpose of receipt of mail.

19 (A) Service on the Secretary of State of any summons, writ,
20 notice, demand, or process shall be made by delivering to the
21 address confidentiality program personnel of the office of the
22 Secretary of State two copies of the summons, writ, notice, demand,
23 or process.

24 (B) If a summons, writ, notice, demand, or process is served on
25 the Secretary of State, the Secretary of State shall immediately
26 cause a copy to be forwarded to the program participant at the
27 address shown on the records of the address confidentiality
28 program so that the summons, writ, notice, demand, or process is
29 received by the program participant within three days of the
30 Secretary of State's having received it.

31 (C) The Secretary of State shall keep a record of all summonses,
32 writs, notices, demands, and processes served upon the Secretary
33 of State under this section and shall record the time of that service
34 and the Secretary of State's action.

35 (D) The office of the Secretary of State and any agent or person
36 employed by the Secretary of State shall be held harmless from
37 any liability in any action brought by any person injured or harmed
38 as a result of the handling of first-class mail on behalf of program
39 participants.

1 (5) The mailing address where the applicant can be contacted
2 by the Secretary of State, and the telephone number or numbers
3 where the applicant can be called by the Secretary of State.

4 (6) The address or addresses that the applicant requests not be
5 disclosed for the reason that disclosure will increase the risk of
6 threats or acts of violence or harassment toward the applicant.

7 (7) The signature of the applicant and of any individual or
8 representative of any office designated in writing who assisted in
9 the preparation of the application, and the date on which the
10 applicant signed the application.

11 (b) An application may be submitted on the basis that a person
12 is employed by or performs work pursuant to a contract with a
13 public entity and faces threats of violence or violence or harassment
14 from the public because of their work for the public entity. An
15 adult person, a parent or guardian acting on behalf of a minor, or
16 a guardian acting on behalf of an incapacitated person, who is
17 domiciled in California, may apply to the Secretary of State to
18 have an address designated by the Secretary of State to serve as
19 the person's address or the address of the minor or incapacitated
20 person. An application shall be completed in person at a
21 community-based assistance program designated by the Secretary
22 of State. The application process shall include a requirement that
23 the applicant shall meet with a counselor and receive orientation
24 information about the program. The Secretary of State shall
25 approve an application if it is filed in the manner and on the form
26 prescribed by the Secretary of State and if it contains all of the
27 following:

28 (1) If the applicant alleges that the basis for the application is
29 that the applicant, or the minor or incapacitated person on whose
30 behalf the application is made is employed by a public entity or
31 performs work pursuant to a contract with a public entity and faces
32 threats of violence or violence or harassment from the public
33 because of their work for the public entity and is fearful for their
34 safety or the safety of their family because of their work for the
35 public entity, the application shall be accompanied by all of the
36 following:

37 (A) Documentation showing that the individual is to commence
38 employment or is currently employed by a public entity or performs
39 work pursuant to a contract with a public entity in an occupation
40 where workers have faced threats of violence or violence or

1 harassment from the public because of their work for the public
2 entity.

3 (B) One of the following:

4 (i) A certified statement signed by a person affiliated with the
5 applicant's place of work or employment who has personal
6 knowledge of the circumstances at the place of work or
7 employment, stating that workers or employees have been the
8 target of threats or acts of violence or harassment within one year
9 of the date of the application. A person who willfully certifies as
10 true any material matter pursuant to this section ~~which~~ *that* the
11 person knows to be false is guilty of a misdemeanor.

12 (ii) A certified statement signed by the worker or employee,
13 stating that they have been the target of threats or acts of violence
14 or harassment within one year of the date of the application because
15 of their work for a public entity. A person who willfully certifies
16 as true any material matter pursuant to this section ~~which~~ *that* the
17 person knows to be false is guilty of a misdemeanor.

18 (iii) A workplace violence restraining order described in Section
19 527.8 of the Code of Civil Procedure, issued after a noticed hearing,
20 or a civil restraining order described in Section 527.6 of the Code
21 of Civil Procedure, issued after a noticed hearing, protecting the
22 applicant or the minor or incapacitated person on whose behalf
23 the application is made. The order must be based upon threats or
24 acts of violence connected with the applicant's work for a public
25 entity or the minor or incapacitated person on whose behalf the
26 application is made.

27 (C) A sworn statement that the applicant fears for their safety
28 or the safety of their family, or the safety of the minor or
29 incapacitated person on whose behalf the application is made, due
30 to their work for a public entity.

31 (2) A designation of the Secretary of State as agent for purposes
32 of service of process and for the purpose of receipt of mail.

33 (A) Service on the Secretary of State of any summons, writ,
34 notice, demand, or process shall be made by delivering to the
35 address confidentiality program personnel of the office of the
36 Secretary of State two copies of the summons, writ, notice, demand,
37 or process.

38 (B) If a summons, writ, notice, demand, or process is served on
39 the Secretary of State, the Secretary of State shall immediately
40 cause a copy to be forwarded to the program participant at the

1 address shown on the records of the address confidentiality
2 program so that the summons, writ, notice, demand, or process is
3 received by the program participant within three days of the
4 Secretary of State's having received it.

5 (C) The Secretary of State shall keep a record of all summonses,
6 writs, notices, demands, and processes served upon the Secretary
7 of State under this section and shall record the time of that service
8 and the Secretary of State's action.

9 (D) The office of the Secretary of State and any agent or person
10 employed by the Secretary of State shall be held harmless from
11 any liability in any action brought by any person injured or harmed
12 as a result of the handling of first-class mail on behalf of program
13 participants.

14 (3) The mailing address where the applicant can be contacted
15 by the Secretary of State, and the telephone number or numbers
16 where the applicant can be called by the Secretary of State.

17 (4) The address or addresses that the applicant requests not be
18 disclosed for the reason that disclosure will increase the risk of
19 acts of violence or harassment toward the applicant.

20 (5) The signature of the applicant and of any individual or
21 representative of any office designated in writing who assisted in
22 the preparation of the application, and the date on which the
23 applicant signed the application.

24 (c) Applications shall be filed with the office of the Secretary
25 of State.

26 (d) Submitted applications shall be accompanied by payment
27 of a fee to be determined by the Secretary of State. This fee shall
28 not exceed the actual costs of enrolling in the program. In addition,
29 annual fees may also be assessed by the Secretary of State to defray
30 the actual costs of maintaining this program. Annual fees assessed
31 by the Secretary of State shall also be used to reimburse the General
32 Fund for any amounts expended from that fund for the purposes
33 of this chapter. No applicant who is a patient of a reproductive
34 health care services facility *or gender-affirming health care*
35 *services facility* shall be required to pay an application fee or the
36 annual fee under this program.

37 (e) The Address Confidentiality for Reproductive Health Care
38 Services Fund is hereby created in the General Fund. Upon
39 appropriation by the Legislature, moneys in the fund are available

1 for the administration of the program established pursuant to this
2 chapter.

3 (f) Upon filing a properly completed application, the Secretary
4 of State shall certify the applicant as a program participant.
5 Applicants, with the exception of reproductive health care services
6 facilities *or gender-affirming health care services facilities*
7 volunteers, shall be certified for four years following the date of
8 filing unless the certification is withdrawn, or invalidated before
9 that date. Reproductive health care services facility *or*
10 *gender-affirming health care services facility* volunteers shall be
11 certified until six months from the last date of volunteering with
12 the facility. The Secretary of State shall by rule establish a renewal
13 procedure. A minor program participant, who reaches 18 years of
14 age, may renew as an adult following the renewal procedures
15 established by the Secretary of State.

16 (g) A person who falsely attests in an application that disclosure
17 of the applicant's address would endanger the applicant's safety
18 or the safety of the applicant's family or the minor or incapacitated
19 person on whose behalf the application is made, or who knowingly
20 provides false or incorrect information upon making an application,
21 is guilty of a misdemeanor. A notice shall be printed in bold type
22 and in a conspicuous location on the face of the application
23 informing the applicant of the penalties under this subdivision.

24 (h) For purposes of this section:

25 (1) "Harassment" is repeated, unreasonable, and unwelcome
26 conduct directed at a targeted individual that would cause a
27 reasonable person to fear for their own safety or the safety of a
28 household member. Harassing conduct may include, but is not
29 limited to, following, stalking, phone calls, or written
30 correspondence.

31 (2) "Public entity" means a federal, state, or local ~~government~~
32 *governmental* agency.

33 (3) "Work for a public entity" means work performed by an
34 employee of a public entity, or work performed for a public entity
35 by a person pursuant to a contract with the public entity.

36 *SEC. 4. Section 6218 of the Government Code is amended to*
37 *read:*

38 6218. (a) (1) A person, business, or association shall not
39 knowingly publicly post or publicly display, disclose, or distribute
40 on internet websites or social media, the personal information or

1 image of any reproductive health care services *or gender-affirming*
2 *health care services* patient, provider, or assistant, or other
3 individuals residing at the same home ~~address~~ *address*, with the
4 intent to do either of the following:

5 (A) Incite a third person to cause imminent great bodily harm
6 to the reproductive health care services *or gender-affirming health*
7 *care services* patient, provider, or assistant identified in the posting
8 or display, or to a coresident of that person, where the third person
9 is likely to commit this harm.

10 (B) Threaten the reproductive health care services *or*
11 *gender-affirming health care services* patient, provider, or assistant,
12 identified in the posting or display, or a coresident of that person,
13 in a manner that places the person identified or the coresident in
14 objectively reasonable fear for their personal safety.

15 (2) A reproductive health care services *or gender-affirming*
16 *health care services* patient, provider, or assistant whose personal
17 information or image is made public as a result of a violation of
18 paragraph (1), or any individual entity or organization authorized
19 to act on their behalf, may do either or both of the following:

20 (A) Bring an action seeking injunctive or declarative relief in
21 any court of competent jurisdiction. If a jury or court finds that a
22 violation has occurred, it may grant injunctive or declarative relief
23 and shall award the successful plaintiff court costs and reasonable
24 attorney's fees.

25 (B) Bring an action for money damages in any court of
26 competent jurisdiction. In addition to any other legal rights or
27 remedies, if a jury or court finds that a violation has occurred, it
28 shall award damages to that individual in an amount up to a
29 maximum of three times the actual damages, but in no case less
30 than four thousand dollars (\$4,000).

31 (b) (1) A person, business, or association shall not publicly post
32 or publicly display, disclose, or distribute, on internet websites or
33 social media, the personal information or image of a reproductive
34 health care services *or gender-affirming health care services*
35 patient, provider, or assistant if that individual, or any individual,
36 entity, or organization authorized to act on their behalf, has made
37 a written demand of that person, business, or association to not
38 disclose the personal information or image. A written demand
39 made under this paragraph shall include a statement declaring that
40 the individual is subject to the protection of this section and

1 describing a reasonable fear for the safety of that individual or of
2 any person residing at the individual's home address, based on a
3 violation of subdivision (a). A demand made under this paragraph
4 shall be effective for four years, regardless of whether or not the
5 individual's affiliation with a reproductive health *care services or*
6 *gender-affirming health care services* facility has expired prior to
7 the end of the four-year period.

8 (2) A reproductive health care services *or gender-affirming*
9 *health care services* patient, provider, or assistant whose personal
10 information or image is made public as a result of a failure to honor
11 a demand made pursuant to paragraph (1), or any individual, entity,
12 or organization authorized to act on their behalf, may bring an
13 action seeking injunctive or declarative relief in any court of
14 competent jurisdiction. If a jury or court finds that a violation has
15 occurred, it may grant injunctive or declarative relief and shall
16 award the successful plaintiff court costs and reasonable attorney's
17 fees.

18 (3) This subdivision does not apply to a person or entity defined
19 in Section 1070 of the Evidence Code.

20 (c) (1) A person, business, or association shall not solicit, sell,
21 or trade on the internet or social media the personal information
22 or image of a reproductive health care services *or gender-affirming*
23 *health care services* patient, provider, or assistant with the intent
24 to do either of the following:

25 (A) Incite a third person to cause imminent great bodily harm
26 to the person identified in the posting or display, or to a coresident
27 of that person, where the third person is likely to commit this harm.

28 (B) Threaten the person identified in the posting or display, or
29 a coresident of that person, in a manner that places the person
30 identified or the coresident in objectively reasonable fear for their
31 personal safety.

32 (2) A reproductive health care services *or gender-affirming*
33 *health care services* patient, provider, or assistant whose personal
34 information or image is solicited, sold, or traded in violation of
35 paragraph (1), or any individual, entity, or organization authorized
36 to act on their behalf, may bring an action in any court of competent
37 jurisdiction. In addition to any other legal rights and remedies, if
38 a jury or court finds that a violation has occurred, it shall award
39 damages to that individual in an amount up to a maximum of three

1 times the actual damages, but in no case less than four thousand
2 dollars (\$4,000).

3 (d) An interactive computer service or access software provider,
4 as defined in Section 230(f) of Title 47 of the United States Code,
5 shall not be liable under this section unless the service or provider
6 intends to abet or cause bodily harm that is likely to occur or
7 threatens to cause bodily harm to a reproductive health care
8 services patient, provider, or assistant, or any person residing at
9 the same home address.

10 (e) This section does not preclude punishment under any other
11 provision of law.

12 *SEC. 5. Section 6218.01 of the Government Code is amended*
13 *to read:*

14 6218.01. (a) (1) A person shall not post on the internet or
15 social media, with the intent that another person imminently use
16 that information to commit a crime involving violence or a threat
17 of violence against a reproductive health care services *or*
18 *gender-affirming health care services* patient, provider, or assistant,
19 or other individuals residing at the same home address, the personal
20 information or image of a reproductive health care services *or*
21 *gender-affirming health care services* patient, provider, or assistant,
22 or other individuals residing at the same home address.

23 (2) A violation of this subdivision is punishable by a fine of up
24 to ten thousand dollars (\$10,000) per violation, imprisonment of
25 either up to one year in a county jail or pursuant to subdivision (h)
26 of Section 1170 of the Penal Code, or by both that fine and
27 imprisonment.

28 (3) A violation of this subdivision that leads to the bodily injury
29 of a reproductive health care services patient, provider, or assistant,
30 or other individuals residing at the same home address, is a felony
31 punishable by a fine of up to fifty thousand dollars (\$50,000),
32 imprisonment pursuant to subdivision (h) of Section 1170 of the
33 Penal Code, or by both that fine and imprisonment.

34 (b) Nothing in this section shall preclude prosecution under any
35 other provision of law.

36 *SEC. 6. Section 6218.05 of the Government Code is amended*
37 *to read:*

38 6218.05. For purposes of this chapter, the following
39 definitions apply:

1 (a) “Gender-affirming health care” and “gender-affirming
2 mental health care” shall have the same meaning as provided in
3 Section 16010.2 of the Welfare and Institutions Code.

4 (b) “Gender-affirming health care and gender-affirming mental
5 health care provider, employee, volunteer, or patient” means a
6 person who obtains, provides, or assists, at the request of another
7 person, in obtaining or providing gender-affirming health care
8 services, or a person who owns or operates a gender-affirming
9 health care services facility.

10 (c) “Gender-affirming health care services facility” includes a
11 hospital, an office operated by a licensed physician and surgeon,
12 a licensed clinic, or other licensed health care facility that provides
13 gender-affirming health care services and includes only the
14 building or structure in which the gender-affirming health care
15 services are actually provided.

16 (d) “Image” includes, but is not limited to, a photograph, video
17 footage, sketch, or computer-generated image that provides a
18 means to visually identify the person depicted.

19 (e) “Personal information” means information that identifies,
20 relates to, describes, or is capable of being associated with a
21 reproductive health care services patient, provider, or assistant,
22 including, but not limited to, their name, signature, social security
23 number, physical characteristics or description, address, telephone
24 number, passport number, driver’s license or state identification
25 card number, license plate number, employment, employment
26 history, and financial information.

27 (f) “Publicly post” or “publicly display” means to intentionally
28 communicate or otherwise make available to the general public.

29 ~~(a)~~

30 (g) “Reproductive health care services” means health care
31 services relating to the termination of a pregnancy in a reproductive
32 health care services facility.

33 ~~(b)~~

34 (h) “Reproductive health care services patient, provider, or
35 assistant” means a person or entity, including, but not limited to,
36 employees, staff, volunteers, and third-party vendors, that is or
37 was involved in obtaining, seeking to obtain, providing, seeking
38 to provide, or assisting or seeking to assist another person, at that
39 person’s request, to obtain or provide any services in a reproductive
40 health care services facility, or a person or entity that is or was

1 involved in owning or operating or seeking to own or operate a
2 reproductive health care services facility.

3 (e)

4 (i) “Reproductive health care services facility” includes a
5 hospital, clinic, physician’s office, or other facility that provides
6 or seeks to provide reproductive health care services and includes
7 the building or structure in which the facility is located.

8 (d) ~~“Publicly post” or “publicly display” means to intentionally~~
9 ~~communicate or otherwise make available to the general public.~~

10 (e) ~~“Image” includes, but is not limited to, a photograph, video~~
11 ~~footage, sketch, or computer-generated image that provides a means~~
12 ~~to visually identify the person depicted.~~

13 (f) ~~“Personal information” means information that identifies,~~
14 ~~relates to, describes, or is capable of being associated with a~~
15 ~~reproductive health care services patient, provider, or assistant,~~
16 ~~including, but not limited to, their name, signature, social security~~
17 ~~number, physical characteristics or description, address, telephone~~
18 ~~number, passport number, driver’s license or state identification~~
19 ~~card number, license plate number, employment, employment~~
20 ~~history, and financial information.~~

21 (g)

22 (j) “Social media” means an electronic service or account, or
23 electronic content, including, but not limited to, videos or still
24 photographs, blogs, video blogs, podcasts, instant and text
25 messages, email, online services or accounts, or internet website
26 profiles or locations.

27 *SEC. 7. Section 11165 of the Health and Safety Code is*
28 *amended to read:*

29 11165. (a) To assist health care practitioners in their efforts
30 to ensure appropriate prescribing, ordering, administering,
31 furnishing, and dispensing of controlled substances, law
32 enforcement and regulatory agencies in their efforts to control the
33 diversion and resultant abuse of Schedule II, Schedule III, Schedule
34 IV, and Schedule V controlled substances, and for statistical
35 analysis, education, and research, the Department of Justice shall,
36 contingent upon the availability of adequate funds in the CURES
37 Fund, maintain the Controlled Substance Utilization Review and
38 Evaluation System (CURES) for the electronic monitoring of, and
39 internet access to information regarding, the prescribing and
40 dispensing of Schedule II, Schedule III, Schedule IV, and Schedule

1 V controlled substances by all practitioners authorized to prescribe,
2 order, administer, furnish, or dispense these controlled substances.

3 (b) The department may seek and use grant funds to pay the
4 costs incurred by the operation and maintenance of CURES. The
5 department shall annually report to the Legislature and make
6 available to the public the amount and source of funds it receives
7 for support of CURES.

8 (c) (1) The operation of CURES shall comply with all
9 applicable federal and state privacy and security laws and
10 regulations.

11 (2) (A) CURES shall operate under existing provisions of law
12 to safeguard the privacy and confidentiality of patients. Data
13 obtained from CURES shall only be provided to appropriate state,
14 local, and federal public agencies for disciplinary, civil, or criminal
15 purposes and to other agencies or entities, as determined by the
16 department, for the purpose of educating practitioners and others
17 in lieu of disciplinary, civil, or criminal actions. Data may be
18 provided to public or private entities, as approved by the
19 department, for educational, peer review, statistical, or research
20 purposes, if patient information, including information that may
21 identify the patient, is not compromised. The University of
22 California shall be provided access to identifiable data for research
23 purposes if the requirements of subdivision (t) of Section 1798.24
24 of the Civil Code are satisfied. Further, data disclosed to an
25 individual or agency as described in this subdivision shall not be
26 disclosed, sold, or transferred to a third party, unless authorized
27 by, or pursuant to, state and federal privacy and security laws and
28 regulations. The department shall establish policies, procedures,
29 and regulations regarding the use, access, evaluation, management,
30 implementation, operation, storage, disclosure, and security of the
31 information within CURES, consistent with this subdivision.

32 (B) Notwithstanding subparagraph (A), a regulatory board whose
33 licensees do not prescribe, order, administer, furnish, or dispense
34 controlled substances shall not be provided data obtained from
35 CURES.

36 (3) The department shall, no later than January 1, 2021, adopt
37 regulations regarding the access and use of the information within
38 CURES. The department shall consult with all stakeholders
39 identified by the department during the rulemaking process. The

1 regulations shall, at a minimum, address all of the following in a
2 manner consistent with this chapter:

3 (A) The process for approving, denying, and disapproving
4 individuals or entities seeking access to information in CURES.

5 (B) The purposes for which a health care practitioner may access
6 information in CURES.

7 (C) The conditions under which a warrant, subpoena, or court
8 order is required for a law enforcement agency to obtain
9 information from CURES as part of a criminal investigation.

10 (D) The process by which information in CURES may be
11 provided for educational, peer review, statistical, or research
12 purposes.

13 (4) In accordance with federal and state privacy laws and
14 regulations, a health care practitioner may provide a patient with
15 a copy of the patient's CURES patient activity report as long as
16 no additional CURES data are provided and the health care
17 practitioner keeps a copy of the report in the patient's medical
18 record in compliance with subdivision (d) of Section 11165.1.

19 ~~For~~ *Except as provided in subdivision (k), for each*
20 *prescription for a Schedule II, Schedule III, Schedule IV, or*
21 *Schedule V controlled substance, as defined in the controlled*
22 *substances schedules in federal law and regulations, specifically*
23 *Sections 1308.12, 1308.13, 1308.14, and 1308.15, respectively,*
24 *of Title 21 of the Code of Federal Regulations, the dispensing*
25 *pharmacy, clinic, or other dispenser shall report the following*
26 *information to the department or contracted prescription data*
27 *processing vendor as soon as reasonably possible, but not more*
28 *than one working day after the date a controlled substance is*
29 *released to the patient or patient's representative, in a format*
30 *specified by the department:*

31 (1) Full name, address, and, if available, telephone number of
32 the ultimate user or research subject, or contact information as
33 determined by the Secretary of the United States Department of
34 Health and Human Services, and the gender and date of birth of
35 the ultimate user.

36 (2) The prescriber's category of licensure, license number,
37 national provider identifier (NPI) number, if applicable, the federal
38 controlled substance registration number, and the state medical
39 license number of a prescriber using the federal controlled
40 substance registration number of a government-exempt facility.

1 (3) Pharmacy prescription number, license number, NPI number,
2 and federal controlled substance registration number.

3 (4) National Drug Code (NDC) number of the controlled
4 substance dispensed.

5 (5) Quantity of the controlled substance dispensed.

6 (6) The International Statistical Classification of Diseases (ICD)
7 Code contained in the most current ICD revision, or any revision
8 deemed sufficient by the State Board of Pharmacy, if available.

9 (7) Number of refills ordered.

10 (8) Whether the drug was dispensed as a refill of a prescription
11 or as a first-time request.

12 (9) Prescribing date of the prescription.

13 (10) Date of dispensing of the prescription.

14 (11) The serial number for the corresponding prescription form,
15 if applicable.

16 (e) The department may invite stakeholders to assist, advise,
17 and make recommendations on the establishment of rules and
18 regulations necessary to ensure the proper administration and
19 enforcement of the CURES database. A prescriber or dispenser
20 invitee shall be licensed by one of the boards or committees
21 identified in subdivision (d) of Section 208 of the Business and
22 Professions Code, in active practice in California, and a regular
23 user of CURES.

24 (f) The department shall, prior to upgrading CURES, consult
25 with prescribers licensed by one of the boards or committees
26 identified in subdivision (d) of Section 208 of the Business and
27 Professions Code, one or more of the boards or committees
28 identified in subdivision (d) of Section 208 of the Business and
29 Professions Code, and any other stakeholder identified by the
30 department, for the purpose of identifying desirable capabilities
31 and upgrades to the CURES Prescription Drug Monitoring Program
32 (PDMP).

33 (g) The department may establish a process to educate
34 authorized subscribers of the CURES PDMP on how to access and
35 use the CURES PDMP.

36 (h) (1) The department may enter into an agreement with an
37 entity operating an interstate data sharing hub, or an agency
38 operating a prescription drug monitoring program in another state,
39 for purposes of interstate data sharing of prescription drug
40 monitoring program information.

1 (2) Data obtained from CURES may be provided to authorized
2 users of another state's prescription drug monitoring program, as
3 determined by the department pursuant to subdivision (c), if the
4 entity operating the interstate data sharing hub, and the prescription
5 drug monitoring program of that state, as applicable, have entered
6 into an agreement with the department for interstate data sharing
7 of prescription drug monitoring program information.

8 (3) An agreement entered into by the department for purposes
9 of interstate data sharing of prescription drug monitoring program
10 information shall ensure that all access to data obtained from
11 CURES and the handling of data contained within CURES comply
12 with California law, including regulations, and meet the same
13 patient privacy, audit, and data security standards employed and
14 required for direct access to CURES.

15 (4) For purposes of interstate data sharing of CURES
16 information pursuant to this subdivision, an authorized user of
17 another state's prescription drug monitoring program shall not be
18 required to register with CURES, if the authorized user is registered
19 and in good standing with that state's prescription drug monitoring
20 program.

21 (5) The department shall not enter into an agreement pursuant
22 to this subdivision until the department has issued final regulations
23 regarding the access and use of the information within CURES as
24 required by paragraph (3) of subdivision (c).

25 (i) Notwithstanding subdivision (d), a veterinarian shall report
26 the information required by that subdivision to the department as
27 soon as reasonably possible, but not more than seven days after
28 the date a controlled substance is dispensed.

29 (j) If the dispensing pharmacy, clinic, or other dispenser
30 experiences a temporary technological or electrical failure, it shall,
31 without undue delay, seek to correct any cause of the temporary
32 technological or electrical failure that is reasonably within its
33 control. The deadline for transmitting prescription information to
34 the department or contracted prescription data processing vendor
35 pursuant to subdivision (d) shall be extended until the failure is
36 corrected. If the dispensing pharmacy, clinic, or other dispenser
37 experiences technological limitations that are not reasonably within
38 its control, or is impacted by a natural or manmade disaster, the
39 deadline for transmitting prescription information to the department

or contracted prescription data processing vendor shall be extended until normal operations have resumed.

(k) Notwithstanding subdivision (d), a prescription for or the dispensing of testosterone or mifepristone shall not be reported to the department, CURES, or a contracted prescription data processing vendor. The department, in consultation with the California Health and Human Services Agency, health care providers, and clinicians, may add medications for legally protected health care activity, as defined in Section 1798.300 of the Civil Code, to the list of medications prohibited from being reported to the department, CURES, or a contracted prescription data processing vendor.

SEC. 8. Section 629.51 of the Penal Code is amended to read: 629.51. (a) For the purposes of this chapter, the following terms have the following meanings:

(1) “Wire communication” means any aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception (including the use of a like connection in a switching station), furnished or operated by any person engaged in providing or operating these facilities for the transmission of communications.

(2) “Electronic communication” means any transfer of signs, signals, writings, images, sounds, data, or intelligence of any nature in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system, but does not include any of the following:

(A) Any wire communication defined in paragraph (1).

(B) Any communication made through a tone-only paging device.

(C) Any communication from a tracking device.

(D) Electronic funds transfer information stored by a financial institution in a communications system used for the electronic storage and transfer of funds.

(3) “Tracking device” means an electronic or mechanical device that permits the tracking of the movement of a person or object.

(4) “Aural transfer” means a transfer containing the human voice at any point between and including the point of origin and the point of reception.

(5) (A) “Prohibited violation” means any violation of law that creates liability for, or arising out of, either of the following:

1 (i) Providing, facilitating, or obtaining ~~an abortion~~ *a legally*
2 *protected health care activity, as defined in Section 1549.15*, that
3 is lawful under California law.

4 (ii) Intending or attempting to provide, facilitate, or obtain ~~an~~
5 ~~abortion~~ *a legally protected health care activity, as defined in*
6 *Section 1549.15*, that is lawful under California law.

7 (B) As used in this paragraph, “facilitating” or “facilitate” means
8 assisting, directly or indirectly in any way, with the obtaining of
9 ~~an abortion~~ *a legally protected health care activity, as defined in*
10 *Section 1549.15*, that is lawful under California law.

11 (b) This chapter applies to the interceptions of wire and
12 electronic communications. It does not apply to stored
13 communications or stored content.

14 (c) The act that added this subdivision is not intended to change
15 the law as to stored communications or stored content.

16 SEC. 9. Section 1269b of the Penal Code is amended to read:

17 1269b. (a) The officer in charge of a jail in which an arrested
18 person is held in custody, an officer of a sheriff’s department or
19 police department of a city who is in charge of a jail or is employed
20 at a fixed police or sheriff’s facility and is acting under an
21 agreement with the agency that keeps the jail in which an arrested
22 person is held in custody, an employee of a sheriff’s department
23 or police department of a city who is assigned by the department
24 to collect bail, the clerk of the superior court of the county in which
25 the offense was alleged to have been committed, and the clerk of
26 the superior court in which the case against the defendant is
27 pending may approve and accept bail in the amount fixed by the
28 warrant of arrest, schedule of bail, or order admitting to bail in
29 cash or surety bond executed by a certified, admitted surety insurer
30 as provided in the Insurance Code, to issue and sign an order for
31 the release of the arrested person, and to set a time and place for
32 the appearance of the arrested person before the appropriate court
33 and give notice thereof.

34 (b) If a defendant has appeared before a judge of the court on
35 the charge contained in the complaint, indictment, or information,
36 the bail shall be in the amount fixed by the judge at the time of the
37 appearance. If that appearance has not been made, the bail shall
38 be in the amount fixed in the warrant of arrest or, if no warrant of
39 arrest has been issued, the amount of bail shall be pursuant to the
40 uniform countywide schedule of bail for the county in which the

1 defendant is required to appear, previously fixed and approved as
2 provided in subdivisions (c) and (d).

3 (c) It is the duty of the superior court judges in each county to
4 prepare, adopt, and annually revise a uniform countywide schedule
5 of bail for all bailable felony offenses and for all misdemeanor
6 and infraction offenses except Vehicle Code infractions. The
7 penalty schedule for infraction violations of the Vehicle Code shall
8 be established by the Judicial Council in accordance with Section
9 40310 of the Vehicle Code.

10 (d) A court may, by local rule, prescribe the procedure by which
11 the uniform countywide schedule of bail is prepared, adopted, and
12 annually revised by the judges. If a court does not adopt a local
13 rule, the uniform countywide schedule of bail shall be prepared,
14 adopted, and annually revised by a majority of the judges.

15 (e) In adopting a uniform countywide schedule of bail for all
16 bailable felony offenses the judges shall consider the seriousness
17 of the offense charged. In considering the seriousness of the offense
18 charged the judges shall assign an additional amount of required
19 bail for each aggravating or enhancing factor chargeable in the
20 complaint, including, but not limited to, additional bail for charges
21 alleging facts that would bring a person within any of the following
22 sections: Section 667.5, 667.51, 667.6, 667.8, 667.85, 667.9,
23 667.10, 12022, 12022.1, 12022.2, 12022.3, 12022.4, 12022.5,
24 12022.53, 12022.6, 12022.7, 12022.8, or 12022.9 of this code, or
25 Section 11356.5, 11370.2, or 11370.4 of the Health and Safety
26 Code.

27 In considering offenses in which a violation of Chapter 6
28 (commencing with Section 11350) of Division 10 of the Health
29 and Safety Code is alleged, the judge shall assign an additional
30 amount of required bail for offenses involving large quantities of
31 controlled substances.

32 (f) (1) The countywide bail schedule shall contain a list of the
33 offenses and the amounts of bail applicable for each as the judges
34 determine to be appropriate. If the schedule does not list all
35 offenses specifically, it shall contain a general clause for designated
36 amounts of bail as the judges of the county determine to be
37 appropriate for all the offenses not specifically listed in the
38 schedule. A copy of the countywide bail schedule shall be sent to
39 the officer in charge of the county jail, to the officer in charge of

1 each city jail within the county, to each superior court judge and
2 commissioner in the county, and to the Judicial Council.

3 (2) The countywide bail schedule shall set zero dollars (\$0) bail
4 for an individual who has been arrested in connection with a
5 proceeding in another state regarding an individual performing,
6 supporting, or aiding in the performance of ~~an abortion~~ *a legally*
7 *protected health care activity, as defined in Section 1549.15, in*
8 *this state, or an individual obtaining* ~~an abortion~~ *a legally protected*
9 *health care activity, as defined in Section 1549.15, in this state, if*
10 *the abortion legally protected health care activity is lawful under*
11 *the laws of this state.*

12 (g) Upon posting bail, the defendant or arrested person shall be
13 discharged from custody as to the offense on which the bail is
14 posted.

15 All money and surety bonds so deposited with an officer
16 authorized to receive bail shall be transmitted immediately to the
17 judge or clerk of the court by which the order was made or warrant
18 issued or bail schedule fixed. If, in the case of felonies, an
19 indictment is filed, the judge or clerk of the court shall transmit
20 all of the money and surety bonds to the clerk of the court.

21 (h) If a defendant or arrested person so released fails to appear
22 at the time and in the court so ordered upon their release from
23 custody, Sections 1305 and 1306 apply.

24 *SEC. 10. Section 13778.2 of the Penal Code is amended to*
25 *read:*

26 13778.2. (a) A state or local law enforcement agency or officer
27 shall not knowingly arrest or knowingly participate in the arrest
28 of any person for performing, supporting, or aiding in the
29 performance of ~~an abortion~~ *a legally protected health care activity,*
30 *as defined in Section 1549.15, in this state, or obtaining* ~~an abortion~~
31 *a legally protected health care activity, as defined in Section*
32 *1549.15, in this state, if the abortion legally protected health care*
33 *activity is lawful under the laws of this state.*

34 (b) A state or local public agency, or any employee thereof
35 acting in their official capacity, shall not cooperate with or provide
36 information to any individual or agency or department from another
37 state or, to the extent permitted by federal law, to a federal law
38 enforcement agency regarding ~~an abortion~~ *a legally protected*
39 *health care activity, as defined in Section 1549.15, that is lawful*
40 *under the laws of this state and that is performed in this state.*

(c) (1) A law of another state that authorizes the imposition of civil or criminal penalties related to an individual performing, supporting, or aiding in the performance of ~~an abortion~~ a legally protected health care activity, as defined in Section 1549.15, in this state, or an individual obtaining ~~an abortion~~ a legally protected health care activity, as defined in Section 1549.15, in this state, if the ~~abortion~~ legally protected health care activity is lawful under the laws of this state, is against the public policy of this state.

(2) No state court, judicial officer, or court employee or clerk, or authorized attorney shall issue a subpoena pursuant to any state law in connection with a proceeding in another state regarding an individual performing, supporting, or aiding in the performance of ~~an abortion~~ a legally protected health care activity, as defined in Section 1549.15, in this state, or an individual obtaining ~~an abortion~~ a legally protected health care activity, as defined in Section 1549.15, in this state, if the ~~abortion~~ legally protected health care activity is lawful under the laws of this state.

(d) This section does not prohibit the investigation of any criminal activity in this state that may involve the performance of ~~an abortion~~, a legally protected health care activity, as defined in Section 1549.15, provided that information relating to any medical procedure performed on a specific individual is not shared with an agency or individual from another state for the purpose of enforcing another state's ~~abortion law~~. law involving a legally protected health care activity.

SEC. 11. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 12. The Legislature finds and declares that this act imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

Individuals including, but not limited to, health care providers, employees, volunteers, patients, and their loved ones have become increasingly subjected to violent threats, harassment, and

1 intimidation for simply accessing, providing, and assisting with
2 legally protected health care activities, as defined in Section
3 1798.300 of the Civil Code. In order to prevent acts of violence
4 from being committed against those individuals, it is necessary
5 for the Legislature to ensure that the home addresses of these
6 individuals are kept confidential.

7 SEC. 13. No reimbursement is required by this act pursuant
8 to Section 6 of Article XIII B of the California Constitution for
9 certain costs that may be incurred by a local agency or school
10 district because, in that regard, this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.

16 However, if the Commission on State Mandates determines that
17 this act contains other costs mandated by the state, reimbursement
18 to local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.

21 ~~SECTION 1. Section 1798.46 of the Civil Code is amended~~
22 ~~to read:~~

23 ~~1798.46. In any suit brought under the provisions of subdivision~~
24 ~~(a) of Section 1798.45:~~

25 ~~(a) The court may enjoin the agency from withholding the~~
26 ~~records and order the production to the complainant of any agency~~
27 ~~records improperly withheld from the complainant. In such a suit~~
28 ~~the court shall determine the matter de novo, and may examine~~
29 ~~the contents of any agency records in camera to determine whether~~
30 ~~the records or any portion thereof may be withheld as being exempt~~
31 ~~from the individual's right of access and the burden is on the~~
32 ~~agency to sustain its action.~~

33 ~~(b) The court shall assess against the agency reasonable~~
34 ~~attorney's fees and other litigation costs reasonably incurred in~~
35 ~~any suit under this section in which the complainant has prevailed.~~
36 ~~A party may be considered to have prevailed even though the party~~
37 ~~does not prevail on all issues or against all parties.~~