

AMENDED IN ASSEMBLY APRIL 10, 2025

AMENDED IN ASSEMBLY MARCH 28, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

## ASSEMBLY BILL

**No. 82**

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### Introduced by Assembly Member Ward

(Coauthors: Assembly Members *Connolly, Garcia, Kalra, Mark González, Jackson, ~~and Krell~~ Krell, Rogers, Schultz, Stefani, and Zbur*)

(Coauthors: Senators *Arreguín, Cabaldon, Cervantes, Gonzalez, Laird, and Wiener*)

December 20, 2024

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An act to amend 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. 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.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

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

1     SECTION 1. It is the intent of the Legislature to expand  
2 existing confidentiality protections for the exchange of health  
3 information 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) “Covered health care services” means gender-affirming  
12 health care services or reproductive health care services.

13     (c) “Covered health care services provider, employee, volunteer,  
14 or patient” means a gender-affirming health care or a  
15 gender-affirming mental health care provider, employee, volunteer,  
16 or patient, or a reproductive health care services provider,  
17 employee, volunteer, or patient.

18     (d) “Covered health care services facility” means a  
19 gender-affirming health care services facility or a reproductive  
20 health care services facility.

21     ~~(b)~~

22     (e) “Domicile” means a place of habitation as defined in Section  
23 349 of the Elections Code.

24     ~~(e)~~

25     (f) “Gender-affirming health care” and “gender-affirming mental  
26 health care” shall have the same meaning as provided in Section  
27 16010.2 of the Welfare and Institutions Code.

28     ~~(d)~~

29     (g) “Gender-affirming health care and gender-affirming mental  
30 health care provider, employee, volunteer, or patient” means a  
31 person who obtains, provides, or assists, at the request of another  
32 person, in obtaining or providing gender-affirming health care  
33 services, or a person who owns or operates a gender-affirming  
34 health care services facility.

35     ~~(e)~~

36     (h) “Gender-affirming health care services facility” includes a  
37 hospital, an office operated by a licensed physician and surgeon,  
38 a licensed clinic, or other licensed health care facility that provides

gender-affirming health care services and includes only the building or structure in which the gender-affirming health care services are actually provided.

(f)

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

(g)

(j) “Reproductive health care services provider, employee, volunteer, or patient” means a person who obtains, provides, or assists, at the request of another person, in obtaining or providing reproductive health care services, or a person who owns or operates a reproductive health care services facility.

(h)

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

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

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

(1) If the applicant alleges that the basis for the application is that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a ~~reproductive health care service provider, employee, or volunteer, or a gender-affirming covered~~ health care provider, employee, or volunteer, who is fearful for

1 their safety or the safety of their family because of their affiliation  
2 with a ~~reproductive health care services facility or gender-affirming~~  
3 *covered* health care services facility, the application shall be  
4 accompanied by all of the following:

5 (A) Documentation showing that the individual is to commence  
6 employment or is currently employed as a provider or employee  
7 at a ~~reproductive health care services facility or gender-affirming~~  
8 *covered* health care services facility, or is volunteering at a  
9 ~~reproductive health care services facility or gender-affirming~~  
10 *covered* health care services facility.

11 (B) One of the following:

12 (i) A certified statement signed by a person authorized by the  
13 ~~reproductive health care services facility or gender-affirming~~  
14 *covered* health care services facility stating that the facility or any  
15 of its providers, employees, volunteers, or patients is or was the  
16 target of threats, harassment, or acts of violence or harassment  
17 within one year of the date of the application. A person who  
18 willfully certifies as true any material matter pursuant to this  
19 section that the person knows to be false is guilty of a  
20 misdemeanor.

21 (ii) A certified statement signed by the employee or patient of,  
22 or volunteer for, the ~~reproductive health care services facility or~~  
23 ~~gender-affirming~~ *covered* health care services facility stating that  
24 they have been the target of threats, harassment, or acts of violence  
25 within one year of the date of the application because of their  
26 association with the ~~reproductive health care services facility or~~  
27 ~~gender-affirming~~ *covered* health care services facility. A person  
28 who willfully certifies as true any material matter pursuant to this  
29 section that the person knows to be false is guilty of a  
30 misdemeanor.

31 (iii) A workplace violence restraining order described in Section  
32 527.8 of the Code of Civil Procedure, issued after a noticed hearing,  
33 or a civil restraining order described in Section 527.6 of the Code  
34 of Civil Procedure, issued after a noticed hearing, protecting the  
35 applicant or the minor or incapacitated person on whose behalf  
36 the application is made. The order must be based upon threats or  
37 acts of violence to the applicant or the minor or incapacitated  
38 person on whose behalf the application is made and connected  
39 with the ~~reproductive health care services facility or~~  
40 ~~gender-affirming~~ *covered* health care services facility.



1 (C) A sworn statement that the applicant fears for their safety  
2 or the safety of their family, or the safety of the minor or  
3 incapacitated person on whose behalf the application is made due  
4 to their affiliation with the ~~reproductive health care services facility~~  
5 ~~or gender-affirming~~ *covered* health care services facility authorized  
6 to provide the declaration described in subparagraph (B).

7 (2) If the applicant alleges that the basis for the application is  
8 that the applicant is a ~~reproductive health care services facility or~~  
9 ~~gender-affirming~~ *covered* health care services facility volunteer,  
10 the application shall, in addition to the documents specified in  
11 paragraph (1), be accompanied by ~~reproductive health care services~~  
12 ~~facility or gender-affirming health care services facility~~  
13 *documentation by the covered health care services facility* showing  
14 the length of time the volunteer has committed to working at the  
15 facility.

16 (3) If the applicant alleges that the basis of the application is  
17 that the applicant, or the minor or incapacitated person on whose  
18 behalf the application is made, is a person who is or has been the  
19 target of threats or acts of violence because the applicant is  
20 obtaining or seeking to obtain services at a ~~reproductive health~~  
21 ~~care services facility or gender-affirming~~ *covered* health care  
22 services facility within one year of the date of the application, the  
23 application shall be accompanied by the following:

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

26 (B) Any police, court, or other governmental agency records or  
27 files that show any complaints of the alleged threats or acts of  
28 violence.

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

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

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

1 received by the program participant within three days of the  
2 Secretary of State's having received it.

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

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

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

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

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

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

39 (1) If the applicant alleges that the basis for the application is  
40 that the applicant, or the minor or incapacitated person on whose

1 behalf the application is made is employed by a public entity or  
2 performs work pursuant to a contract with a public entity and faces  
3 threats of violence or violence or harassment from the public  
4 because of their work for the public entity and is fearful for their  
5 safety or the safety of their family because of their work for the  
6 public entity, the application shall be accompanied by all of the  
7 following:

8 (A) Documentation showing that the individual is to commence  
9 employment or is currently employed by a public entity or performs  
10 work pursuant to a contract with a public entity in an occupation  
11 where workers have faced threats of violence or violence or  
12 harassment from the public because of their work for the public  
13 entity.

14 (B) One of the following:

15 (i) A certified statement signed by a person affiliated with the  
16 applicant's place of work or employment who has personal  
17 knowledge of the circumstances at the place of work or  
18 employment, stating that workers or employees have been the  
19 target of threats or acts of violence or harassment within one year  
20 of the date of the application. A person who willfully certifies as  
21 true any material matter pursuant to this section that the person  
22 knows to be false is guilty of a misdemeanor.

23 (ii) A certified statement signed by the worker or employee,  
24 stating that they have been the target of threats or acts of violence  
25 or harassment within one year of the date of the application because  
26 of their work for a public entity. A person who willfully certifies  
27 as true any material matter pursuant to this section that the person  
28 knows to be false is guilty of a misdemeanor.

29 (iii) A workplace violence restraining order described in Section  
30 527.8 of the Code of Civil Procedure, issued after a noticed hearing,  
31 or a civil restraining order described in Section 527.6 of the Code  
32 of Civil Procedure, issued after a noticed hearing, protecting the  
33 applicant or the minor or incapacitated person on whose behalf  
34 the application is made. The order must be based upon threats or  
35 acts of violence connected with the applicant's work for a public  
36 entity or the minor or incapacitated person on whose behalf the  
37 application is made.

38 (C) A sworn statement that the applicant fears for their safety  
39 or the safety of their family, or the safety of the minor or

1 incapacitated person on whose behalf the application is made, due  
2 to their work for a public entity.

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

5 (A) Service on the Secretary of State of any summons, writ,  
6 notice, demand, or process shall be made by delivering to the  
7 address confidentiality program personnel of the office of the  
8 Secretary of State two copies of the summons, writ, notice, demand,  
9 or process.

10 (B) If a summons, writ, notice, demand, or process is served on  
11 the Secretary of State, the Secretary of State shall immediately  
12 cause a copy to be forwarded to the program participant at the  
13 address shown on the records of the address confidentiality  
14 program so that the summons, writ, notice, demand, or process is  
15 received by the program participant within three days of the  
16 Secretary of State's having received it.

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

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

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

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

32 (5) The signature of the applicant and of any individual or  
33 representative of any office designated in writing who assisted in  
34 the preparation of the application, and the date on which the  
35 applicant signed the application.

36 (c) Applications shall be filed with the office of the Secretary  
37 of State.

38 (d) Submitted applications shall be accompanied by payment  
39 of a fee to be determined by the Secretary of State. This fee shall  
40 not exceed the actual costs of enrolling in the program. In addition,

1 annual fees may also be assessed by the Secretary of State to defray  
2 the actual costs of maintaining this program. Annual fees assessed  
3 by the Secretary of State shall also be used to reimburse the General  
4 Fund for any amounts expended from that fund for the purposes  
5 of this chapter. No applicant who is a patient of a ~~reproductive~~  
6 ~~health care services facility or gender-affirming~~ *covered* health  
7 care services facility shall be required to pay an application fee or  
8 the annual fee under this program.

9 (e) The Address Confidentiality for Reproductive Health Care  
10 Services Fund is hereby created in the General Fund. Upon  
11 appropriation by the Legislature, moneys in the fund are available  
12 for the administration of the program established pursuant to this  
13 chapter.

14 (f) Upon filing a properly completed application, the Secretary  
15 of State shall certify the applicant as a program participant.  
16 Applicants, with the exception of ~~reproductive health care services~~  
17 ~~facilities or gender-affirming~~ *covered* health care services facilities  
18 volunteers, shall be certified for four years following the date of  
19 filing unless the certification is withdrawn, or invalidated before  
20 that date. ~~Reproductive health care services facility or~~  
21 ~~gender-affirming~~ *Covered* health care services facility volunteers  
22 shall be certified until six months from the last date of volunteering  
23 with the facility. The Secretary of State shall by rule establish a  
24 renewal procedure. A minor program participant, who reaches 18  
25 years of age, may renew as an adult following the renewal  
26 procedures established by the Secretary of State.

27 (g) A person who falsely attests in an application that disclosure  
28 of the applicant's address would endanger the applicant's safety  
29 or the safety of the applicant's family or the minor or incapacitated  
30 person on whose behalf the application is made, or who knowingly  
31 provides false or incorrect information upon making an application,  
32 is guilty of a misdemeanor. A notice shall be printed in bold type  
33 and in a conspicuous location on the face of the application  
34 informing the applicant of the penalties under this subdivision.

35 (h) For purposes of this section:

36 (1) "Harassment" is repeated, unreasonable, and unwelcome  
37 conduct directed at a targeted individual that would cause a  
38 reasonable person to fear for their own safety or the safety of a  
39 household member. Harassing conduct may include, but is not

1 limited to, following, stalking, phone calls, or written  
2 correspondence.

3 (2) “Public entity” means a federal, state, or local governmental  
4 agency.

5 (3) “Work for a public entity” means work performed by an  
6 employee of a public entity, or work performed for a public entity  
7 by a person pursuant to a contract with the public entity.

8 SEC. 4. Section 6218 of the Government Code is amended to  
9 read:

10 6218. (a) (1) A person, business, or association shall not  
11 knowingly publicly post or publicly display, disclose, or distribute  
12 on internet websites or social media, the personal information or  
13 image of any ~~reproductive health care services or gender-affirming~~  
14 *covered* health care services patient, provider, or assistant, or other  
15 individuals residing at the same home address, with the intent to  
16 do either of the following:

17 (A) Incite a third person to cause imminent great bodily harm  
18 to the ~~reproductive health care services or gender-affirming~~ *covered*  
19 health care services patient, provider, or assistant identified in the  
20 posting or display, or to a coresident of that person, where the third  
21 person is likely to commit this harm.

22 (B) Threaten the ~~reproductive health care services or~~  
23 ~~gender-affirming~~ *covered* health care services patient, provider,  
24 or assistant, identified in the posting or display, or a coresident of  
25 that person, in a manner that places the person identified or the  
26 coresident in objectively reasonable fear for their personal safety.

27 (2) A ~~reproductive health care services or gender-affirming~~  
28 *covered* health care services patient, provider, or assistant whose  
29 personal information or image is made public as a result of a  
30 violation of paragraph (1), or any individual entity or organization  
31 authorized to act on their behalf, may do either or both of the  
32 following:

33 (A) Bring an action seeking injunctive or declarative relief in  
34 any court of competent jurisdiction. If a jury or court finds that a  
35 violation has occurred, it may grant injunctive or declarative relief  
36 and shall award the successful plaintiff court costs and reasonable  
37 attorney’s fees.

38 (B) Bring an action for money damages in any court of  
39 competent jurisdiction. In addition to any other legal rights or  
40 remedies, if a jury or court finds that a violation has occurred, it

1 shall award damages to that individual in an amount up to a  
2 maximum of three times the actual damages, but in no case less  
3 than four thousand dollars (\$4,000).

4 (b) (1) A person, business, or association shall not publicly post  
5 or publicly display, disclose, or distribute, on internet websites or  
6 social media, the personal information or image of a ~~reproductive~~  
7 ~~health care services or gender-affirming~~ *covered* health care  
8 services patient, provider, or assistant if that individual, or any  
9 individual, entity, or organization authorized to act on their behalf,  
10 has made a written demand of that person, business, or association  
11 to not disclose the personal information or image. A written  
12 demand made under this paragraph shall include a statement  
13 declaring that the individual is subject to the protection of this  
14 section and describing a reasonable fear for the safety of that  
15 individual or of any person residing at the individual's home  
16 address, based on a violation of subdivision (a). A demand made  
17 under this paragraph shall be effective for four years, regardless  
18 of whether or not the individual's affiliation with a ~~reproductive~~  
19 ~~health care services or gender-affirming~~ *covered* health care  
20 services facility has expired prior to the end of the four-year period.

21 (2) A ~~reproductive health care services or gender-affirming~~  
22 *covered* health care services patient, provider, or assistant whose  
23 personal information or image is made public as a result of a failure  
24 to honor a demand made pursuant to paragraph (1), or any  
25 individual, entity, or organization authorized to act on their behalf,  
26 may bring an action seeking injunctive or declarative relief in any  
27 court of competent jurisdiction. If a jury or court finds that a  
28 violation has occurred, it may grant injunctive or declarative relief  
29 and shall award the successful plaintiff court costs and reasonable  
30 attorney's fees.

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

33 (c) (1) A person, business, or association shall not solicit, sell,  
34 or trade on the internet or social media the personal information  
35 or image of a ~~reproductive health care services or gender-affirming~~  
36 *covered* health care services patient, provider, or assistant with the  
37 intent to do either of the following:

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

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

(2) A ~~reproductive health care services or gender-affirming~~ covered health care services patient, provider, or assistant whose personal information or image is solicited, sold, or traded in violation of paragraph (1), or any individual, entity, or organization authorized to act on their behalf, may bring an action in any court of competent jurisdiction. In addition to any other legal rights and remedies, if a jury or court finds that a violation has occurred, it shall award damages to that individual in an amount up to a maximum of three times the actual damages, but in no case less than four thousand dollars (\$4,000).

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

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

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

6218.01. (a) (1) A person shall not post 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 or gender-affirming~~ covered 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 or gender-affirming~~ covered health care services patient, provider, or assistant, or other individuals residing at the same home address.

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



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

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

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

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

(a) “Covered health care services” means gender-affirming health care services or reproductive health care services.

(b) “Covered health care services provider, employee, volunteer, or patient” means a gender-affirming health care or a gender-affirming mental health care provider, employee, volunteer, or patient, or a reproductive health care services provider, employee, volunteer, or patient.

(c) “Covered health care services facility” means a gender-affirming health care services facility or a reproductive health care services facility.

~~(a)~~

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

~~(b)~~

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

~~(c)~~

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

1     ~~(d)~~

2     (g) “Image” includes, but is not limited to, a photograph, video  
3     footage, sketch, or computer-generated image that provides a means  
4     to visually identify the person depicted.

5     ~~(e)~~

6     (h) “Personal information” means information that identifies,  
7     relates to, describes, or is capable of being associated with a  
8     reproductive health care services patient, provider, or assistant,  
9     including, but not limited to, their name, signature, social security  
10    number, physical characteristics or description, address, telephone  
11    number, passport number, driver’s license or state identification  
12    card number, license plate number, employment, employment  
13    history, and financial information.

14    ~~(f)~~

15    (i) “Publicly post” or “publicly display” means to intentionally  
16    communicate or otherwise make available to the general public.

17    ~~(g)~~

18    (j) “Reproductive health care services” means health care  
19    services relating to the termination of a pregnancy in a reproductive  
20    health care services facility.

21    ~~(h)~~

22    (k) “Reproductive health care services patient, provider, or  
23    assistant” means a person or entity, including, but not limited to,  
24    employees, staff, volunteers, and third-party vendors, that is or  
25    was involved in obtaining, seeking to obtain, providing, seeking  
26    to provide, or assisting or seeking to assist another person, at that  
27    person’s request, to obtain or provide any services in a reproductive  
28    health care services facility, or a person or entity that is or was  
29    involved in owning or operating or seeking to own or operate a  
30    reproductive health care services facility.

31    ~~(i)~~

32    (l) “Reproductive health care services facility” includes a  
33    hospital, clinic, physician’s office, or other facility that provides  
34    or seeks to provide reproductive health care services and includes  
35    the building or structure in which the facility is located.

36    ~~(j)~~

37    (m) “Social media” means an electronic service or account, or  
38    electronic content, including, but not limited to, videos or still  
39    photographs, blogs, video blogs, podcasts, instant and text

1 messages, email, online services or accounts, or internet website  
2 profiles or locations.

3 SEC. 7. Section 11165 of the Health and Safety Code is  
4 amended to read:

5 11165. (a) To assist health care practitioners in their efforts  
6 to ensure appropriate prescribing, ordering, administering,  
7 furnishing, and dispensing of controlled substances, law  
8 enforcement and regulatory agencies in their efforts to control the  
9 diversion and resultant abuse of Schedule II, Schedule III, Schedule  
10 IV, and Schedule V controlled substances, and for statistical  
11 analysis, education, and research, the Department of Justice shall,  
12 contingent upon the availability of adequate funds in the CURES  
13 Fund, maintain the Controlled Substance Utilization Review and  
14 Evaluation System (CURES) for the electronic monitoring of, and  
15 internet access to information regarding, the prescribing and  
16 dispensing of Schedule II, Schedule III, Schedule IV, and Schedule  
17 V controlled substances by all practitioners authorized to prescribe,  
18 order, administer, furnish, or dispense these controlled substances.

19 (b) The department may seek and use grant funds to pay the  
20 costs incurred by the operation and maintenance of CURES. The  
21 department shall annually report to the Legislature and make  
22 available to the public the amount and source of funds it receives  
23 for support of CURES.

24 (c) (1) The operation of CURES shall comply with all  
25 applicable federal and state privacy and security laws and  
26 regulations.

27 (2) (A) CURES shall operate under existing provisions of law  
28 to safeguard the privacy and confidentiality of patients. Data  
29 obtained from CURES shall only be provided to appropriate state,  
30 local, and federal public agencies for disciplinary, civil, or criminal  
31 purposes and to other agencies or entities, as determined by the  
32 department, for the purpose of educating practitioners and others  
33 in lieu of disciplinary, civil, or criminal actions. Data may be  
34 provided to public or private entities, as approved by the  
35 department, for educational, peer review, statistical, or research  
36 purposes, if patient information, including information that may  
37 identify the patient, is not compromised. The University of  
38 California shall be provided access to identifiable data for research  
39 purposes if the requirements of subdivision (t) of Section 1798.24  
40 of the Civil Code are satisfied. Further, data disclosed to an

1 individual or agency as described in this subdivision shall not be  
2 disclosed, sold, or transferred to a third party, unless authorized  
3 by, or pursuant to, state and federal privacy and security laws and  
4 regulations. The department shall establish policies, procedures,  
5 and regulations regarding the use, access, evaluation, management,  
6 implementation, operation, storage, disclosure, and security of the  
7 information within CURES, consistent with this subdivision.

8 (B) Notwithstanding subparagraph (A), a regulatory board whose  
9 licensees do not prescribe, order, administer, furnish, or dispense  
10 controlled substances shall not be provided data obtained from  
11 CURES.

12 (3) The department shall, no later than January 1, 2021, adopt  
13 regulations regarding the access and use of the information within  
14 CURES. The department shall consult with all stakeholders  
15 identified by the department during the rulemaking process. The  
16 regulations shall, at a minimum, address all of the following in a  
17 manner consistent with this chapter:

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

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

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

25 (D) The process by which information in CURES may be  
26 provided for educational, peer review, statistical, or research  
27 purposes.

28 (4) In accordance with federal and state privacy laws and  
29 regulations, a health care practitioner may provide a patient with  
30 a copy of the patient's CURES patient activity report as long as  
31 no additional CURES data are provided and the health care  
32 practitioner keeps a copy of the report in the patient's medical  
33 record in compliance with subdivision (d) of Section 11165.1.

34 (d) Except as provided in subdivision (k), for each prescription  
35 for a Schedule II, Schedule III, Schedule IV, or Schedule V  
36 controlled substance, as defined in the controlled substances  
37 schedules in federal law and regulations, specifically Sections  
38 1308.12, 1308.13, 1308.14, and 1308.15, respectively, of Title 21  
39 of the Code of Federal Regulations, the dispensing pharmacy,  
40 clinic, or other dispenser shall report the following information to

1 the department or contracted prescription data processing vendor  
2 as soon as reasonably possible, but not more than one working day  
3 after the date a controlled substance is released to the patient or  
4 patient's representative, in a format specified by the department:

5 (1) Full name, address, and, if available, telephone number of  
6 the ultimate user or research subject, or contact information as  
7 determined by the Secretary of the United States Department of  
8 Health and Human Services, and the gender and date of birth of  
9 the ultimate user.

10 (2) The prescriber's category of licensure, license number,  
11 national provider identifier (NPI) number, if applicable, the federal  
12 controlled substance registration number, and the state medical  
13 license number of a prescriber using the federal controlled  
14 substance registration number of a government-exempt facility.

15 (3) Pharmacy prescription number, license number, NPI number,  
16 and federal controlled substance registration number.

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

19 (5) Quantity of the controlled substance dispensed.

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

23 (7) Number of refills ordered.

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

26 (9) Prescribing date of the prescription.

27 (10) Date of dispensing of the prescription.

28 (11) The serial number for the corresponding prescription form,  
29 if applicable.

30 (e) The department may invite stakeholders to assist, advise,  
31 and make recommendations on the establishment of rules and  
32 regulations necessary to ensure the proper administration and  
33 enforcement of the CURES database. A prescriber or dispenser  
34 invitee shall be licensed by one of the boards or committees  
35 identified in subdivision (d) of Section 208 of the Business and  
36 Professions Code, in active practice in California, and a regular  
37 user of CURES.

38 (f) The department shall, prior to upgrading CURES, consult  
39 with prescribers licensed by one of the boards or committees  
40 identified in subdivision (d) of Section 208 of the Business and

1 Professions Code, one or more of the boards or committees  
2 identified in subdivision (d) of Section 208 of the Business and  
3 Professions Code, and any other stakeholder identified by the  
4 department, for the purpose of identifying desirable capabilities  
5 and upgrades to the CURES Prescription Drug Monitoring Program  
6 (PDMP).

7 (g) The department may establish a process to educate  
8 authorized subscribers of the CURES PDMP on how to access and  
9 use the CURES PDMP.

10 (h) (1) The department may enter into an agreement with an  
11 entity operating an interstate data sharing hub, or an agency  
12 operating a prescription drug monitoring program in another state,  
13 for purposes of interstate data sharing of prescription drug  
14 monitoring program information.

15 (2) Data obtained from CURES may be provided to authorized  
16 users of another state's prescription drug monitoring program, as  
17 determined by the department pursuant to subdivision (c), if the  
18 entity operating the interstate data sharing hub, and the prescription  
19 drug monitoring program of that state, as applicable, have entered  
20 into an agreement with the department for interstate data sharing  
21 of prescription drug monitoring program information.

22 (3) An agreement entered into by the department for purposes  
23 of interstate data sharing of prescription drug monitoring program  
24 information shall ensure that all access to data obtained from  
25 CURES and the handling of data contained within CURES comply  
26 with California law, including regulations, and meet the same  
27 patient privacy, audit, and data security standards employed and  
28 required for direct access to CURES.

29 (4) For purposes of interstate data sharing of CURES  
30 information pursuant to this subdivision, an authorized user of  
31 another state's prescription drug monitoring program shall not be  
32 required to register with CURES, if the authorized user is registered  
33 and in good standing with that state's prescription drug monitoring  
34 program.

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

39 (i) Notwithstanding subdivision (d), a veterinarian shall report  
40 the information required by that subdivision to the department as

1 soon as reasonably possible, but not more than seven days after  
2 the date a controlled substance is dispensed.

3 (j) If the dispensing pharmacy, clinic, or other dispenser  
4 experiences a temporary technological or electrical failure, it shall,  
5 without undue delay, seek to correct any cause of the temporary  
6 technological or electrical failure that is reasonably within its  
7 control. The deadline for transmitting prescription information to  
8 the department or contracted prescription data processing vendor  
9 pursuant to subdivision (d) shall be extended until the failure is  
10 corrected. If the dispensing pharmacy, clinic, or other dispenser  
11 experiences technological limitations that are not reasonably within  
12 its control, or is impacted by a natural or manmade disaster, the  
13 deadline for transmitting prescription information to the department  
14 or contracted prescription data processing vendor shall be extended  
15 until normal operations have resumed.

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

26 SEC. 8. Section 629.51 of the Penal Code is amended to read:  
27 629.51. (a) For the purposes of this chapter, the following  
28 terms have the following meanings:

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

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

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

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

3 (C) Any communication from a tracking device.

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

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

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

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

14 (i) Providing, facilitating, or obtaining a legally protected health  
15 care activity, as defined in Section 1549.15, that is lawful under  
16 California law.

17 (ii) Intending or attempting to provide, facilitate, or obtain a  
18 legally protected health care activity, as defined in Section 1549.15,  
19 that is lawful under California law.

20 (B) As used in this paragraph, “facilitating” or “facilitate” means  
21 assisting, directly or indirectly in any way, with the obtaining of  
22 a legally protected health care activity, as defined in Section  
23 1549.15, that is lawful under California law.

24 (b) This chapter applies to the interceptions of wire and  
25 electronic communications. It does not apply to stored  
26 communications or stored content.

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

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

30 1269b. (a) The officer in charge of a jail in which an arrested  
31 person is held in custody, an officer of a sheriff’s department or  
32 police department of a city who is in charge of a jail or is employed  
33 at a fixed police or sheriff’s facility and is acting under an  
34 agreement with the agency that keeps the jail in which an arrested  
35 person is held in custody, an employee of a sheriff’s department  
36 or police department of a city who is assigned by the department  
37 to collect bail, the clerk of the superior court of the county in which  
38 the offense was alleged to have been committed, and the clerk of  
39 the superior court in which the case against the defendant is  
40 pending may approve and accept bail in the amount fixed by the



1 warrant of arrest, schedule of bail, or order admitting to bail in  
2 cash or surety bond executed by a certified, admitted surety insurer  
3 as provided in the Insurance Code, to issue and sign an order for  
4 the release of the arrested person, and to set a time and place for  
5 the appearance of the arrested person before the appropriate court  
6 and give notice thereof.

7 (b) If a defendant has appeared before a judge of the court on  
8 the charge contained in the complaint, indictment, or information,  
9 the bail shall be in the amount fixed by the judge at the time of the  
10 appearance. If that appearance has not been made, the bail shall  
11 be in the amount fixed in the warrant of arrest or, if no warrant of  
12 arrest has been issued, the amount of bail shall be pursuant to the  
13 uniform countywide schedule of bail for the county in which the  
14 defendant is required to appear, previously fixed and approved as  
15 provided in subdivisions (c) and (d).

16 (c) It is the duty of the superior court judges in each county to  
17 prepare, adopt, and annually revise a uniform countywide schedule  
18 of bail for all bailable felony offenses and for all misdemeanor  
19 and infraction offenses except Vehicle Code infractions. The  
20 penalty schedule for infraction violations of the Vehicle Code shall  
21 be established by the Judicial Council in accordance with Section  
22 40310 of the Vehicle Code.

23 (d) A court may, by local rule, prescribe the procedure by which  
24 the uniform countywide schedule of bail is prepared, adopted, and  
25 annually revised by the judges. If a court does not adopt a local  
26 rule, the uniform countywide schedule of bail shall be prepared,  
27 adopted, and annually revised by a majority of the judges.

28 (e) In adopting a uniform countywide schedule of bail for all  
29 bailable felony offenses the judges shall consider the seriousness  
30 of the offense charged. In considering the seriousness of the offense  
31 charged the judges shall assign an additional amount of required  
32 bail for each aggravating or enhancing factor chargeable in the  
33 complaint, including, but not limited to, additional bail for charges  
34 alleging facts that would bring a person within any of the following  
35 sections: Section 667.5, 667.51, 667.6, 667.8, 667.85, 667.9,  
36 667.10, 12022, 12022.1, 12022.2, 12022.3, 12022.4, 12022.5,  
37 12022.53, 12022.6, 12022.7, 12022.8, or 12022.9 of this code, or  
38 Section 11356.5, 11370.2, or 11370.4 of the Health and Safety  
39 Code.

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

6 (f) (1) The countywide bail schedule shall contain a list of the  
7 offenses and the amounts of bail applicable for each as the judges  
8 determine to be appropriate. If the schedule does not list all  
9 offenses specifically, it shall contain a general clause for designated  
10 amounts of bail as the judges of the county determine to be  
11 appropriate for all the offenses not specifically listed in the  
12 schedule. A copy of the countywide bail schedule shall be sent to  
13 the officer in charge of the county jail, to the officer in charge of  
14 each city jail within the county, to each superior court judge and  
15 commissioner in the county, and to the Judicial Council.

16 (2) The countywide bail schedule shall set zero dollars (\$0) bail  
17 for an individual who has been arrested in connection with a  
18 proceeding in another state regarding an individual performing,  
19 supporting, or aiding in the performance of a legally protected  
20 health care activity, as defined in Section 1549.15, in this state, or  
21 an individual obtaining a legally protected health care activity, as  
22 defined in Section 1549.15, in this state, if the legally protected  
23 health care activity is lawful under the laws of this state.

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

27 All money and surety bonds so deposited with an officer  
28 authorized to receive bail shall be transmitted immediately to the  
29 judge or clerk of the court by which the order was made or warrant  
30 issued or bail schedule fixed. If, in the case of felonies, an  
31 indictment is filed, the judge or clerk of the court shall transmit  
32 all of the money and surety bonds to the clerk of the court.

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

36 SEC. 10. Section 13778.2 of the Penal Code is amended to  
37 read:

38 13778.2. (a) A state or local law enforcement agency or officer  
39 shall not knowingly arrest or knowingly participate in the arrest  
40 of any person for performing, supporting, or aiding in the

1 performance of a legally protected health care activity, as defined  
2 in Section 1549.15, in this state, or obtaining a legally protected  
3 health care activity, as defined in Section 1549.15, in this state, if  
4 the legally protected health care activity is lawful under the laws  
5 of this state.

6 (b) A state or local public agency, or any employee thereof  
7 acting in their official capacity, shall not cooperate with or provide  
8 information to any individual or agency or department from another  
9 state or, to the extent permitted by federal law, to a federal law  
10 enforcement agency regarding a legally protected health care  
11 activity, as defined in Section 1549.15, that is lawful under the  
12 laws of this state and that is performed in this state.

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

21 (2) No state court, judicial officer, or court employee or clerk,  
22 or authorized attorney shall issue a subpoena pursuant to any state  
23 law in connection with a proceeding in another state regarding an  
24 individual performing, supporting, or aiding in the performance  
25 of a legally protected health care activity, as defined in Section  
26 1549.15, in this state, or an individual obtaining a legally protected  
27 health care activity, as defined in Section 1549.15, in this state, if  
28 the legally protected health care activity is lawful under the laws  
29 of this state.

30 (d) This section does not prohibit the investigation of any  
31 criminal activity in this state that may involve the performance of  
32 a legally protected health care activity, as defined in Section  
33 1549.15, provided that information relating to any medical  
34 procedure performed on a specific individual is not shared with  
35 an agency or individual from another state for the purpose of  
36 enforcing another state's law involving a legally protected health  
37 care activity.

38 SEC. 11. The provisions of this act are severable. If any  
39 provision of this act or its application is held invalid, that invalidity

1 shall not affect other provisions or applications that can be given  
2 effect without the invalid provision or application.

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

10 ~~Individuals~~ *Individuals*, including, but not limited to, health care  
11 providers, employees, volunteers, patients, and their loved ones  
12 have become increasingly subjected to violent threats, harassment,  
13 and intimidation for simply accessing, providing, and assisting  
14 with legally protected health care activities, as defined in Section  
15 1798.300 of the Civil Code. In order to prevent acts of violence  
16 from being committed against those individuals, it is necessary  
17 for the Legislature to ensure that the home addresses of these  
18 individuals are kept confidential.

19 SEC. 13. No reimbursement is required by this act pursuant to  
20 Section 6 of Article XIII B of the California Constitution for certain  
21 costs that may be incurred by a local agency or school district  
22 because, in that regard, this act creates a new crime or infraction,  
23 eliminates a crime or infraction, or changes the penalty for a crime  
24 or infraction, within the meaning of Section 17556 of the  
25 Government Code, or changes the definition of a crime within the  
26 meaning of Section 6 of Article XIII B of the California  
27 Constitution.

28 However, if the Commission on State Mandates determines that  
29 this act contains other costs mandated by the state, reimbursement  
30 to local agencies and school districts for those costs shall be made  
31 pursuant to Part 7 (commencing with Section 17500) of Division  
32 4 of Title 2 of the Government Code.

33  
34  
35 REVISIONS:

36 Heading—Lines 2 and 3.  
37

O