

**Introduced by Senator Wiener****(Coauthors: Senators Arreguín, Cabaldon, Gonzalez, Laird, and Padilla)**

(Coauthors: Assembly Members Haney, Lee, Stefani, and Ward)

February 19, 2025

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An act to amend Section 56.109 of the Civil Code, to amend Sections 2029.300 and 2029.350 of the Code of Civil Procedure, to amend Section 11165 of the Health and Safety Code, and to amend Section 1326 of the Penal Code, relating to health care.

## LEGISLATIVE COUNSEL'S DIGEST

SB 497, as introduced, Wiener. Legally protected health care activity.

The United States Constitution generally requires a state to give full faith and credit to the public acts, records, and judicial proceedings of every other state. Existing law generally authorizes a California court or attorney to issue a subpoena if a foreign subpoena has been sought in this state, but prohibits the issuance of a subpoena based on another state's law that interferes with a person's right to allow a child to receive gender-affirming health care or gender-affirming mental health care. Existing law 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 an exception applies, including that the disclosure is in response to a subpoena. Existing law prohibits a provider of health care, a health care service plan, or a contractor from releasing medical information related to a person or entity allowing a child to receive gender-affirming health care or gender-affirming mental health care in response to a civil action, including a foreign subpoena, based on another state's law that authorizes a person to bring a civil action against a

person or entity that allows a child to receive gender-affirming health care or gender-affirming mental health care.

This bill would additionally prohibit a provider of health care, a health care service plan, or a contractor from releasing medical information related to a person seeking or obtaining gender-affirming health care or gender-affirming mental health care in response to a criminal or civil action, including a foreign subpoena, based on another state's law that interferes with an individual's right to seek or obtain gender-affirming health care or gender-affirming mental health care. The bill would also prohibit a provider of health care, health care service plan, contractor, or employer from cooperating with or providing medical information to an individual, agency, or department from another state or, to the extent permitted by federal law, to a federal law enforcement agency that would identify an individual and that is related to an individual seeking or obtaining gender-affirming health care, as specified. The bill would prohibit these entities from releasing medical information related to sensitive services, as defined, in response to a foreign subpoena that is based on a violation of another state's laws authorizing a criminal action against a person or entity for provision or receipt of legally protected health care activity, as defined. The bill would also generally prohibit the issuance of a subpoena based on a violation of another state's law that interferes with a person's right to seek or obtain gender-affirming health care or gender-affirming mental health care, as specified.

Existing law 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 authorizes the department to enter into an agreement with an entity operating an interstate data sharing hub, or an agency operating a prescription drug monitoring program in another state, for purposes of interstate data sharing of prescription drug monitoring program information. 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.

This bill would prohibit a state or local agency or employee, appointee, officer, contractor, or official or any other person acting on behalf of a public agency from providing any CURES data or expend any resources in furtherance of any interstate investigation or proceeding seeking to

impose civil, criminal, or disciplinary liability upon the provision or receipt of legally protected health care activity, as defined. The bill would prohibit out-of-state law enforcement from having access to CURES data through the interstate data sharing hub and would require a warrant, subpoena, or court order for a law enforcement agency to obtain information from CURES as part of a criminal investigation.

This bill would make it a misdemeanor for a person to access the CURES database when not authorized by law, and would make it a misdemeanor for a person who is authorized to access the database to knowingly furnish information from the CURES database to a person who is not authorized by law to receive that information. By creating new crimes, the bill would impose a state-mandated local program.

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 no reimbursement is required by this act for a specified reason.

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. (a) The Legislature find and declares that  
2 California residents and visitors, especially transgender and gender  
3 nonconforming people, are being targeted for harassment,  
4 intimidation, and other harm, as are family members, teachers,  
5 and others who support them. The Legislature intends to  
6 comprehensively protect these Californians and visitors from both  
7 in-state and out-of-state abuse, including from individuals  
8 purporting to act on behalf of the United States Government.

9 (b) It is the intent of the Legislature to ensure that educators  
10 that may face retaliation or prosecution under President Trump's  
11 Executive Order on Ending Radical Indoctrination in K-12  
12 Schooling for prioritizing the safety and well-being of transgender  
13 youth are protected.

14 SEC. 2. Section 56.109 of the Civil Code is amended to read:  
15 56.109. (a) Notwithstanding subdivision (b) of Section 56.10,  
16 a provider of health care, health care service plan, or contractor  
17 shall not release medical information related to *a person seeking*  
18 *or obtaining gender-affirming health care or gender-affirming*

1 *mental health care* or a person or entity allowing a child to receive  
2 gender-affirming health care or gender-affirming mental health  
3 care in response to any ~~civil action~~, *request*, including a foreign  
4 subpoena, based on another state's law that *interferes with an*  
5 *individual's right to seek or obtain gender-affirming health care*  
6 *or gender-affirming mental health care* or authorizes a person to  
7 bring a *civil or criminal* action against a person or entity that allows  
8 a child to receive gender-affirming health care or gender-affirming  
9 mental health care.

10 (b) Notwithstanding subdivision (c) of Section 56.10, a provider  
11 of health care, health care service plan, or contractor shall not  
12 release medical information to persons or entities who have  
13 requested that information and who are authorized by law to receive  
14 that information pursuant to subdivision (c) of Section 56.10, if  
15 the information is related *to an individual seeking or obtaining*  
16 *gender-affirming health care or gender-affirming mental health*  
17 *care* or to a person or entity allowing a child to receive  
18 gender-affirming health care or gender-affirming mental health  
19 care, and the information is being requested pursuant to another  
20 state's law that authorizes a person to bring a *civil or criminal*  
21 action against a person or entity *that provides, seeks, obtains, or*  
22 *receives gender-affirming health care or gender-affirming mental*  
23 *health care* or who allows a child to receive gender-affirming  
24 health care or gender-affirming mental health care.

25 (c) *Notwithstanding subdivisions (b) and (c) of Section 56.10*  
26 *or subdivision (c) of Section 56.20, a provider of health care,*  
27 *health care service plan, contractor, or employer shall not*  
28 *cooperate with any inquiry or investigation by, or provide medical*  
29 *information to, any individual, agency, or department from another*  
30 *state or, to the extent permitted by federal law, to a federal law*  
31 *enforcement agency that would identify an individual and that is*  
32 *related to an individual seeking or obtaining gender-affirming*  
33 *health care or gender-affirming mental health care that is lawful*  
34 *under the laws of this state.*

35 (d) *This section does not prohibit compliance with the*  
36 *investigation of an activity that is punishable as a crime under the*  
37 *laws of this state as long as no medical information related to*  
38 *gender-affirming health care and gender-affirming mental health*  
39 *care is shared with an out-of-state agency or any other individual.*

40 (e)

1 (e) For the purposes of this section, ~~“person” means an~~  
2 ~~individual or governmental subdivision, agency, or instrumentality.~~  
3 *the following terms have the following meanings:*

4 ~~(d) For the purpose of this section, “gender-affirming~~

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

8 (2) “Person” means an individual or governmental subdivision,  
9 agency, or instrumentality.

10 SEC. 3. Section 2029.300 of the Code of Civil Procedure is  
11 amended to read:

12 2029.300. (a) To request issuance of a subpoena under this  
13 section, a party shall submit the original or a true and correct copy  
14 of a foreign subpoena to the clerk of the superior court in the  
15 county in which discovery is sought to be conducted in this state.  
16 A request for the issuance of a subpoena under this section does  
17 not constitute making an appearance in the courts of this state.

18 (b) In addition to submitting a foreign subpoena under  
19 subdivision (a), a party seeking discovery shall do both of the  
20 following:

21 (1) Submit an application requesting that the superior court issue  
22 a subpoena with the same terms as the foreign subpoena. The  
23 application shall be on a form prescribed by the Judicial Council  
24 pursuant to Section 2029.390. No civil case cover sheet is required.

25 (2) Pay the fee specified in Section 70626 of the Government  
26 Code.

27 (c) When a party submits a foreign subpoena to the clerk of the  
28 superior court in accordance with subdivision (a), and satisfies the  
29 requirements of subdivision (b), the clerk shall promptly issue a  
30 subpoena for service upon the person to which the foreign subpoena  
31 is directed.

32 (d) A subpoena issued under this section shall satisfy all of the  
33 following conditions:

34 (1) It shall incorporate the terms used in the foreign subpoena.

35 (2) It shall contain or be accompanied by the names, addresses,  
36 and telephone numbers of all counsel of record in the proceeding  
37 to which the subpoena relates and of any party not represented by  
38 counsel.

39 (3) It shall bear the caption and case number of the out-of-state  
40 case to which it relates.

1 (4) It shall state the name of the court that issues it.

2 (5) It shall be on a form prescribed by the Judicial Council  
3 pursuant to Section 2029.390.

4 (e) Notwithstanding subdivision (a), a subpoena shall not be  
5 issued pursuant to this section in any of the following  
6 circumstances:

7 (1) If the foreign subpoena is based on a violation of another  
8 state's laws that interfere with a person's right to *seek or obtain*  
9 *gender-affirming health care or gender-affirming mental health*  
10 *care or to allow a child to receive gender-affirming health care or*  
11 *gender-affirming mental health care*. For the purpose of this  
12 paragraph, "gender-affirming health care" and "gender-affirming  
13 mental health care" shall have the same meaning as provided in  
14 Section 16010.2 of the Welfare and Institutions Code.

15 (2) If the submitted foreign subpoena relates to a foreign penal  
16 civil action and would require disclosure of information related to  
17 sensitive services. For purposes of this paragraph, "sensitive  
18 services" has the same meaning as defined in Section 791.02 of  
19 the Insurance Code.

20 SEC. 4. Section 2029.350 of the Code of Civil Procedure is  
21 amended to read:

22 2029.350. (a) Notwithstanding Sections 1986 and 2029.300,  
23 if a party to a proceeding pending in a foreign jurisdiction retains  
24 an attorney licensed to practice in this state, who is an active  
25 member of the State Bar, and that attorney receives the original  
26 or a true and correct copy of a foreign subpoena, the attorney may  
27 issue a subpoena under this article.

28 (b) (1) Notwithstanding subdivision (a), an authorized attorney  
29 shall not issue a subpoena pursuant to subdivision (a) if the foreign  
30 subpoena is based on a violation of another state's laws that  
31 interfere with a person's right to *seek or obtain gender-affirming*  
32 *health care or gender-affirming mental health care or to allow a*  
33 *child to receive gender-affirming health care or gender-affirming*  
34 *mental health care*.

35 (2) For the purpose of this subdivision, "gender-affirming health  
36 care" and "gender-affirming mental health care" shall have the  
37 same meaning as provided in Section 16010.2 of the Welfare and  
38 Institutions Code.

39 (c) Notwithstanding subdivision (a), an attorney shall not issue  
40 a subpoena under this article based on a foreign subpoena that

1 relates to a foreign penal civil action and that would require  
2 disclosure of information related to sensitive services. For purposes  
3 of this subdivision, “sensitive services” has the same meaning as  
4 defined in Section 791.02 of the Insurance Code.

5 (d) A subpoena issued under this section shall satisfy all of the  
6 following conditions:

7 (1) It shall incorporate the terms used in the foreign subpoena.

8 (2) It shall contain or be accompanied by the names, addresses,  
9 and telephone numbers of all counsel of record in the proceeding  
10 to which the subpoena relates and of any party not represented by  
11 counsel.

12 (3) It shall bear the caption and case number of the out-of-state  
13 case to which it relates.

14 (4) It shall state the name of the superior court of the county in  
15 which the discovery is to be conducted.

16 (5) It shall be on a form prescribed by the Judicial Council  
17 pursuant to Section 2029.390.

18 SEC. 5. Section 11165 of the Health and Safety Code is  
19 amended to read:

20 11165. (a) To assist health care practitioners in their efforts  
21 to ensure appropriate prescribing, ordering, administering,  
22 furnishing, and dispensing of controlled substances, law  
23 enforcement and regulatory agencies in their efforts to control the  
24 diversion and resultant abuse of Schedule II, Schedule III, Schedule  
25 IV, and Schedule V controlled substances, and for statistical  
26 analysis, education, and research, the Department of Justice shall,  
27 contingent upon the availability of adequate funds in the CURES  
28 Fund, maintain the Controlled Substance Utilization Review and  
29 Evaluation System (CURES) for the electronic monitoring of, and  
30 internet access to information regarding, the prescribing and  
31 dispensing of Schedule II, Schedule III, Schedule IV, and Schedule  
32 V controlled substances by all practitioners authorized to prescribe,  
33 order, administer, furnish, or dispense these controlled substances.

34 (b) The department may seek and use grant funds to pay the  
35 costs incurred by the operation and maintenance of CURES. The  
36 department shall annually report to the Legislature and make  
37 available to the public the amount and source of funds it receives  
38 for support of CURES.

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

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

25 (B) Notwithstanding subparagraph (A), a regulatory board whose  
26 licensees do not prescribe, order, administer, furnish, or dispense  
27 controlled substances shall not be provided data obtained from  
28 CURES.

29 (C) (i) *Notwithstanding subparagraph (A) or any other law, a*  
30 *state or local agency or employee, appointee, officer, contractor,*  
31 *or official or any other person acting on behalf of a public agency*  
32 *shall not provide any CURES data or expend or use time, money,*  
33 *facilities, property, equipment, personnel, or other resources in*  
34 *furtherance of any interstate investigation or proceeding seeking*  
35 *to impose civil, criminal, or disciplinary liability upon the provision*  
36 *or receipt of legally protected health care activity, as defined in*  
37 *Section 1798.300 of the Civil Code.*

38 (ii) *This section does not prohibit the investigation of any activity*  
39 *that is punishable as a crime under the laws of this state so long*  
40 *as no CURES data related to any legally protected health care*



1 *activity, as defined in Section 1798.300 of the Civil Code, is shared*  
2 *with any individual or entity from another state.*

3 (3) ~~The department shall, no later than January 1, 2021, shall~~  
4 adopt regulations regarding the access and use of the information  
5 within CURES. The department shall consult with all stakeholders  
6 identified by the department during the rulemaking process. The  
7 regulations shall, at a minimum, address all of the following in a  
8 manner consistent with this chapter:

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

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

13 ~~(C) The conditions under which~~ *Require* a warrant, subpoena,  
14 or court order ~~is required~~ for a law enforcement agency to obtain  
15 information from CURES as part of a criminal investigation.

16 (D) The process by which information in CURES may be  
17 provided for educational, peer review, statistical, or research  
18 purposes.

19 (4) In accordance with federal and state privacy laws and  
20 regulations, a health care practitioner may provide a patient with  
21 a copy of the patient's CURES patient activity report as long as  
22 no additional CURES data are provided and the health care  
23 practitioner keeps a copy of the report in the patient's medical  
24 record in compliance with subdivision (d) of Section 11165.1.

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

36 (1) Full name, address, and, if available, telephone number of  
37 the ultimate user or research subject, or contact information as  
38 determined by the Secretary of the United States Department of  
39 Health and Human Services, and the gender and date of birth of  
40 the ultimate user.

- 1 (2) The prescriber's category of licensure, license number,
- 2 national provider identifier (NPI) number, if applicable, the federal
- 3 controlled substance registration number, and the state medical
- 4 license number of a prescriber using the federal controlled
- 5 substance registration number of a government-exempt facility.
- 6 (3) Pharmacy prescription number, license number, NPI number,
- 7 and federal controlled substance registration number.
- 8 (4) National Drug Code (NDC) number of the controlled
- 9 substance dispensed.
- 10 (5) Quantity of the controlled substance dispensed.
- 11 (6) The International Statistical Classification of Diseases (ICD)
- 12 Code contained in the most current ICD revision, or any revision
- 13 deemed sufficient by the State Board of Pharmacy, if available.
- 14 (7) Number of refills ordered.
- 15 (8) Whether the drug was dispensed as a refill of a prescription
- 16 or as a first-time request.
- 17 (9) Prescribing date of the prescription.
- 18 (10) Date of dispensing of the prescription.
- 19 (11) The serial number for the corresponding prescription form,
- 20 if applicable.
- 21 (e) The department may invite stakeholders to assist, advise,
- 22 and make recommendations on the establishment of rules and
- 23 regulations necessary to ensure the proper administration and
- 24 enforcement of the CURES database. A prescriber or dispenser
- 25 invitee shall be licensed by one of the boards or committees
- 26 identified in subdivision (d) of Section 208 of the Business and
- 27 Professions Code, in active practice in California, and a regular
- 28 user of CURES.
- 29 (f) The department shall, prior to upgrading CURES, consult
- 30 with prescribers licensed by one of the boards or committees
- 31 identified in subdivision (d) of Section 208 of the Business and
- 32 Professions Code, one or more of the boards or committees
- 33 identified in subdivision (d) of Section 208 of the Business and
- 34 Professions Code, and any other stakeholder identified by the
- 35 department, for the purpose of identifying desirable capabilities
- 36 and upgrades to the CURES Prescription Drug Monitoring Program
- 37 (PDMP).
- 38 (g) The department may establish a process to educate
- 39 authorized subscribers of the CURES PDMP on how to access and
- 40 use the CURES PDMP.

1 (h) (1) The department may enter into an agreement with an  
2 entity operating an interstate data sharing hub, or an agency  
3 operating a prescription drug monitoring program in another state,  
4 for purposes of interstate data sharing of prescription drug  
5 monitoring program ~~information~~. *information with out-of-state*  
6 *authorized users so long as the entity operating an interstate data*  
7 *sharing hub, the interstate data sharing hub itself, and any*  
8 *out-of-state authorized user who obtains CURES data through the*  
9 *interstate data sharing hub shall not provide any CURES data in*  
10 *furtherance of any investigation or proceeding seeking to impose*  
11 *civil, criminal, or disciplinary liability upon the provision or*  
12 *receipt of legally protected health care activity, as defined in*  
13 *Section 1798.300 of the Civil Code.*

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

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

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

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

38 (6) *Out-of-state law enforcement shall not have access to*  
39 *CURES data through the interstate data sharing hub but may*  
40 *request CURES data from the department.*

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

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

(k) (1) *Any person who accesses the CURES database and who is not authorized by law to do so is guilty of a misdemeanor.*

(2) *Any person authorized by law to access the CURES database and who knowingly furnishes the information from the CURES database to a person who is not authorized by law to receive that information is guilty of a misdemeanor.*

(3) *This subdivision does not apply to a provider of health care as defined in Section 56.06 of the Civil Code that is subject to applicable state and federal medical privacy laws.*

SEC. 6. Section 1326 of the Penal Code is amended to read:

1326. (a) The process by which the attendance of a witness before a court or magistrate is required is a subpoena. It may be signed and issued by any of the following:

(1) A magistrate before whom a complaint is laid or their clerk, the district attorney or their investigator, or the public defender or their investigator, for witnesses in the state.

(2) The district attorney, their investigator, or, upon request of the grand jury, any judge of the superior court, for witnesses in the state, in support of an indictment or information, to appear before the court in which it is to be tried.

(3) The district attorney or their investigator, the public defender or their investigator, or the clerk of the court in which a criminal action is to be tried. The clerk shall, at any time, upon application

1 of the defendant, and without charge, issue as many blank  
2 subpoenas, subscribed by them, for witnesses in the state, as the  
3 defendant may require.

4 (4) The attorney of record for the defendant.

5 (b) A subpoena issued in a criminal action that commands the  
6 custodian of records or other qualified witness of a business to  
7 produce books, papers, documents, or records shall direct that  
8 those items be delivered by the custodian or qualified witness in  
9 the manner specified in subdivision (b) of Section 1560 of the  
10 Evidence Code. Subdivision (e) of Section 1560 of the Evidence  
11 Code shall not apply to criminal cases.

12 (c) (1) Notwithstanding subdivision (b), a provider of health  
13 care, health care service plan, or contractor shall not release  
14 medical information related to *an individual seeking or obtaining*  
15 *gender-affirming health care or gender-affirming mental health*  
16 *care or a person or entity allowing a child to receive*  
17 *gender-affirming health care or gender-affirming mental health*  
18 *care in response to any foreign subpoena that is based on a violation*  
19 *of another state's laws authorizing a criminal action that interferes*  
20 *with an individual's rights to seek or obtain gender-affirming*  
21 *health care or gender-affirming mental health care or against a*  
22 *person or entity that allows a child to receive gender-affirming*  
23 *health care or gender-affirming mental health care.*

24 (2) For the purpose of this subdivision, "gender-affirming health  
25 care" and "gender-affirming mental health care" shall have the  
26 same meaning as provided in Section 16010.2 of the Welfare and  
27 Institutions Code.

28 (d) *Notwithstanding subdivision (b), a provider of health care,*  
29 *health care service plan, or contractor shall not release medical*  
30 *information related to sensitive services in response to any foreign*  
31 *subpoena that is based on a violation of another state's laws*  
32 *authorizing a criminal action against a person or entity for the*  
33 *provision or receipt of legally protected health care activity, as*  
34 *defined in Section 1798.300 of the Civil Code. For purposes of*  
35 *this subdivision, "sensitive services" has the same meaning as*  
36 *defined in Section 791.02 of the Insurance Code.*

37 ~~(d)~~

38 (e) In a criminal action, no party, or attorney or representative  
39 of a party, may issue a subpoena commanding the custodian of  
40 records or other qualified witness of a business to provide books,

1 papers, documents, or records, or copies thereof, relating to a  
2 person or entity other than the subpoenaed person or entity in any  
3 manner other than that specified in subdivision (b) of Section 1560  
4 of the Evidence Code. When a defendant has issued a subpoena  
5 to a person or entity that is not a party for the production of books,  
6 papers, documents, or records, or copies thereof, the court may  
7 order an in camera hearing to determine whether or not the defense  
8 is entitled to receive the documents. The court may not order the  
9 documents disclosed to the prosecution except as required by  
10 Section 1054.3.

11 (e)

12 (f) This section shall not be construed to prohibit obtaining  
13 books, papers, documents, or records with the consent of the person  
14 to whom the books, papers, documents, or records relate.

15 SEC. 7. No reimbursement is required by this act pursuant to  
16 Section 6 of Article XIII B of the California Constitution because  
17 the only costs that may be incurred by a local agency or school  
18 district will be incurred because this act creates a new crime or  
19 infraction, eliminates a crime or infraction, or changes the penalty  
20 for a crime or infraction, within the meaning of Section 17556 of  
21 the Government Code, or changes the definition of a crime within  
22 the meaning of Section 6 of Article XIII B of the California  
23 Constitution.