

AMENDED IN SENATE MAY 23, 2025

AMENDED IN SENATE APRIL 21, 2025

AMENDED IN SENATE MARCH 28, 2025

**SENATE BILL**

**No. 497**

---

**Introduced by Senator Wiener**

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

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

February 19, 2025

---

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, ~~care~~, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 497, as amended, Wiener. Legally protected health care activity.  
~~The~~

(1) *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~~; *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~~, *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~~

(2) *Existing* law requires the Department of Justice to maintain the Controlled-~~Substances~~ *Substance* 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 knowingly providing any CURES data or knowingly expending 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 the department from sharing data with an out-of-state law enforcement agency without a warrant, subpoena, or court order, ~~order~~, *order* and would prohibit an out-of-state user from providing any data in furtherance of an investigation or proceeding to impose liability for the provision or receipt of legally protected health care activity.

This bill would make it a misdemeanor for a person to access the CURES database when not authorized by ~~law~~, *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.

(3) *This bill would provide that its provisions are severable.*

(4) *This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~<sup>2/3</sup>. 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~~ *finds* 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,

1 and others who support them. The Legislature intends to  
2 comprehensively protect these Californians and visitors from both  
3 instate and out-of-state abuse, including from individuals  
4 purporting to act on behalf of the United States Government.

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

10 SEC. 2. Section 56.109 of the Civil Code is amended to read:

11 56.109. (a) Notwithstanding subdivision (b) of Section 56.10,  
12 a provider of health care, health care service plan, or contractor  
13 shall not release medical information related to a person seeking  
14 or obtaining gender-affirming health care or gender-affirming  
15 mental health care or a person or entity allowing a child to receive  
16 gender-affirming health care or gender-affirming mental health  
17 care in response to any subpoena or request, including a foreign  
18 subpoena, based on another state's law that interferes with an  
19 individual's right to seek or obtain gender-affirming health care  
20 or gender-affirming mental health care or authorizes a person to  
21 bring a civil or criminal action against a person or entity that allows  
22 a child to receive gender-affirming health care or gender-affirming  
23 mental health care.

24 (b) Notwithstanding subdivision (c) of Section 56.10, a provider  
25 of health care, health care service plan, or contractor shall not  
26 release medical information to persons or entities who have  
27 requested that information and who are authorized by law to receive  
28 that information pursuant to subdivision (c) of Section 56.10, if  
29 the information is related to an individual seeking or obtaining  
30 gender-affirming health care or gender-affirming mental health  
31 care or to a person or entity allowing a child to receive  
32 gender-affirming health care or gender-affirming mental health  
33 care, and the information is being requested pursuant to another  
34 state's law that authorizes a person to bring a civil or criminal  
35 action against a person or entity that provides, seeks, obtains, or  
36 receives gender-affirming health care or gender-affirming mental  
37 health care or who allows a child to receive gender-affirming health  
38 care or gender-affirming mental health care.

39 (c) Notwithstanding subdivisions (b) and (c) of Section 56.10  
40 or subdivision (c) of Section 56.20, a provider of health care, health

1 care service plan, contractor, or employer shall not cooperate with  
2 any inquiry or investigation by, or provide medical information  
3 to, any individual, agency, or department from another state or, to  
4 the extent permitted by federal law, to a federal law enforcement  
5 agency that would identify an individual and that is related to an  
6 individual seeking or obtaining gender-affirming health care or  
7 gender-affirming mental health care that is lawful under the laws  
8 of this state.

9 (d) This section does not prohibit compliance with the  
10 investigation of activity that is punishable as a crime under the  
11 laws of this state.

12 (e) For the purposes of this section, the following terms have  
13 the following meanings:

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

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

19 SEC. 3. Section 2029.300 of the Code of Civil Procedure is  
20 amended to read:

21 2029.300. (a) To request issuance of a subpoena under this  
22 section, a party shall submit the original or a true and correct copy  
23 of a foreign subpoena to the clerk of the superior court in the  
24 county in which discovery is sought to be conducted in this state.  
25 A request for the issuance of a subpoena under this section does  
26 not constitute making an appearance in the courts of this state.

27 (b) In addition to submitting a foreign subpoena under  
28 subdivision (a), a party seeking discovery shall do both of the  
29 following:

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

34 (2) Pay the fee specified in Section 70626 of the Government  
35 Code.

36 (c) When a party submits a foreign subpoena to the clerk of the  
37 superior court in accordance with subdivision (a), and satisfies the  
38 requirements of subdivision (b), the clerk shall promptly issue a  
39 subpoena for service upon the person to which the foreign subpoena  
40 is directed.

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

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

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

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

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

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

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

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

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

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

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

(b) (1) Notwithstanding subdivision (a), an authorized attorney shall not issue a subpoena pursuant to subdivision (a) if the foreign subpoena is based on a violation of another state's laws that interfere with a person's right to seek or obtain gender-affirming

1 health care or gender-affirming mental health care or to allow a  
2 child to receive gender-affirming health care or gender-affirming  
3 mental health care.

4 (2) For the purpose of this subdivision, “gender-affirming health  
5 care” and “gender-affirming mental health care” shall have the  
6 same ~~meaning~~ *meanings* as provided in Section 16010.2 of the  
7 Welfare and Institutions Code.

8 (c) Notwithstanding subdivision (a), an attorney shall not issue  
9 a subpoena under this article based on a foreign subpoena that  
10 relates to a foreign penal civil action and that would require  
11 disclosure of information related to sensitive services. For purposes  
12 of this subdivision, “sensitive services” has the same meaning as  
13 defined in Section 791.02 of the Insurance Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (C) (i) Notwithstanding subparagraph (A) or any other law, a  
37 state or local agency or employee, appointee, officer, contractor,  
38 or official or any other person acting on behalf of a public agency  
39 shall not knowingly provide any CURES data or knowingly expend  
40 or use time, money, facilities, property, equipment, personnel, or



1 other resources in furtherance of any interstate investigation or  
2 proceeding seeking to impose civil, criminal, or disciplinary  
3 liability upon the provision or receipt of legally protected health  
4 care activity, as defined in Section 1798.300 of the Civil Code.

5 (ii) This section does not prohibit the investigation of any  
6 activity that is punishable as a crime under the laws of this state  
7 so long as CURES data related to any legally protected health care  
8 activity, as defined in Section 1798.300 of the Civil Code, is not  
9 knowingly shared with any individual or entity from another state.

10 (3) The department may adopt regulations regarding the access  
11 and use of the information within CURES. The department shall  
12 consult with all stakeholders identified by the department during  
13 the rulemaking process. The regulations shall, at a minimum,  
14 address all of the following in a manner consistent with this  
15 chapter:

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

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

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

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

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

32 (d) For each prescription for a Schedule II, Schedule III,  
33 Schedule IV, or Schedule V controlled substance, as defined in  
34 the controlled substances schedules in federal law and regulations,  
35 specifically Sections 1308.12, 1308.13, 1308.14, and 1308.15,  
36 respectively, of Title 21 of the Code of Federal Regulations, the  
37 dispensing pharmacy, clinic, or other dispenser shall report the  
38 following information to the department or contracted prescription  
39 data processing vendor as soon as reasonably possible, but not  
40 more than one working day after the date a controlled substance

1 is released to the patient or patient's representative, in a format  
2 specified by the department:

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

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

13 (3) Pharmacy prescription number, license number, NPI number,  
14 and federal controlled substance registration number.

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

17 (5) Quantity of the controlled substance dispensed.

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

21 (7) Number of refills ordered.

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

24 (9) Prescribing date of the prescription.

25 (10) Date of dispensing of the prescription.

26 (11) The serial number for the corresponding prescription form,  
27 if applicable.

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

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

1 Professions Code, and any other stakeholder identified by the  
2 department, for the purpose of identifying desirable capabilities  
3 and upgrades to the CURES Prescription Drug Monitoring Program  
4 (PDMP).

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

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

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

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

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

39 (5) The department shall not enter into an agreement pursuant  
40 to this subdivision until the department has issued final regulations

1 regarding the access and use of the information within CURES as  
2 required by paragraph (3) of subdivision (c).

3 (6) Notwithstanding subdivision (c), the department shall not  
4 provide CURES data to out-of-state law enforcement absent a  
5 warrant, subpoena, or court order, issued pursuant to Section  
6 2029.300 or 2029.350 of the Code of Civil Procedure, or Section  
7 1326 of the Penal Code.

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

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

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

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

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

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

35 1326. (a) The process by which the attendance of a witness  
36 before a court or magistrate is required is a subpoena. It may be  
37 signed and issued by any of the following:

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

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

5 (3) The district attorney or their investigator, the public defender  
6 or their investigator, or the clerk of the court in which a criminal  
7 action is to be tried. The clerk shall, at any time, upon application  
8 of the defendant, and without charge, issue as many blank  
9 subpoenas, subscribed by them, for witnesses in the state, as the  
10 defendant may require.

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

12 (b) A subpoena issued in a criminal action that commands the  
13 custodian of records or other qualified witness of a business to  
14 produce books, papers, documents, or records shall direct that  
15 those items be delivered by the custodian or qualified witness in  
16 the manner specified in subdivision (b) of Section 1560 of the  
17 Evidence Code. Subdivision (e) of Section 1560 of the Evidence  
18 Code shall not apply to criminal cases.

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

31 (2) For the purpose of this subdivision, "gender-affirming health  
32 care" and "gender-affirming mental health care" shall have the  
33 same ~~meaning~~ *meanings* as provided in Section 16010.2 of the  
34 Welfare and Institutions Code.

35 (d) Notwithstanding subdivision (b), a provider of health care,  
36 health care service plan, or contractor shall not release medical  
37 information related to sensitive services in response to any foreign  
38 subpoena that is based on a violation of another state's laws  
39 authorizing a criminal action against a person or entity for the  
40 provision or receipt of legally protected health care activity, as

1 defined in Section 1798.300 of the Civil Code. For purposes of  
2 this subdivision, “sensitive services” has the same meaning as  
3 defined in Section 791.02 of the Insurance Code.

4 (e) In a criminal action, no party, or attorney or representative  
5 of a party, may issue a subpoena commanding the custodian of  
6 records or other qualified witness of a business to provide books,  
7 papers, documents, or records, or copies thereof, relating to a  
8 person or entity other than the subpoenaed person or entity in any  
9 manner other than that specified in subdivision (b) of Section 1560  
10 of the Evidence Code. When a defendant has issued a subpoena  
11 to a person or entity that is not a party for the production of books,  
12 papers, documents, or records, or copies thereof, the court may  
13 order an in camera hearing to determine whether or not the defense  
14 is entitled to receive the documents. The court may not order the  
15 documents disclosed to the prosecution except as required by  
16 Section 1054.3.

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

20 *SEC. 7. The provisions of this act are severable. If any*  
21 *provision of this act or its application is held invalid, that invalidity*  
22 *shall not affect other provisions or applications that can be given*  
23 *effect without the invalid provision or application.*

24 ~~SEC. 7.~~

25 *SEC. 8.* No reimbursement is required by this act pursuant to  
26 Section 6 of Article XIII B of the California Constitution because  
27 the only costs that may be incurred by a local agency or school  
28 district will be incurred because this act creates a new crime or  
29 infraction, eliminates a crime or infraction, or changes the penalty  
30 for a crime or infraction, within the meaning of Section 17556 of  
31 the Government Code, or changes the definition of a crime within  
32 the meaning of Section 6 of Article XIII B of the California  
33 Constitution.

34 *SEC. 9. This act is an urgency statute necessary for the*  
35 *immediate preservation of the public peace, health, or safety within*  
36 *the meaning of Article IV of the California Constitution and shall*  
37 *go into immediate effect. The facts constituting the necessity are:*

1     *To address the ongoing efforts to decrease legal protections for*  
2     *the transgender community, it is necessary that this act take effect*  
3     *immediately.*

O