

AMENDED IN SENATE JUNE 23, 2025

AMENDED IN ASSEMBLY MAY 1, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

## ASSEMBLY BILL

**No. 302**

**Introduced by Assembly Member Bauer-Kahan**

January 23, 2025

---

An act to ~~amend Section 56.10 of the Civil Code, relating to medical information; add Title 23 (commencing with Section 3273.75) to Part 4 of Division 3 of the Civil Code, relating to personal information.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 302, as amended, Bauer-Kahan. ~~Confidentiality of Medical Information Act. Protected individuals.~~

Existing law, the Confidentiality of Medical Information Act, prohibits a provider of health care, a health care service plan, or a contractor from disclosing medical information, as defined, regarding a patient of the provider of health care or an enrollee or subscriber of the health care service plan without first obtaining an authorization, except as prescribed. The act punishes a violation of its provisions that results in economic loss or personal injury to a patient as a misdemeanor.

Existing law requires a provider of health care, a health care service plan, or a contractor to disclose medical information if the disclosure is compelled by, among other things, a court order or a search warrant lawfully issued to a governmental law enforcement agency.

This bill would revise the disclosure requirement relating to a court order to instead require disclosure if compelled by a court order issued by a California state court, including California state court orders relating to foreign subpoenas, as defined. The bill would revise the

~~disclosure requirement relating to a search warrant to require disclosure if compelled by a warrant from another state based on another state's law so long as that law does not interfere with California law, and execution of the search warrant would not violate specified prohibitions against enforcement actions regarding lawful abortions. By narrowing the exceptions for disclosing medical information, and thereby expanding the crime of violating the act, this bill would impose a state-mandated local program.~~

~~Existing law, the Interstate and International Depositions and Discovery Act, requires a California state court to issue a subpoena if a foreign subpoena has been sought in this state and the requesting party satisfies specified requirements. Existing law prohibits a subpoena from being issued pursuant to those provisions if the submitted foreign subpoena (1) is based on a violation of another state's laws that interfere with a person's right to allow a child to receive gender-affirming health care, as specified, or (2) relates to a foreign penal civil action and would require disclosure of information related to sensitive services, as defined.~~

~~This bill would prohibit a provider of health care, health care service plan, or contractor from complying with a court order that constitutes a foreign subpoena, absent a court order issued pursuant to the Interstate and International Depositions and Discovery Act, as specified. Because a violation of this prohibition that results in economic loss or personal injury would be a misdemeanor under the Confidentiality of Medical Information Act, this bill would impose a state-mandated local program.~~

~~Existing law prohibits a provider of health care, health care service plan, contractor, or corporation and its subsidiaries and affiliates from intentionally sharing, selling, using for marketing, or otherwise using medical information for a purpose not necessary to provide health care services to the patient, except to the extent expressly authorized by a patient, enrollee, or subscriber, or if compelled pursuant to the above-described requirements.~~

~~This bill would delete the above-described exception allowing disclosure pursuant to an express authorization by a patient, enrollee, or subscriber, and would instead prohibit a provider of health care, health care service plan, contractor, or corporation and its subsidiaries and affiliates from intentionally selling medical information or using medical information for marketing. By expanding prohibitions against disclosing medical information, and thereby expanding the crime of violating the act, this bill would impose a state-mandated local program.~~

*The California Consumer Privacy Act of 2018 (CCPA) grants a consumer various rights with respect to personal information, as defined, that is collected or sold by a business, as defined, including the right to request that a business delete any personal information about the consumer that the business has collected from the consumer. The California Privacy Rights Act of 2020, approved by the voters as Proposition 24 at the November 3, 2020, statewide general election, amended, added to, and reenacted the CCPA and establishes the California Privacy Protection Agency (agency) and vests the agency with full administrative power, authority, and jurisdiction to enforce the CCPA.*

*The Information Practices Act of 1977 regulates the use of personal information by certain state agencies, including by requiring a state agency to maintain in its records only personal information which is relevant and necessary to accomplish a purpose of the agency required or authorized by the California Constitution or statute or mandated by the federal government.*

*This bill would authorize a protected individual, or the agency on behalf of a protected individual, to request that a person or governmental entity refrain from publishing or selling the protected individual's personal information or remove the protected individual's personal information from any existing publication and would require a person or governmental entity to comply with that request, as specified. The bill would authorize certain public attorneys, including the Attorney General, to punish noncompliance with this provision with a certain civil action.*

*This bill would also prohibit a person from knowingly publishing, as defined, or selling the personal information of a protected individual if the person knows, or reasonably should know, that publishing or selling the personal information poses an imminent and serious threat to the protected individual and certain harms result from the publishing or selling of the personal information. The bill would punish a violation of this provision as a misdemeanor and would make a violator liable for a civil penalty, as specified. By creating a new crime, the bill would impose a state-mandated local program.*

*This bill would define "protected individual" to mean a current or former representative elected in the state, as determined by the Secretary of State, an appointed officer of a court or a magistrate in the state, or a spouse, a child, or a dependent who resides in the same household as those individuals.*

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. Title 23 (commencing with Section 3273.75) is  
2     added to Part 4 of Division 3 of the Civil Code, to read:

3  
4                   TITLE 23. PROTECTED INDIVIDUALS

5  
6     3273.75. As used in this title:

7     (a) (1) "Personal information" has, except as provided in  
8     paragraph (2), the meaning defined in Section 1798.140.

9     (2) (A) "Personal information" includes, subject to  
10     subparagraph (B), information that is publicly available.

11     (B) "Personal information" does not include information that  
12     is either of the following:

13     (i) Information that has been publicly disclosed with the  
14     informed consent of the protected individual.

15     (ii) Information that is relevant to, and displayed as part of, a  
16     news story, commentary, editorial, or any other speech on a matter  
17     of public concern.

18     (b) "Protected individual" means any of the following:

19     (1) A current or former representative elected in the state, as  
20     determined by the Secretary of State.

21     (2) An appointed officer of a court or a magistrate in the state.

22     (3) A spouse, a child, or a dependent who resides in the same  
23     household as an individual described in paragraph (1) or (2).

24     (c) "Publish" means to make publicly available on an internet  
25     website or social media platform.

26     (d) "Sell" means to sell, rent, release, disclose, disseminate,  
27     make available, transfer, or otherwise communicate orally, in  
28     writing, or by electronic or other means, a protected individual's  
29     personal information to a third party for monetary or other  
30     valuable consideration.

1     3273.76. (a) A protected individual, or the California Privacy  
2     Protection Agency on behalf of a protected individual, may request  
3     that a person or governmental entity do either of the following:

4     (1) Refrain from publishing or selling the protected individual's  
5     personal information.

6     (2) Remove the protected individual's personal information  
7     from any existing publication.

8     (b) A request made under this section to a person or  
9     governmental entity shall meet all of the following criteria:

10    (1) The request shall be in writing.

11    (2) The request shall be sent by certified mail or by e-mail.

12    (3) The request shall adequately identify the publication  
13    containing the personal information.

14    (c) On receipt of a request under subdivision (b), a person or  
15    governmental entity shall promptly acknowledge receipt of the  
16    request in writing by certified mail or by e-mail and do both of  
17    the following:

18    (1) Take steps reasonably necessary to ensure that the personal  
19    information is not published.

20    (2) If the personal information is already published, provide  
21    for the removal of the personal information within 72 hours after  
22    receipt of the request.

23    3273.77. (a) A person shall not knowingly publish or sell the  
24    personal information of a protected individual if both of the  
25    following are true:

26    (1) The person knows, or reasonably should know, that  
27    publishing or selling the personal information poses an imminent  
28    and serious threat to the protected individual.

29    (2) The publishing or selling of the personal information results  
30    in any of the following:

31    (A) An assault in any degree.

32    (B) Harassment.

33    (C) Trespass.

34    (D) Malicious destruction of property.

35    (b) A person who violates this section is guilty of a misdemeanor;  
36    a civil penalty not exceeding five thousand dollars (\$5,000), or  
37    both in an action brought only by the Attorney General.

38    3273.78. (a) A protected individual, the Attorney General, a  
39    county counsel, or a city attorney may bring an action for a  
40    violation of Section 3273.76 for any of the following relief:

1     (1) *Declaratory relief.*

2     (2) *Injunctive relief.*

3     (3) *Reasonable attorney's fees.*

4     (4) *Actual damages.*

5     (b) *In addition to the other relief provided under this section,*  
6 *if a court finds that a person or governmental entity willfully*  
7 *refused to provide for the removal of personal information knowing*  
8 *that the individual on behalf of whom the request was made was*  
9 *a protected individual, the court may award punitive damages.*

10    ~~SECTION 1. Section 56.10 of the Civil Code is amended to~~  
11 ~~read:~~

12    ~~56.10.—(a) A provider of health care, health care service plan,~~  
13 ~~or contractor shall not disclose medical information regarding a~~  
14 ~~patient of the provider of health care or an enrollee or subscriber~~  
15 ~~of a health care service plan without first obtaining an~~  
16 ~~authorization, except as provided in subdivision (b) or (c).~~

17    ~~(b) A provider of health care, a health care service plan, or a~~  
18 ~~contractor shall disclose medical information if the disclosure is~~  
19 ~~compelled by any of the following:~~

20    ~~(1) (A) A court order issued by a California state court,~~  
21 ~~including a court order issued by a California state court pursuant~~  
22 ~~to Section 2029.300 of the Code of Civil Procedure relating to a~~  
23 ~~foreign subpoena.~~

24    ~~(B) A provider of health care, health care service plan, or~~  
25 ~~contractor shall not comply with a court order that constitutes a~~  
26 ~~foreign subpoena, absent a court order issued pursuant to Section~~  
27 ~~2029.300 of the Code of Civil Procedure.~~

28    ~~(2) A board, commission, or administrative agency for purposes~~  
29 ~~of adjudication pursuant to its lawful authority.~~

30    ~~(3) A party to a proceeding before a court or administrative~~  
31 ~~agency pursuant to a subpoena, subpoena duces tecum, notice to~~  
32 ~~appear served pursuant to Section 1987 of the Code of Civil~~  
33 ~~Procedure, or any provision authorizing discovery in a proceeding~~  
34 ~~before a court or administrative agency.~~

35    ~~(4) A board, commission, or administrative agency pursuant to~~  
36 ~~an investigative subpoena issued under Article 2 (commencing~~  
37 ~~with Section 11180) of Chapter 2 of Part 1 of Division 3 of Title~~  
38 ~~2 of the Government Code.~~

39    ~~(5) An arbitrator or arbitration panel, when arbitration is lawfully~~  
40 ~~requested by either party, pursuant to a subpoena duces tecum~~

1 issued under Section 1282.6 of the Code of Civil Procedure, or  
2 another provision authorizing discovery in a proceeding before an  
3 arbitrator or arbitration panel.

4 (6) A search warrant lawfully issued to a governmental law  
5 enforcement agency, including a warrant from another state based  
6 on another state's law so long as that law does not interfere with  
7 California law, including, but not limited to, the Reproductive  
8 Privacy Act (Article 2.5 (commencing with Section 123460) of  
9 Chapter 2 of Part 2 of Division 106 of the Health and Safety Code);  
10 and execution of the search warrant would not constitute a violation  
11 of Section 13778.2 of the Penal Code.

12 (7) The patient or the patient's representative pursuant to  
13 Chapter 1 (commencing with Section 123100) of Part 1 of Division  
14 106 of the Health and Safety Code.

15 (8) A medical examiner, forensic pathologist, or coroner, when  
16 requested in the course of an investigation by a medical examiner,  
17 forensic pathologist, or coroner's office for the purpose of  
18 identifying the decedent or locating next of kin, or when  
19 investigating deaths that may involve public health concerns, organ  
20 or tissue donation, child abuse, elder abuse, suicides, poisonings,  
21 accidents, sudden infant deaths, suspicious deaths, unknown deaths,  
22 or criminal deaths, or upon notification of, or investigation of,  
23 imminent deaths that may involve organ or tissue donation pursuant  
24 to Section 7151.15 of the Health and Safety Code, or when  
25 otherwise authorized by the decedent's representative. Medical  
26 information requested by a medical examiner, forensic pathologist,  
27 or coroner under this paragraph shall be limited to information  
28 regarding the patient who is the decedent and who is the subject  
29 of the investigation or who is the prospective donor and shall be  
30 disclosed to a medical examiner, forensic pathologist, or coroner  
31 without delay upon request. A medical examiner, forensic  
32 pathologist, or coroner shall not disclose the information contained  
33 in the medical record obtained pursuant to this paragraph to a third  
34 party without a court order or authorization pursuant to paragraph  
35 (4) of subdivision (c) of Section 56.11.

36 (9) When otherwise specifically required by law.

37 (c) A provider of health care or a health care service plan may  
38 disclose medical information as follows:

39 (1) The information may be disclosed to providers of health  
40 care, health care service plans, contractors, or other health care

1 professionals or facilities for purposes of diagnosis or treatment  
2 of the patient. This includes, in an emergency situation, the  
3 communication of patient information by radio transmission or  
4 other means between emergency medical personnel at the scene  
5 of an emergency, or in an emergency medical transport vehicle,  
6 and emergency medical personnel at a health facility licensed  
7 pursuant to Chapter 2 (commencing with Section 1250) of Division  
8 2 of the Health and Safety Code.

9 (2) The information may be disclosed to an insurer, employer,  
10 health care service plan, hospital service plan, employee benefit  
11 plan, governmental authority, contractor, or other person or entity  
12 responsible for paying for health care services rendered to the  
13 patient, to the extent necessary to allow responsibility for payment  
14 to be determined and payment to be made. If (A) the patient is, by  
15 reason of a comatose or other disabling medical condition, unable  
16 to consent to the disclosure of medical information and (B) no  
17 other arrangements have been made to pay for the health care  
18 services being rendered to the patient, the information may be  
19 disclosed to a governmental authority to the extent necessary to  
20 determine the patient's eligibility for, and to obtain, payment under  
21 a governmental program for health care services provided to the  
22 patient. The information may also be disclosed to another provider  
23 of health care or health care service plan as necessary to assist the  
24 other provider or health care service plan in obtaining payment  
25 for health care services rendered by that provider of health care or  
26 health care service plan to the patient.

27 (3) The information may be disclosed to a person or entity that  
28 provides billing, claims management, medical data processing, or  
29 other administrative services for providers of health care or health  
30 care service plans or for any of the persons or entities specified in  
31 paragraph (2). However, that disclosed information shall not be  
32 further disclosed by the recipient in a way that would violate this  
33 part.

34 (4) The information may be disclosed to organized committees  
35 and agents of professional societies or of medical staffs of licensed  
36 hospitals, licensed health care service plans, professional standards  
37 review organizations, independent medical review organizations  
38 and their selected reviewers, utilization and quality control peer  
39 review organizations as established by Congress in Public Law  
40 97-248 in 1982, contractors, or persons or organizations insuring,



1 responsible for, or defending professional liability that a provider  
2 may incur, if the committees, agents, health care service plans,  
3 organizations, reviewers, contractors, or persons are engaged in  
4 reviewing the competence or qualifications of health care  
5 professionals or in reviewing health care services with respect to  
6 medical necessity, level of care, quality of care, or justification of  
7 charges.

8 (5) ~~The information in the possession of a provider of health~~  
9 ~~care or a health care service plan may be reviewed by a private or~~  
10 ~~public body responsible for licensing or accrediting the provider~~  
11 ~~of health care or a health care service plan. However, no~~  
12 ~~patient-identifying medical information may be removed from the~~  
13 ~~premises except as expressly permitted or required elsewhere by~~  
14 ~~law, nor shall that information be further disclosed by the recipient~~  
15 ~~in a way that would violate this part.~~

16 (6) ~~The information may be disclosed to a medical examiner,~~  
17 ~~forensic pathologist, or county coroner in the course of an~~  
18 ~~investigation by a medical examiner, forensic pathologist, or~~  
19 ~~coroner's office when requested for all purposes not included in~~  
20 ~~paragraph (8) of subdivision (b). A medical examiner, forensic~~  
21 ~~pathologist, or coroner shall not disclose the information contained~~  
22 ~~in the medical record obtained pursuant to this paragraph to a third~~  
23 ~~party without a court order or authorization pursuant to paragraph~~  
24 ~~(4) of subdivision (c) of Section 56.11.~~

25 (7) ~~The information may be disclosed to public agencies, clinical~~  
26 ~~investigators, including investigators conducting epidemiologic~~  
27 ~~studies, health care research organizations, and accredited public~~  
28 ~~or private nonprofit educational or health care institutions for bona~~  
29 ~~fide research purposes. However, no information so disclosed shall~~  
30 ~~be further disclosed by the recipient in a way that would disclose~~  
31 ~~the identity of a patient or violate this part.~~

32 (8) ~~A provider of health care or health care service plan that has~~  
33 ~~created medical information as a result of employment-related~~  
34 ~~health care services to an employee conducted at the specific prior~~  
35 ~~written request and expense of the employer may disclose to the~~  
36 ~~employee's employer that part of the information that:~~

37 (A) ~~Is relevant in a lawsuit, arbitration, grievance, or other claim~~  
38 ~~or challenge to which the employer and the employee are parties~~  
39 ~~and in which the patient has placed in issue the patient's medical~~  
40 ~~history, mental or physical condition, or treatment, provided that~~

1 information may only be used or disclosed in connection with that  
2 proceeding.

3 ~~(B) Describes functional limitations of the patient that may~~  
4 ~~entitle the patient to leave from work for medical reasons or limit~~  
5 ~~the patient's fitness to perform the patient's present employment,~~  
6 ~~provided that no statement of medical cause is included in the~~  
7 ~~information disclosed.~~

8 ~~(9) Unless the provider of health care or a health care service~~  
9 ~~plan is notified in writing of an agreement by the sponsor, insurer,~~  
10 ~~or administrator to the contrary, the information may be disclosed~~  
11 ~~to a sponsor, insurer, or administrator of a group or individual~~  
12 ~~insured or uninsured plan or policy that the patient seeks coverage~~  
13 ~~by or benefits from, if the information was created by the provider~~  
14 ~~of health care or health care service plan as the result of services~~  
15 ~~conducted at the specific prior written request and expense of the~~  
16 ~~sponsor, insurer, or administrator for the purpose of evaluating the~~  
17 ~~application for coverage or benefits.~~

18 ~~(10) The information may be disclosed to a health care service~~  
19 ~~plan by providers of health care that contract with the health care~~  
20 ~~service plan and may be transferred between providers of health~~  
21 ~~care that contract with the health care service plan, for the purpose~~  
22 ~~of administering the health care service plan. Medical information~~  
23 ~~shall not otherwise be disclosed by a health care service plan except~~  
24 ~~in accordance with this part.~~

25 ~~(11) This part does not prevent the disclosure by a provider of~~  
26 ~~health care or a health care service plan to an insurance institution,~~  
27 ~~agent, or support organization, subject to Article 6.6 (commencing~~  
28 ~~with Section 791) of Chapter 1 of Part 2 of Division 1 of the~~  
29 ~~Insurance Code, of medical information if the insurance institution,~~  
30 ~~agent, or support organization has complied with all of the~~  
31 ~~requirements for obtaining the information pursuant to Article 6.6~~  
32 ~~(commencing with Section 791) of Chapter 1 of Part 2 of Division~~  
33 ~~1 of the Insurance Code.~~

34 ~~(12) The information relevant to the patient's condition, care,~~  
35 ~~and treatment provided may be disclosed to a probate court~~  
36 ~~investigator in the course of an investigation required or authorized~~  
37 ~~in a conservatorship proceeding under the~~  
38 ~~Guardianship-Conservatorship Law as defined in Section 1400 of~~  
39 ~~the Probate Code, or to a probate court investigator, probation~~  
40 ~~officer, or domestic relations investigator engaged in determining~~

1 the need for an initial guardianship or continuation of an existing  
2 guardianship.

3 (13) The information may be disclosed to an organ procurement  
4 organization or a tissue bank processing the tissue of a decedent  
5 for transplantation into the body of another person, but only with  
6 respect to the donating decedent, for the purpose of aiding the  
7 transplant. For the purpose of this paragraph, “tissue bank” and  
8 “tissue” have the same meanings as defined in Section 1635 of the  
9 Health and Safety Code.

10 (14) The information may be disclosed when the disclosure is  
11 otherwise specifically authorized by law, including, but not limited  
12 to, the voluntary reporting, either directly or indirectly, to the  
13 federal Food and Drug Administration of adverse events related  
14 to drug products or medical device problems, or to disclosures  
15 made pursuant to subdivisions (b) and (c) of Section 11167 of the  
16 Penal Code by a person making a report pursuant to Sections  
17 11165.9 and 11166 of the Penal Code, provided that those  
18 disclosures concern a report made by that person.

19 (15) Basic information, including the patient’s name, city of  
20 residence, age, sex, and general condition, may be disclosed to a  
21 state-recognized or federally recognized disaster relief organization  
22 for the purpose of responding to disaster welfare inquiries.

23 (16) The information may be disclosed to a third party for  
24 purposes of encoding, encrypting, or otherwise anonymizing data.  
25 However, no information so disclosed shall be further disclosed  
26 by the recipient in a way that would violate this part, including the  
27 unauthorized manipulation of coded or encrypted medical  
28 information that reveals individually identifiable medical  
29 information.

30 (17) For purposes of disease management programs and services  
31 as defined in Section 1399.901 of the Health and Safety Code,  
32 information may be disclosed as follows: (A) to an entity  
33 contracting with a health care service plan or the health care service  
34 plan’s contractors to monitor or administer care of enrollees for a  
35 covered benefit, if the disease management services and care are  
36 authorized by a treating physician, or (B) to a disease management  
37 organization, as defined in Section 1399.900 of the Health and  
38 Safety Code, that complies fully with the physician authorization  
39 requirements of Section 1399.902 of the Health and Safety Code,  
40 if the health care service plan or its contractor provides or has

1 provided a description of the disease management services to a  
2 treating physician or to the health care service plan's or contractor's  
3 network of physicians. This paragraph does not require physician  
4 authorization for the care or treatment of the adherents of a  
5 well-recognized church or religious denomination who depend  
6 solely upon prayer or spiritual means for healing in the practice  
7 of the religion of that church or denomination.

8 (18) The information may be disclosed, as permitted by state  
9 and federal law or regulation, to a local health department for the  
10 purpose of preventing or controlling disease, injury, or disability,  
11 including, but not limited to, the reporting of disease, injury, vital  
12 events, including, but not limited to, birth or death, and the conduct  
13 of public health surveillance, public health investigations, and  
14 public health interventions, as authorized or required by state or  
15 federal law or regulation.

16 (19) The information may be disclosed, consistent with  
17 applicable law and standards of ethical conduct, by a  
18 psychotherapist, as defined in Section 1010 of the Evidence Code,  
19 if the psychotherapist, in good faith, believes the disclosure is  
20 necessary to prevent or lessen a serious and imminent threat to the  
21 health or safety of a reasonably foreseeable victim or victims, and  
22 the disclosure is made to a person or persons reasonably able to  
23 prevent or lessen the threat, including the target of the threat.

24 (20) The information may be disclosed as described in Section  
25 56.103.

26 (21) (A) The information may be disclosed to an employee  
27 welfare benefit plan, as defined under Section 3(1) of the Employee  
28 Retirement Income Security Act of 1974 (29 U.S.C. Sec. 1002(1)),  
29 which is formed under Section 302(c)(5) of the Taft-Hartley Act  
30 (29 U.S.C. Sec. 186(c)(5)), to the extent that the employee welfare  
31 benefit plan provides medical care, and may also be disclosed to  
32 an entity contracting with the employee welfare benefit plan for  
33 billing, claims management, medical data processing, or other  
34 administrative services related to the provision of medical care to  
35 persons enrolled in the employee welfare benefit plan for health  
36 care coverage, if all of the following conditions are met:

37 (i) The disclosure is for the purpose of determining eligibility,  
38 coordinating benefits, or allowing the employee welfare benefit  
39 plan or the contracting entity to advocate on the behalf of a patient

1 or enrollee with a provider, a health care service plan, or a state  
2 or federal regulatory agency.

3 (ii) The request for the information is accompanied by a written  
4 authorization for the release of the information submitted in a  
5 manner consistent with subdivision (a) and Section 56.11.

6 (iii) The disclosure is authorized by and made in a manner  
7 consistent with the federal Health Insurance Portability and  
8 Accountability Act of 1996 (Public Law 104-191).

9 (iv) Any information disclosed is not further used or disclosed  
10 by the recipient in any way that would directly or indirectly violate  
11 this part or the restrictions imposed by Part 164 of Title 45 of the  
12 Code of Federal Regulations, including the manipulation of the  
13 information in any way that might reveal individually identifiable  
14 medical information.

15 (B) For purposes of this paragraph, Section 1374.8 of the Health  
16 and Safety Code shall not apply.

17 (22) Information may be disclosed pursuant to subdivision (a)  
18 of Section 15633.5 of the Welfare and Institutions Code by a person  
19 required to make a report pursuant to Section 15630 of the Welfare  
20 and Institutions Code, provided that the disclosure under  
21 subdivision (a) of Section 15633.5 concerns a report made by that  
22 person. Covered entities, as they are defined in Section 160.103  
23 of Title 45 of the Code of Federal Regulations, shall comply with  
24 the requirements of the federal Health Insurance Portability and  
25 Accountability Act of 1996 (HIPAA) privacy rule pursuant to  
26 subsection (c) of Section 164.512 of Title 45 of the Code of Federal  
27 Regulations if the disclosure is not for the purpose of public health  
28 surveillance, investigation, intervention, or reporting an injury or  
29 death.

30 (23) The information may be disclosed to a school-linked  
31 services coordinator pursuant to a written authorization between  
32 the health provider and the patient or client that complies with the  
33 federal Health Insurance Portability and Accountability Act of  
34 1996.

35 (24) Mental health records, as defined in subdivision (c) of  
36 Section 5073 of the Penal Code, may be disclosed by a county  
37 correctional facility, county medical facility, state correctional  
38 facility, or state hospital, as required by Section 5073 of the Penal  
39 Code.

~~(d) A provider of health care, health care service plan, contractor, or corporation and its subsidiaries and affiliates shall not intentionally sell medical information or use medical information for marketing.~~

~~(e) Except to the extent expressly authorized by a patient, enrollee, or subscriber or as provided by subdivisions (b) and (c), a contractor or corporation and its subsidiaries and affiliates shall not further disclose medical information regarding a patient of the provider of health care or an enrollee or subscriber of a health care service plan or insurer or self-insured employer received under this section to a person or entity that is not engaged in providing direct health care services to the patient or the patient's provider of health care or health care service plan or insurer or self-insured employer.~~

~~(f) For purposes of this section, the following definitions apply:~~

~~(1) "Court order" means a document, however denominated, including a subpoena, issued under authority of a court of record requiring a person to do any of the following:~~

~~(A) Attend and give testimony at a deposition.~~

~~(B) Produce and permit inspection, copying, testing, or sampling of designated books, documents, records, electronically stored information, or tangible things in the possession, custody, or control of the person.~~

~~(C) Permit inspection of premises under the control of the person.~~

~~(2) "Foreign subpoena" means both of the following:~~

~~(A) A foreign subpoena, as defined in Section 2029.200 of the Code of Civil Procedure.~~

~~(B) A court order issued under authority of a court of record of a foreign jurisdiction.~~

~~(3) "Medical examiner, forensic pathologist, or coroner" means a coroner or deputy coroner, as described in subdivision (c) of Section 830.35 of the Penal Code, or a licensed physician who currently performs official autopsies on behalf of a county coroner's office or a medical examiner's office, whether as a government employee or under contract to that office.~~

~~(4) "School-linked services coordinator" means an individual located on a school campus or under contract by a county behavioral health provider agency for the treatment and health~~

1 ~~care operations and referrals of students and their families that~~  
2 ~~holds any of the following:~~

3 ~~(A) A services credential with a specialization in pupil personnel~~  
4 ~~services, as described in Section 44266 of the Education Code.~~

5 ~~(B) A services credential with a specialization in health~~  
6 ~~authorizing service as a school nurse, as described in Section 44877~~  
7 ~~of the Education Code.~~

8 ~~(C) A license to engage in the practice of marriage and family~~  
9 ~~therapy issued pursuant to Chapter 13 (commencing with Section~~  
10 ~~4980) of Division 2 of the Business and Professions Code.~~

11 ~~(D) A license to engage in the practice of educational~~  
12 ~~psychology issued pursuant to Chapter 13.5 (commencing with~~  
13 ~~Section 4989.10) of Division 2 of the Business and Professions~~  
14 ~~Code.~~

15 ~~(E) A license to engage in the practice of professional clinical~~  
16 ~~counseling issued pursuant to Chapter 16 (commencing with~~  
17 ~~Section 4999.10) of Division 2 of the Business and Professions~~  
18 ~~Code.~~

19 SEC. 2. No reimbursement is required by this act pursuant to  
20 Section 6 of Article XIII B of the California Constitution because  
21 the only costs that may be incurred by a local agency or school  
22 district will be incurred because this act creates a new crime or  
23 infraction, eliminates a crime or infraction, or changes the penalty  
24 for a crime or infraction, within the meaning of Section 17556 of  
25 the Government Code, or changes the definition of a crime within  
26 the meaning of Section 6 of Article XIII B of the California  
27 Constitution.