

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.

LEGISLATIVE COUNSEL'S DIGEST

SB 497, as amended, 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~~ *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 out-of-state law enforcement from having access to CURES data through the interstate data sharing hub and would prohibit~~ the department from sharing data with an out-of-state law enforcement agency without a warrant, subpoena, or court 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, 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

1 Executive Order on Ending Radical Indoctrination in K–12
2 Schooling for prioritizing the safety and well-being of transgender
3 youth are protected.

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

5 56.109. (a) Notwithstanding subdivision (b) of Section 56.10,
6 a provider of health care, health care service plan, or contractor
7 shall not release medical information related to a person seeking
8 or obtaining gender-affirming health care or gender-affirming
9 mental health care or a person or entity allowing a child to receive
10 gender-affirming health care or gender-affirming mental health
11 care in response to any subpoena or request, including a foreign
12 subpoena, based on another state's law that interferes with an
13 individual's right to seek or obtain gender-affirming health care
14 or gender-affirming mental health care or authorizes a person to
15 bring a civil or criminal action against a person or entity that allows
16 a child to receive gender-affirming health care or gender-affirming
17 mental health care.

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

33 (c) Notwithstanding subdivisions (b) and (c) of Section 56.10
34 or subdivision (c) of Section 56.20, a provider of health care, health
35 care service plan, contractor, or employer shall not cooperate with
36 any inquiry or investigation by, or provide medical information
37 to, any individual, agency, or department from another state or, to
38 the extent permitted by federal law, to a federal law enforcement
39 agency that would identify an individual and that is related to an
40 individual seeking or obtaining gender-affirming health care or

gender-affirming mental health care that is lawful under the laws of this state.

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

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

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

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

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

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

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

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

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

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

1 to which the subpoena relates and of any party not represented by
2 counsel.

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

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

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

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

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

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

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

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

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

39 (2) For the purpose of this subdivision, "gender-affirming health
40 care" and "gender-affirming mental health care" shall have the

1 same meaning as provided in Section 16010.2 of the Welfare and
2 Institutions Code.

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

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

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

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

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

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

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

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

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

38 (b) The department may seek and use grant funds to pay the
39 costs incurred by the operation and maintenance of CURES. The
40 department shall annually report to the Legislature and make

1 available to the public the amount and source of funds it receives
2 for support of CURES.

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

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

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

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

1 (ii) This section does not prohibit the investigation of any
2 activity that is punishable as a crime under the laws of this state
3 so long as ~~no~~ CURES data related to any legally protected health
4 care activity, as defined in Section 1798.300 of the Civil Code, is
5 *not knowingly* shared with any individual or entity from another
6 state.

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

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

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

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

20 (D) The process by which information in CURES may be
21 provided for educational, peer review, statistical, or research
22 purposes.

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

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

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

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

11 (3) Pharmacy prescription number, license number, NPI number,
12 and federal controlled substance registration number.

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

15 (5) Quantity of the controlled substance dispensed.

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

19 (7) Number of refills ordered.

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

22 (9) Prescribing date of the prescription.

23 (10) Date of dispensing of the prescription.

24 (11) The serial number for the corresponding prescription form,
25 if applicable.

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

34 (f) The department shall, prior to upgrading CURES, consult
35 with prescribers licensed by one of the boards or committees
36 identified in subdivision (d) of Section 208 of the Business and
37 Professions Code, one or more of the boards or committees
38 identified in subdivision (d) of Section 208 of the Business and
39 Professions Code, and any other stakeholder identified by the
40 department, for the purpose of identifying desirable capabilities

1 and upgrades to the CURES Prescription Drug Monitoring Program
2 (PDMP).

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

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

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

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

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

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

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

(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

1 the state, in support of an indictment or information, to appear
2 before the court in which it is to be tried.

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

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

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

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

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

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

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

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

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

19 SEC. 7. 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.