

AMENDED IN ASSEMBLY JUNE 13, 2025

AMENDED IN SENATE MAY 6, 2025

AMENDED IN SENATE MAY 1, 2025

AMENDED IN SENATE MARCH 24, 2025

SENATE BILL

No. 81

Introduced by Senator Arreguín

(Principal coauthor: Senator Menjivar)

(Coauthors: Senators Archuleta, Durazo, Gonzalez, Limón, and Rubio)

(Coauthors: Assembly Members Bonta, Caloza, Carrillo, Celeste Rodriguez, and Solache)

January 17, 2025

An act to amend Sections 56.05 and 56.10 of the Civil Code, and to add Chapter 1.5 (commencing with Section 1249) to Division 2 of the Health and Safety Code, relating to health and care facilities, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 81, as amended, Arreguín. Health and care facilities: information sharing.

(1) The Confidentiality of Medical Information Act (CMIA) prohibits a provider of health care, a health care service plan, a contractor, or a corporation and its subsidiaries and affiliates from intentionally sharing, selling, using for marketing, or otherwise using any medical information, as defined, for any purpose not necessary to provide health care services to a patient, except as provided. The CMIA authorizes a provider of health care, health care service plan, or contractor to disclose medical information regarding a patient of the provider of health care or an

enrollee or subscriber of a health care service plan with authorization from the patient or pursuant to a search warrant lawfully issued to a governmental law enforcement agency. Existing law makes a violation of these provisions that results in economic loss or personal injury to a patient punishable as a misdemeanor.

This bill would revise the definition of “medical information” to include immigration status, including current and prior immigration status, and place of birth, and would define “immigration enforcement” to mean any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration that penalizes a person’s presence in, entry or reentry to, or employment in, the United States. The bill would specify that a provider of health care, health care service plan, or contractor may disclose medical information regarding a patient of the provider of health care or an enrollee or subscriber or a health care service plan pursuant to a valid search warrant issued by a judicial officer, including a magistrate, to a governmental law enforcement agency. The bill would also prohibit, except to the extent expressly authorized by a patient, enrollee, or subscriber, or as otherwise *permitted or* required, a provider of health care, health care service plan, contractor, or corporation and its subsidiaries and affiliates from disclosing medical information for immigration enforcement. Because the bill would expand the scope of a crime, it would impose a state-mandated local program.

(2) Under existing law, the State Department of Public Health is responsible for the licensing and regulation of various facilities and settings that provide health care services, as specified. Existing law makes a willful violation of these provisions a crime.

This bill would require health care provider entities, as defined, to establish or amend procedures for monitoring and receiving visitors to health care provider entities to the extent possible. The bill would require, when circumstances allow, health care provider entity personnel to immediately notify health care provider entity management, administration, or legal counsel of any request for access to a health care provider entity site or patient for immigration enforcement, and to provide any requests for review of health care provider entity documents, as prescribed. The bill would prohibit, to the extent permitted by state and federal law, a health care provider entity and its personnel from granting access to nonpublic areas of the provider’s facilities for

immigration enforcement without a valid judicial warrant or court order. The bill would require health care provider entities to inform staff and relevant volunteers on how to respond to requests relating to immigration enforcement that grants access to health care provider entity sites or to patients. The bill would require that health care provider entities comply with these provisions within 45 days from their effective date. By expanding the scope of a crime and increasing duties on local health officials, 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. Section 56.05 of the Civil Code is amended to
2 read:
3 56.05. For purposes of this part:
4 (a) "Authorization" means permission granted in accordance
5 with Section 56.11 or 56.21 for the disclosure of medical
6 information.
7 (b) "Authorized recipient" means a person who is authorized
8 to receive medical information pursuant to Section 56.10 or 56.20.
9 (c) "Confidential communications request" means a request by
10 a subscriber or enrollee that health care service plan
11 communications containing medical information be communicated
12 to them at a specific mail or email address or specific telephone
13 number, as designated by the subscriber or enrollee.

(d) “Contractor” means a person or entity that is a medical group, independent practice association, pharmaceutical benefits manager, or a medical service organization and is not a health care service plan or provider of health care. “Contractor” does not include insurance institutions as defined in subdivision (k) of Section 791.02 of the Insurance Code or pharmaceutical benefits managers licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code).

(e) “Enrollee” has the same meaning as that term is defined in Section 1345 of the Health and Safety Code.

(f) “Expiration date or event” means a specified date or an occurrence relating to the individual to whom the medical information pertains or the purpose of the use or disclosure, after which the provider of health care, health care service plan, pharmaceutical company, or contractor is no longer authorized to disclose the medical information.

(g) “Health care service plan” means an entity regulated pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code).

(h) “Licensed health care professional” means a person licensed or certified pursuant to Division 2 (commencing with Section 500) of the Business and Professions Code, the Osteopathic Initiative Act or the Chiropractic Initiative Act, or Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

(i) “Marketing” means to make a communication about a product or service that encourages recipients of the communication to purchase or use the product or service.

“Marketing” does not include any of the following:

(1) Communications made orally or in writing for which the communicator does not receive direct or indirect remuneration, including, but not limited to, gifts, fees, payments, subsidies, or other economic benefits, from a third party for making the communication.

(2) Communications made to current enrollees solely for the purpose of describing a provider’s participation in an existing health care provider network or health plan network of a Knox-Keene licensed health plan to which the enrollees already subscribe; communications made to current enrollees solely for

1 the purpose of describing if, and the extent to which, a product or
2 service, or payment for a product or service, is provided by a
3 provider, contractor, or plan or included in a plan of benefits of a
4 Knox-Keene licensed health plan to which the enrollees already
5 subscribe; or communications made to plan enrollees describing
6 the availability of more cost-effective pharmaceuticals.

7 (3) Communications that are tailored to the circumstances of a
8 particular individual to educate or advise the individual about
9 treatment options, and otherwise maintain the individual's
10 adherence to a prescribed course of medical treatment, as provided
11 in Section 1399.901 of the Health and Safety Code, for a chronic
12 and seriously debilitating or life-threatening condition as defined
13 in subdivisions (d) and (e) of Section 1367.21 of the Health and
14 Safety Code, if the health care provider, contractor, or health plan
15 receives direct or indirect remuneration, including, but not limited
16 to, gifts, fees, payments, subsidies, or other economic benefits,
17 from a third party for making the communication, if all of the
18 following apply:

19 (A) The individual receiving the communication is notified in
20 the communication in typeface no smaller than 14-point type of
21 the fact that the provider, contractor, or health plan has been
22 remunerated and the source of the remuneration.

23 (B) The individual is provided the opportunity to opt out of
24 receiving future remunerated communications.

25 (C) The communication contains instructions in typeface no
26 smaller than 14-point type describing how the individual can opt
27 out of receiving further communications by calling a toll-free
28 number of the health care provider, contractor, or health plan
29 making the remunerated communications. Further communication
30 shall not be made to an individual who has opted out after 30
31 calendar days from the date the individual makes the opt-out
32 request.

33 (j) "Medical information" means any individually identifiable
34 information, in electronic or physical form, in possession of or
35 derived from a provider of health care, health care service plan,
36 pharmaceutical company, or contractor regarding a patient's
37 medical history, mental health application information,
38 reproductive or sexual health application information, immigration
39 status, including current and prior immigration status, place of
40 birth, mental or physical condition, or treatment. "Individually

1 identifiable” means that the medical information includes or
2 contains any element of personal identifying information sufficient
3 to allow identification of the individual, such as the patient’s name,
4 address, electronic mail address, telephone number, or social
5 security number, or other information that, alone or in combination
6 with other publicly available information, reveals the identity of
7 the individual.

8 (k) “Mental health application information” means information
9 related to a consumer’s inferred or diagnosed mental health or
10 substance use disorder, as defined in Section 1374.72 of the Health
11 and Safety Code, collected by a mental health digital service.

12 (l) “Mental health digital service” means a mobile-based
13 application or internet website that collects mental health
14 application information from a consumer, markets itself as
15 facilitating mental health services to a consumer, and uses the
16 information to facilitate mental health services to a consumer.

17 (m) “Patient” means a natural person, whether or not still living,
18 who received health care services from a provider of health care
19 and to whom medical information pertains.

20 (n) “Pharmaceutical company” means a company or business,
21 or an agent or representative thereof, that manufactures, sells, or
22 distributes pharmaceuticals, medications, or prescription drugs.
23 “Pharmaceutical company” does not include a pharmaceutical
24 benefits manager, as included in subdivision (c), or a provider of
25 health care.

26 (o) “Protected individual” means any adult covered by the
27 subscriber’s health care service plan or a minor who can consent
28 to a health care service without the consent of a parent or legal
29 guardian, pursuant to state or federal law. “Protected individual”
30 does not include an individual that lacks the capacity to give
31 informed consent for health care pursuant to Section 813 of the
32 Probate Code.

33 (p) “Provider of health care” means a person licensed or certified
34 pursuant to Division 2 (commencing with Section 500) of the
35 Business and Professions Code; a person licensed pursuant to the
36 Osteopathic Initiative Act or the Chiropractic Initiative Act; a
37 person certified pursuant to Division 2.5 (commencing with Section
38 1797) of the Health and Safety Code; or a clinic, health dispensary,
39 or health facility licensed pursuant to Division 2 (commencing
40 with Section 1200) of the Health and Safety Code. “Provider of

1 health care” does not include insurance institutions as defined in
2 subdivision (k) of Section 791.02 of the Insurance Code.

3 (q) “Reproductive or sexual health application information”
4 means information about a consumer’s reproductive health,
5 menstrual cycle, fertility, pregnancy, pregnancy outcome, plans
6 to conceive, or type of sexual activity collected by a reproductive
7 or sexual health digital service, including, but not limited to,
8 information from which one can infer someone’s pregnancy status,
9 menstrual cycle, fertility, hormone levels, birth control use, sexual
10 activity, or gender identity.

11 (r) “Reproductive or sexual health digital service” means a
12 mobile-based application or internet website that collects
13 reproductive or sexual health application information from a
14 consumer, markets itself as facilitating reproductive or sexual
15 health services to a consumer, and uses the information to facilitate
16 reproductive or sexual health services to a consumer.

17 (s) “Sensitive services” means all health care services related
18 to mental or behavioral health, sexual and reproductive health,
19 sexually transmitted infections, substance use disorder,
20 gender-affirming care, and intimate partner violence, and includes
21 services described in Sections 6924, 6925, 6926, 6927, 6928, 6929,
22 and 6930 of the Family Code, and Sections 121020 and 124260
23 of the Health and Safety Code, obtained by a patient at or above
24 the minimum age specified for consenting to the service specified
25 in the section.

26 (t) “Subscriber” has the same meaning as that term is defined
27 in Section 1345 of the Health and Safety Code.

28 (u) “Immigration enforcement” means any and all efforts to
29 investigate, enforce, or assist in the investigation or enforcement
30 of any federal civil immigration law, and also includes any and all
31 efforts to investigate, enforce, or assist in the investigation or
32 enforcement of any federal criminal immigration law that penalizes
33 a person’s presence in, entry or reentry to, or employment in, the
34 United States.

35 SEC. 2. Section 56.10 of the Civil Code is amended to read:

36 56.10. (a) A provider of health care, health care service plan,
37 or contractor shall not disclose medical information regarding a
38 patient of the provider of health care or an enrollee or subscriber
39 of a health care service plan without first obtaining an
40 authorization, except as provided in subdivision (b) or (c).

1 (b) A provider of health care, a health care service plan, or a
2 contractor shall disclose medical information if the disclosure is
3 compelled by any of the following:

4 (1) A court order.

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

7 (3) A party to a proceeding before a court or administrative
8 agency pursuant to a subpoena, subpoena duces tecum, notice to
9 appear served pursuant to Section 1987 of the Code of Civil
10 Procedure, or any provision authorizing discovery in a proceeding
11 before a court or administrative agency.

12 (4) A board, commission, or administrative agency pursuant to
13 an investigative subpoena issued under Article 2 (commencing
14 with Section 11180) of Chapter 2 of Part 1 of Division 3 of Title
15 2 of the Government Code.

16 (5) An arbitrator or arbitration panel, when arbitration is lawfully
17 requested by either party, pursuant to a subpoena duces tecum
18 issued under Section 1282.6 of the Code of Civil Procedure, or
19 another provision authorizing discovery in a proceeding before an
20 arbitrator or arbitration panel.

21 (6) A valid search warrant issued by a judicial officer, including
22 a magistrate, to a governmental law enforcement agency.

23 (7) The patient or the patient's representative pursuant to
24 Chapter 1 (commencing with Section 123100) of Part 1 of Division
25 106 of the Health and Safety Code.

26 (8) A medical examiner, forensic pathologist, or coroner, when
27 requested in the course of an investigation by a medical examiner,
28 forensic pathologist, or coroner's office for the purpose of
29 identifying the decedent or locating next of kin, or when
30 investigating deaths that may involve public health concerns, organ
31 or tissue donation, child abuse, elder abuse, suicides, poisonings,
32 accidents, sudden infant deaths, suspicious deaths, unknown deaths,
33 or criminal deaths, or upon notification of, or investigation of,
34 imminent deaths that may involve organ or tissue donation pursuant
35 to Section 7151.15 of the Health and Safety Code, or when
36 otherwise authorized by the decedent's representative. Medical
37 information requested by a medical examiner, forensic pathologist,
38 or coroner under this paragraph shall be limited to information
39 regarding the patient who is the decedent and who is the subject
40 of the investigation or who is the prospective donor and shall be

1 disclosed to a medical examiner, forensic pathologist, or coroner
2 without delay upon request. A medical examiner, forensic
3 pathologist, or coroner shall not disclose the information contained
4 in the medical record obtained pursuant to this paragraph to a third
5 party without a court order or authorization pursuant to paragraph
6 (4) of subdivision (c) of Section 56.11.

7 (9) When otherwise specifically required by law.

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

10 (1) The information may be disclosed to providers of health
11 care, health care service plans, contractors, or other health care
12 professionals or facilities for purposes of diagnosis or treatment
13 of the patient. This includes, in an emergency situation, the
14 communication of patient information by radio transmission or
15 other means between emergency medical personnel at the scene
16 of an emergency, or in an emergency medical transport vehicle,
17 and emergency medical personnel at a health facility licensed
18 pursuant to Chapter 2 (commencing with Section 1250) of Division
19 2 of the Health and Safety Code.

20 (2) The information may be disclosed to an insurer, employer,
21 health care service plan, hospital service plan, employee benefit
22 plan, governmental authority, contractor, or other person or entity
23 responsible for paying for health care services rendered to the
24 patient, to the extent necessary to allow responsibility for payment
25 to be determined and payment to be made. If (A) the patient is, by
26 reason of a comatose or other disabling medical condition, unable
27 to consent to the disclosure of medical information and (B) no
28 other arrangements have been made to pay for the health care
29 services being rendered to the patient, the information may be
30 disclosed to a governmental authority to the extent necessary to
31 determine the patient's eligibility for, and to obtain, payment under
32 a governmental program for health care services provided to the
33 patient. The information may also be disclosed to another provider
34 of health care or health care service plan as necessary to assist the
35 other provider or health care service plan in obtaining payment
36 for health care services rendered by that provider of health care or
37 health care service plan to the patient.

38 (3) The information may be disclosed to a person or entity that
39 provides billing, claims management, medical data processing, or
40 other administrative services for providers of health care or health

1 care service plans or for any of the persons or entities specified in
2 paragraph (2). However, that disclosed information shall not be
3 further disclosed by the recipient in a way that would violate this
4 part.

5 (4) The information may be disclosed to organized committees
6 and agents of professional societies or of medical staffs of licensed
7 hospitals, licensed health care service plans, professional standards
8 review organizations, independent medical review organizations
9 and their selected reviewers, utilization and quality control peer
10 review organizations as established by Congress in Public Law
11 97-248 in 1982, contractors, or persons or organizations insuring,
12 responsible for, or defending professional liability that a provider
13 may incur, if the committees, agents, health care service plans,
14 organizations, reviewers, contractors, or persons are engaged in
15 reviewing the competence or qualifications of health care
16 professionals or in reviewing health care services with respect to
17 medical necessity, level of care, quality of care, or justification of
18 charges.

19 (5) The information in the possession of a provider of health
20 care or a health care service plan may be reviewed by a private or
21 public body responsible for licensing or accrediting the provider
22 of health care or a health care service plan. However, no
23 patient-identifying medical information may be removed from the
24 premises except as expressly permitted or required elsewhere by
25 law, nor shall that information be further disclosed by the recipient
26 in a way that would violate this part.

27 (6) The information may be disclosed to a medical examiner,
28 forensic pathologist, or county coroner in the course of an
29 investigation by a medical examiner, forensic pathologist, or
30 coroner's office when requested for all purposes not included in
31 paragraph (8) of subdivision (b). 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 (7) The information may be disclosed to public agencies, clinical
37 investigators, including investigators conducting epidemiologic
38 studies, health care research organizations, and accredited public
39 or private nonprofit educational or health care institutions for bona
40 fide research purposes. However, no information so disclosed shall

1 be further disclosed by the recipient in a way that would disclose
2 the identity of a patient or violate this part.

3 (8) A provider of health care or health care service plan that has
4 created medical information as a result of employment-related
5 health care services to an employee conducted at the specific prior
6 written request and expense of the employer may disclose to the
7 employee's employer that part of the information that:

8 (A) Is relevant in a lawsuit, arbitration, grievance, or other claim
9 or challenge to which the employer and the employee are parties
10 and in which the patient has placed in issue the patient's medical
11 history, mental or physical condition, or treatment, provided that
12 information may only be used or disclosed in connection with that
13 proceeding.

14 (B) Describes functional limitations of the patient that may
15 entitle the patient to leave from work for medical reasons or limit
16 the patient's fitness to perform the patient's present employment,
17 provided that no statement of medical cause is included in the
18 information disclosed.

19 (9) Unless the provider of health care or a health care service
20 plan is notified in writing of an agreement by the sponsor, insurer,
21 or administrator to the contrary, the information may be disclosed
22 to a sponsor, insurer, or administrator of a group or individual
23 insured or uninsured plan or policy that the patient seeks coverage
24 by or benefits from, if the information was created by the provider
25 of health care or health care service plan as the result of services
26 conducted at the specific prior written request and expense of the
27 sponsor, insurer, or administrator for the purpose of evaluating the
28 application for coverage or benefits.

29 (10) The information may be disclosed to a health care service
30 plan by providers of health care that contract with the health care
31 service plan and may be transferred between providers of health
32 care that contract with the health care service plan, for the purpose
33 of administering the health care service plan. Medical information
34 shall not otherwise be disclosed by a health care service plan except
35 in accordance with this part.

36 (11) This part does not prevent the disclosure by a provider of
37 health care or a health care service plan to an insurance institution,
38 agent, or support organization, subject to Article 6.6 (commencing
39 with Section 791) of Chapter 1 of Part 2 of Division 1 of the
40 Insurance Code, of medical information if the insurance institution,

1 agent, or support organization has complied with all of the
2 requirements for obtaining the information pursuant to Article 6.6
3 (commencing with Section 791) of Chapter 1 of Part 2 of Division
4 1 of the Insurance Code.

5 (12) The information relevant to the patient's condition, care,
6 and treatment provided may be disclosed to a probate court
7 investigator in the course of an investigation required or authorized
8 in a conservatorship proceeding under the
9 Guardianship-Conservatorship Law as defined in Section 1400 of
10 the Probate Code, or to a probate court investigator, probation
11 officer, or domestic relations investigator engaged in determining
12 the need for an initial guardianship or continuation of an existing
13 guardianship.

14 (13) The information may be disclosed to an organ procurement
15 organization or a tissue bank processing the tissue of a decedent
16 for transplantation into the body of another person, but only with
17 respect to the donating decedent, for the purpose of aiding the
18 transplant. For the purpose of this paragraph, "tissue bank" and
19 "tissue" have the same meanings as defined in Section 1635 of the
20 Health and Safety Code.

21 (14) The information may be disclosed when the disclosure is
22 otherwise specifically authorized by law, including, but not limited
23 to, the voluntary reporting, either directly or indirectly, to the
24 United States Food and Drug Administration of adverse events
25 related to drug products or medical device problems, or to
26 disclosures made pursuant to subdivisions (b) and (c) of Section
27 11167 of the Penal Code by a person making a report pursuant to
28 Sections 11165.9 and 11166 of the Penal Code, provided that those
29 disclosures concern a report made by that person.

30 (15) Basic information, including the patient's name, city of
31 residence, age, sex, and general condition, may be disclosed to a
32 state-recognized or federally recognized disaster relief organization
33 for the purpose of responding to disaster welfare inquiries.

34 (16) The information may be disclosed to a third party for
35 purposes of encoding, encrypting, or otherwise anonymizing data.
36 However, no information so disclosed shall be further disclosed
37 by the recipient in a way that would violate this part, including the
38 unauthorized manipulation of coded or encrypted medical
39 information that reveals individually identifiable medical
40 information.

(17) For purposes of disease management programs and services as defined in Section 1399.901 of the Health and Safety Code, information may be disclosed as follows: (A) to an entity contracting with a health care service plan or the health care service plan's contractors to monitor or administer care of enrollees for a covered benefit, if the disease management services and care are authorized by a treating physician, or (B) to a disease management organization, as defined in Section 1399.900 of the Health and Safety Code, that complies fully with the physician authorization requirements of Section 1399.902 of the Health and Safety Code, if the health care service plan or its contractor provides or has provided a description of the disease management services to a treating physician or to the health care service plan's or contractor's network of physicians. This paragraph does not require physician authorization for the care or treatment of the adherents of a well-recognized church or religious denomination who depend solely upon prayer or spiritual means for healing in the practice of the religion of that church or denomination.

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

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

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

(21) (A) The information may be disclosed to an employee welfare benefit plan, as defined under Section 3(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. Sec. 1002(1)), which is formed under Section 302(c)(5) of the Taft-Hartley Act

(29 U.S.C. Sec. 186(c)(5)), to the extent that the employee welfare benefit plan provides medical care, and may also be disclosed to an entity contracting with the employee welfare benefit plan for billing, claims management, medical data processing, or other administrative services related to the provision of medical care to persons enrolled in the employee welfare benefit plan for health care coverage, if all of the following conditions are met:

(i) The disclosure is for the purpose of determining eligibility, coordinating benefits, or allowing the employee welfare benefit plan or the contracting entity to advocate on the behalf of a patient or enrollee with a provider, a health care service plan, or a state or federal regulatory agency.

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

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

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

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

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

1 (23) The information may be disclosed to a school-linked
2 services coordinator pursuant to a written authorization between
3 the health provider and the patient or client that complies with the
4 federal Health Insurance Portability and Accountability Act of
5 1996.

6 (24) Mental health records, as defined in subdivision (c) of
7 Section 5073 of the Penal Code, may be disclosed by a county
8 correctional facility, county medical facility, state correctional
9 facility, or state hospital, as required by Section 5073 of the Penal
10 Code.

11 (d) Except to the extent expressly authorized by a patient,
12 enrollee, or subscriber, or as provided by subdivisions (b) and (c),
13 a provider of health care, health care service plan, contractor, or
14 corporation and its subsidiaries and affiliates shall not intentionally
15 share, sell, use for marketing, or otherwise use medical information
16 for a purpose not necessary to provide health care services to the
17 patient.

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

28 (f) Except to the extent expressly authorized by a patient,
29 enrollee, or subscriber, or as required by subdivision (b), *or as*
30 *permitted by subdivision (c)*, a provider of health care, health care
31 service plan, contractor, or corporation and its subsidiaries and
32 affiliates shall not disclose medical ~~information~~. *information for*
33 *immigration enforcement*.

34 (g) For purposes of this section, the following definitions apply:

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

(2) “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 care operations and referrals of students and their families that holds any of the following:

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

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

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

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

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

SEC. 3. Chapter 1.5 (commencing with Section 1249) is added to Division 2 of the Health and Safety Code, to read:

CHAPTER 1.5. PATIENT ACCESS AND PROTECTION

1249. (a) A health care provider entity shall, to the extent possible, establish or amend procedures for monitoring and receiving visitors to health care provider entities consistent with this chapter. Health care provider entities are encouraged to post a “notice to authorities” at facility entrances.

(b) When circumstances allow, health care provider entity personnel shall immediately notify health care provider entity management, administration, or legal counsel of any request for access to a health care provider entity site or patient for immigration enforcement, and to provide any requests for review of health care provider entity documents, including through a lawfully issued subpoena, warrant, or court order. If a request is made to access a health care provider entity site or patient, including to obtain information about a patient or their family, for

1 immigration enforcement, health care provider entity personnel
2 shall, to the extent possible, direct such request to the designated
3 health care provider entity management, administrator, or legal
4 counsel.

5 1249.1. (a) To enhance privacy available to facility users and
6 promote a safe environment conducive to the facility's mission
7 and patient care, a health care provider entity is encouraged to
8 designate areas where patients are receiving treatment or care,
9 where a patient is discussing protected health information, or that
10 are not otherwise open to the public as nonpublic. The facility is
11 encouraged to designate these areas through mapping, signage,
12 key entry, policy, or a combination of those.

13 (b) To the extent permitted by state and federal law, a health
14 care provider entity and its personnel shall not, to the extent
15 possible, grant access to the nonpublic areas of the facility for
16 immigration enforcement without a valid judicial warrant or court
17 order.

18 (c) A health care provider entity and its personnel shall, to the
19 extent possible, have the denial of permission for access to
20 nonpublic areas of the facility pursuant to subdivision (b) witnessed
21 and documented by at least one health care provider entity
22 personnel.

23 (d) Health care provider entities shall inform staff and relevant
24 volunteers on how to respond to requests relating to immigration
25 enforcement that grants access to health care provider entity sites
26 or to patients.

27 1249.2. For purposes of this chapter, "health care provider
28 entity" includes all of the following:

29 (a) Health facilities as defined in Section 1250.

30 (b) Clinics as defined in Section 1200 and 1200.1, a clinic
31 licensed pursuant to Section 1204, and a clinic exempt from
32 licensure pursuant to subdivisions (b) and (h) of Section 1206.

33 (c) A physician organization as defined in subdivision (p) of
34 Section 127500.2.

35 (d) Providers as defined in subdivision (q) of Section 127500.2.

36 (e) Integrated health care delivery systems as defined in Section
37 1182.14 of the Labor Code.

38 1249.3. This chapter shall apply to all health care provider
39 entities that meet any of the following criteria:

1 (a) Health care provider entities operated by the state or a
2 political subdivision of the state.

3 (b) Health care provider entities that provide services related to
4 physical or mental health and wellness, education, or access to
5 justice, including the University of California.

6 (c) Health care provider entities that receive state funding.

7 (d) All other health care provider entities.

8 1249.4. For purposes of this chapter, “immigration
9 enforcement” means any and all efforts to investigate, enforce, or
10 assist in the investigation or enforcement of any federal civil
11 immigration law, and also includes any and all efforts to
12 investigate, enforce, or assist in the investigation or enforcement
13 of any federal criminal immigration law that penalizes a person’s
14 presence in, entry or reentry to, or employment in, the United
15 States.

16 1249.5. Health care provider entities shall have 45 days from
17 the effective date of this chapter to comply with the requirements
18 contained herein.

19 1249.6. The provisions of this chapter are severable. If any
20 provision of this chapter or its application is held invalid, that
21 invalidity shall not affect other provisions or applications that can
22 be given effect without the invalid provision or application.

23 SEC. 4. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution for certain
25 costs that may be incurred by a local agency or school district
26 because, in that regard, this act creates a new crime or infraction,
27 eliminates a crime or infraction, or changes the penalty for a crime
28 or infraction, within the meaning of Section 17556 of the
29 Government Code, or changes the definition of a crime within the
30 meaning of Section 6 of Article XIII B of the California
31 Constitution.

32 However, if the Commission on State Mandates determines that
33 this act contains other costs mandated by the state, reimbursement
34 to local agencies and school districts for those costs shall be made
35 pursuant to Part 7 (commencing with Section 17500) of Division
36 4 of Title 2 of the Government Code.

37 SEC. 5. This act is an urgency statute necessary for the
38 immediate preservation of the public peace, health, or safety within
39 the meaning of Article IV of the California Constitution and shall
40 go into immediate effect. The facts constituting the necessity are:

1 To ensure that vulnerable families and their children are able to
2 access their medical and health care services and needs without
3 fear of deportation, harassment, or intimidation, it is necessary
4 that this act take effect immediately.

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7 **REVISIONS:**

8 **Heading—Line 5.**

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