

AMENDED IN SENATE JUNE 19, 2025

AMENDED IN ASSEMBLY MAY 23, 2025

AMENDED IN ASSEMBLY APRIL 10, 2025

AMENDED IN ASSEMBLY MARCH 28, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

## ASSEMBLY BILL

**No. 82**

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### **Introduced by Assembly Member Ward**

**(Coauthors: Assembly Members Connolly, Garcia, Kalra, Mark González, Jackson, Krell, Rogers, Schultz, Stefani, and Zbur)**

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

December 20, 2024

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An act to amend Sections 6215.1, 6215.2, 6218, 6218.01, and 6218.05 of the Government Code, to amend Sections 11165 and 11190 of the Health and Safety Code, and to amend Sections 629.51, 1269b, ~~and 13778.2~~ 13778.2, and 13778.3, of the Penal Code, relating to health care.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 82, as amended, Ward. Health care: legally protected health care activity.

(1) Existing law authorizes reproductive health care service providers, employees, volunteers, and patients, and individuals who face threats of violence or violence or harassment from the public because of their affiliation with a reproductive health care services facility, to complete an application to be approved by the Secretary of State for the purposes

of enabling state and local agencies to respond to requests for public records without disclosing a program participant's residence address contained in any public record and otherwise provide for confidentiality of identity for that person, subject to specified conditions. Under existing law, any person who makes a false statement in an application is guilty of a misdemeanor.

This bill would expand the address confidentiality program to a gender-affirming health care provider, employee, or volunteer, as defined, who faces threats of violence or harassment from the public because of their affiliation with a gender-affirming health care services facility. By imposing new duties on local agencies and expanding the scope of a crime, this bill would create a state-mandated local program.

(2) Existing law prohibits a person, business, or association from knowingly publicly posting or publicly displaying, disclosing, or distributing on internet websites or on social media, the personal information or image of any reproductive health care services patient, provider, or assistant, or other individuals residing at the same home address, with the intent to incite a 3rd person to cause imminent great bodily harm to the person identified in the posting or display, or to a coresident of that person, as specified, or to threaten the person identified in the posting or display, or a coresident of that person, as specified. Existing law additionally prohibits a person, business, or association from soliciting, selling, or trading on the internet or social media the personal information or image of a reproductive health care services patient, provider, or assistant with the intent described above. Existing law establishes a cause of action for injunctive or declarative relief for a violation of these prohibitions.

Existing law prohibits a person from posting on the internet or social media, with the intent that another person imminently use that information to commit a crime involving violence or a threat of violence against a reproductive health care services patient, provider, or assistant, or other individuals residing at the same home address, the personal information or image of a reproductive health care services patient, provider, or assistant, or other individuals residing at the same home address. Existing law makes a violation of this prohibition punishable by a fine of up to \$10,000 per violation, imprisonment, as specified, or by both that fine and imprisonment.

This bill would additionally prohibit a person, business, or association from soliciting, selling, or trading on the internet or social media the personal information or image of a gender-affirming health care services

patient, provider, or assistant with the intent described above. The bill would also prohibit a person from posting on the internet or social media, as described above, the personal information or image of a gender-affirming health care services patient, provider, or assistant, or other individuals residing at the same home address. The bill would define various terms for these purposes. By expanding the scope of a crime, this bill would create a state-mandated local program.

(3) Existing law, the California Uniform Controlled Substances Act (the act), classifies controlled substances into 5 designated schedules, with the most restrictive limitations generally placed on controlled substances classified in Schedule I, and the least restrictive limitations generally placed on controlled substances classified in Schedule V. The act 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 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. Existing law makes a violation of the act a crime. Existing law defines the term “legally protected health care activity” to include the exercise of, or an act undertaken to aid a person to exercise, the provision of reproductive health care services, gender-affirming health care services, or gender-affirming mental health care services.

This bill would prohibit a prescription for or the dispensing of testosterone or mifepristone from being reported to the department, CURES, or a contractor, as specified. The bill would require the department, on or before January 1, 2027, to remove certain existing records that were created or maintained prior to January 1, 2026, and make other conforming changes. The bill would authorize the department, in consultation with the California Health and Human Services Agency, health care providers, and clinicians, to add medications for legally protected health care activity to the list of medications prohibited from being reported. By creating a new crime, the bill would establish a state-mandated local program.

(4) Existing law authorizes a court to issue various orders relating to criminal investigations, including the interception of wire or electronic communications, the installation and use of a pen register or trap and trace device, or a search warrant upon specified grounds. Existing law

prohibits the issuance of any orders or warrants for the purpose of investigating or recovering evidence of a prohibited violation. Existing law defines “prohibited violation” for this purpose as a violation of a law that creates liability for, or arising out of, either providing, facilitating, or obtaining an abortion or intending or attempting to provide, facilitate, or obtain an abortion that is lawful under the laws of this state.

This bill would instead define a prohibited violation as a violation of a law that creates liability for, or arising out of, either providing, facilitating, or obtaining a legally protected health care activity or intending or attempting to provide, facilitate, or obtain a legally protected health care activity, as defined.

(5) Existing law requires superior court judges in each county to prepare, adopt, and annually revise a uniform countywide schedule of bail for all bailable offenses, as specified. Existing law requires a uniform countywide schedule of bail to set \$0 bail for an individual who has been arrested in connection with a proceeding in another state regarding an individual performing, supporting, or aiding in the performance of an abortion in this state, or an individual obtaining an abortion in this state, if the abortion is lawful under California law.

This bill would instead require a uniform countywide schedule of bail to set \$0 bail for an individual who has been arrested in connection with a proceeding in another state regarding an individual performing, supporting, or aiding in the performance of a legally protected health care activity in this state, or an individual obtaining a legally protected health care activity in this state, as specified.

(6) Existing law prohibits a state or local law enforcement agency or officer from knowingly arresting or knowingly participating in the arrest of any person for performing, supporting, or aiding in the performance of an abortion or for obtaining an abortion, if the abortion is lawful in this state. Existing law prohibits a state or local public agency from cooperating with or providing information to an individual or agency from another state or a federal law enforcement agency, as specified, regarding a lawful abortion. Existing law prohibits specified persons, including a judicial officer, a court employee, or an authorized attorney, among others, from issuing a subpoena in connection with a proceeding in another state regarding an individual performing, supporting, or aiding in the performance of an abortion in this state, or an individual obtaining an abortion in this state, if the abortion is lawful in this state. Existing law does not prohibit the investigation of criminal

activity that may involve an abortion, provided that no information relating to any medical procedure performed on a specific individual is shared with an agency or individual from another state for the purpose of enforcing another state's abortion law.

This bill would instead expand those above-described provisions to apply to legally protected health care activity, as defined.

*(7) Existing law prohibits a state or local government employee or a person acting on behalf of the local or state government, among others, from providing information or expending resources in furtherance of an investigation that seeks to impose civil or criminal liability or professional sanctions on an individual for a legally protected health care activity, as defined, that occurred in this state or that would be legal if it occurred in this state. Existing law requires any out-of-state subpoena, warrant, wiretap order, pen register trap and trace order, or other legal process to include an affidavit or declaration under penalty of perjury that the discovery request is not in connection with an out-of-state proceeding relating to a legally protected health care activity, except as specified.*

*This bill would authorize the Attorney General to bring a civil action against a person or entity that submitted a false affidavit under these provisions and would make submission of a false affidavit punishable by a civil penalty of \$15,000, in addition to any other penalties or remedies provided by law.*

~~(7)~~

(8) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

~~(8)~~

(9) 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.

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. Section 6215.1 of the Government Code is  
2     amended to read:  
3     6215.1. Unless the context clearly requires otherwise, the  
4     definitions in this section apply throughout this chapter.  
5     (a) “Address” means a residential street address, school address,  
6     or work address of an individual, as specified on the individual’s  
7     application to be a program participant under this chapter.  
8     (b) “Covered health care services” means gender-affirming  
9     health care services or reproductive health care services.  
10    (c) “Covered health care services provider, employee, volunteer,  
11    or patient” means a gender-affirming health care or a  
12    gender-affirming mental health care provider, employee, volunteer,  
13    or patient, or a reproductive health care services provider,  
14    employee, volunteer, or patient.  
15    (d) “Covered health care services facility” means a  
16    gender-affirming health care services facility or a reproductive  
17    health care services facility.  
18    (e) “Domicile” means a place of habitation as defined in Section  
19    349 of the Elections Code.  
20    (f) “Gender-affirming health care” and “gender-affirming mental  
21    health care” shall have the same meaning as provided in Section  
22    16010.2 of the Welfare and Institutions Code.  
23    (g) “Gender-affirming health care and gender-affirming mental  
24    health care provider, employee, volunteer, or patient” means a  
25    person who obtains, provides, or assists, at the request of another  
26    person, in obtaining or providing gender-affirming health care  
27    services, or a person who owns or operates a gender-affirming  
28    health care services facility.  
29    (h) “Gender-affirming health care services facility” includes a  
30    hospital, an office operated by a ~~licensed physician and surgeon,~~  
31    ~~health care provider,~~ a licensed clinic, or other licensed health  
32    care facility that provides gender-affirming health care ~~services~~  
33    ~~and includes only the building or structure in which the~~  
34    ~~gender-affirming health care services are actually provided.~~  
35    ~~services.~~

1 (i) “Reproductive health care services” means health care  
2 services relating to the termination of a pregnancy in a reproductive  
3 health care services facility.

4 (j) “Reproductive health care services provider, employee,  
5 volunteer, or patient” means a person who obtains, provides, or  
6 assists, at the request of another person, in obtaining or providing  
7 reproductive health care services, or a person who owns or operates  
8 a reproductive health care services facility.

9 (k) “Reproductive health care services facility” includes a  
10 hospital, an office operated by a licensed physician and surgeon,  
11 a licensed clinic, or other licensed health care facility that provides  
12 reproductive health care services and includes only the building  
13 or structure in which the reproductive health care services are  
14 actually provided.

15 SEC. 2. Section 6215.2 of the Government Code is amended  
16 to read:

17 6215.2. (a) An adult person, a parent or guardian acting on  
18 behalf of a minor, or a guardian acting on behalf of an incapacitated  
19 person, who is domiciled in California, may apply to the Secretary  
20 of State to have an address designated by the Secretary of State to  
21 serve as the person’s address or the address of the minor or  
22 incapacitated person. An application shall be completed in person  
23 at a community-based assistance program designated by the  
24 Secretary of State. The application process shall include a  
25 requirement that the applicant shall meet with a counselor and  
26 receive orientation information about the program. The Secretary  
27 of State shall approve an application if it is filed in the manner and  
28 on the form prescribed by the Secretary of State and if it contains  
29 all of the following:

30 (1) If the applicant alleges that the basis for the application is  
31 that the applicant, or the minor or incapacitated person on whose  
32 behalf the application is made, is a covered health care provider,  
33 employee, or volunteer, who is fearful for their safety or the safety  
34 of their family because of their affiliation with a covered health  
35 care services facility, the application shall be accompanied by all  
36 of the following:

37 (A) Documentation showing that the individual is to commence  
38 employment or is currently employed as a provider or employee  
39 at a covered health care services facility, or is volunteering at a  
40 covered health care services facility.

1 (B) One of the following:

2 (i) A certified statement signed by a person authorized by the  
3 covered health care services facility stating that the facility or any  
4 of its providers, employees, volunteers, or patients is or was the  
5 target of threats, harassment, or acts of violence or harassment  
6 within one year of the date of the application. A person who  
7 willfully certifies as true any material matter pursuant to this  
8 section that the person knows to be false is guilty of a  
9 misdemeanor.

10 (ii) A certified statement signed by the employee or patient of,  
11 or volunteer for, the covered health care services facility stating  
12 that they have been the target of threats, harassment, or acts of  
13 violence within one year of the date of the application because of  
14 their association with the covered health care services facility. A  
15 person who willfully certifies as true any material matter pursuant  
16 to this section that the person knows to be false is guilty of a  
17 misdemeanor.

18 (iii) A workplace violence restraining order described in Section  
19 527.8 of the Code of Civil Procedure, issued after a noticed hearing,  
20 or a civil restraining order described in Section 527.6 of the Code  
21 of Civil Procedure, issued after a noticed hearing, protecting the  
22 applicant or the minor or incapacitated person on whose behalf  
23 the application is made. The order must be based upon threats or  
24 acts of violence to the applicant or the minor or incapacitated  
25 person on whose behalf the application is made and connected  
26 with the covered health care services facility.

27 (C) A sworn statement that the applicant fears for their safety  
28 or the safety of their family, or the safety of the minor or  
29 incapacitated person on whose behalf the application is made due  
30 to their affiliation with the covered health care services facility  
31 authorized to provide the declaration described in subparagraph  
32 (B).

33 (2) If the applicant alleges that the basis for the application is  
34 that the applicant is a covered health care services facility  
35 volunteer, the application shall, in addition to the documents  
36 specified in paragraph (1), be accompanied by documentation by  
37 the covered health care services facility showing the length of time  
38 the volunteer has committed to working at the facility.

39 (3) If the applicant alleges that the basis of the application is  
40 that the applicant, or the minor or incapacitated person on whose



1 behalf the application is made, is a person who is or has been the  
2 target of threats or acts of violence because the applicant is  
3 obtaining or seeking to obtain services at a covered health care  
4 services facility within one year of the date of the application, the  
5 application shall be accompanied by the following:

6 (A) A sworn statement that the applicant has good reason to  
7 fear for their safety or the safety of their family.

8 (B) Any police, court, or other governmental agency records or  
9 files that show any complaints of the alleged threats or acts of  
10 violence.

11 (4) A designation of the Secretary of State as agent for purposes  
12 of service of process and for the purpose of receipt of mail.

13 (A) Service on the Secretary of State of any summons, writ,  
14 notice, demand, or process shall be made by delivering to the  
15 address confidentiality program personnel of the office of the  
16 Secretary of State two copies of the summons, writ, notice, demand,  
17 or process.

18 (B) If a summons, writ, notice, demand, or process is served on  
19 the Secretary of State, the Secretary of State shall immediately  
20 cause a copy to be forwarded to the program participant at the  
21 address shown on the records of the address confidentiality  
22 program so that the summons, writ, notice, demand, or process is  
23 received by the program participant within three days of the  
24 Secretary of State's having received it.

25 (C) The Secretary of State shall keep a record of all summonses,  
26 writs, notices, demands, and processes served upon the Secretary  
27 of State under this section and shall record the time of that service  
28 and the Secretary of State's action.

29 (D) The office of the Secretary of State and any agent or person  
30 employed by the Secretary of State shall be held harmless from  
31 any liability in any action brought by any person injured or harmed  
32 as a result of the handling of first-class mail on behalf of program  
33 participants.

34 (5) The mailing address where the applicant can be contacted  
35 by the Secretary of State, and the telephone number or numbers  
36 where the applicant can be called by the Secretary of State.

37 (6) The address or addresses that the applicant requests not be  
38 disclosed for the reason that disclosure will increase the risk of  
39 threats or acts of violence or harassment toward the applicant.

1 (7) The signature of the applicant and of any individual or  
2 representative of any office designated in writing who assisted in  
3 the preparation of the application, and the date on which the  
4 applicant signed the application.

5 (b) An application may be submitted on the basis that a person  
6 is employed by or performs work pursuant to a contract with a  
7 public entity and faces threats of violence or violence or harassment  
8 from the public because of their work for the public entity. An  
9 adult person, a parent or guardian acting on behalf of a minor, or  
10 a guardian acting on behalf of an incapacitated person, who is  
11 domiciled in California, may apply to the Secretary of State to  
12 have an address designated by the Secretary of State to serve as  
13 the person's address or the address of the minor or incapacitated  
14 person. An application shall be completed in person at a  
15 community-based assistance program designated by the Secretary  
16 of State. The application process shall include a requirement that  
17 the applicant shall meet with a counselor and receive orientation  
18 information about the program. The Secretary of State shall  
19 approve an application if it is filed in the manner and on the form  
20 prescribed by the Secretary of State and if it contains all of the  
21 following:

22 (1) If the applicant alleges that the basis for the application is  
23 that the applicant, or the minor or incapacitated person on whose  
24 behalf the application is made is employed by a public entity or  
25 performs work pursuant to a contract with a public entity and faces  
26 threats of violence or violence or harassment from the public  
27 because of their work for the public entity and is fearful for their  
28 safety or the safety of their family because of their work for the  
29 public entity, the application shall be accompanied by all of the  
30 following:

31 (A) Documentation showing that the individual is to commence  
32 employment or is currently employed by a public entity or performs  
33 work pursuant to a contract with a public entity in an occupation  
34 where workers have faced threats of violence or violence or  
35 harassment from the public because of their work for the public  
36 entity.

37 (B) One of the following:

38 (i) A certified statement signed by a person affiliated with the  
39 applicant's place of work or employment who has personal  
40 knowledge of the circumstances at the place of work or

1 employment, stating that workers or employees have been the  
2 target of threats or acts of violence or harassment within one year  
3 of the date of the application. A person who willfully certifies as  
4 true any material matter pursuant to this section that the person  
5 knows to be false is guilty of a misdemeanor.

6 (ii) A certified statement signed by the worker or employee,  
7 stating that they have been the target of threats or acts of violence  
8 or harassment within one year of the date of the application because  
9 of their work for a public entity. A person who willfully certifies  
10 as true any material matter pursuant to this section that the person  
11 knows to be false is guilty of a misdemeanor.

12 (iii) A workplace violence restraining order described in Section  
13 527.8 of the Code of Civil Procedure, issued after a noticed hearing,  
14 or a civil restraining order described in Section 527.6 of the Code  
15 of Civil Procedure, issued after a noticed hearing, protecting the  
16 applicant or the minor or incapacitated person on whose behalf  
17 the application is made. The order must be based upon threats or  
18 acts of violence connected with the applicant's work for a public  
19 entity or the minor or incapacitated person on whose behalf the  
20 application is made.

21 (C) A sworn statement that the applicant fears for their safety  
22 or the safety of their family, or the safety of the minor or  
23 incapacitated person on whose behalf the application is made, due  
24 to their work for a public entity.

25 (2) A designation of the Secretary of State as agent for purposes  
26 of service of process and for the purpose of receipt of mail.

27 (A) Service on the Secretary of State of any summons, writ,  
28 notice, demand, or process shall be made by delivering to the  
29 address confidentiality program personnel of the office of the  
30 Secretary of State two copies of the summons, writ, notice, demand,  
31 or process.

32 (B) If a summons, writ, notice, demand, or process is served on  
33 the Secretary of State, the Secretary of State shall immediately  
34 cause a copy to be forwarded to the program participant at the  
35 address shown on the records of the address confidentiality  
36 program so that the summons, writ, notice, demand, or process is  
37 received by the program participant within three days of the  
38 Secretary of State's having received it.

39 (C) The Secretary of State shall keep a record of all summonses,  
40 writs, notices, demands, and processes served upon the Secretary

1 of State under this section and shall record the time of that service  
2 and the Secretary of State's action.

3 (D) The office of the Secretary of State and any agent or person  
4 employed by the Secretary of State shall be held harmless from  
5 any liability in any action brought by any person injured or harmed  
6 as a result of the handling of first-class mail on behalf of program  
7 participants.

8 (3) The mailing address where the applicant can be contacted  
9 by the Secretary of State, and the telephone number or numbers  
10 where the applicant can be called by the Secretary of State.

11 (4) The address or addresses that the applicant requests not be  
12 disclosed for the reason that disclosure will increase the risk of  
13 acts of violence or harassment toward the applicant.

14 (5) The signature of the applicant and of any individual or  
15 representative of any office designated in writing who assisted in  
16 the preparation of the application, and the date on which the  
17 applicant signed the application.

18 (c) Applications shall be filed with the office of the Secretary  
19 of State.

20 (d) Submitted applications shall be accompanied by payment  
21 of a fee to be determined by the Secretary of State. This fee shall  
22 not exceed the actual costs of enrolling in the program. In addition,  
23 annual fees may also be assessed by the Secretary of State to defray  
24 the actual costs of maintaining this program. Annual fees assessed  
25 by the Secretary of State shall also be used to reimburse the General  
26 Fund for any amounts expended from that fund for the purposes  
27 of this chapter. No applicant who is a patient of a covered health  
28 care services facility shall be required to pay an application fee or  
29 the annual fee under this program.

30 (e) The Address Confidentiality for Reproductive Health Care  
31 Services Fund is hereby created in the General Fund. Upon  
32 appropriation by the Legislature, moneys in the fund are available  
33 for the administration of the program established pursuant to this  
34 chapter.

35 (f) Upon filing a properly completed application, the Secretary  
36 of State shall certify the applicant as a program participant.  
37 Applicants, with the exception of covered health care services  
38 facilities volunteers, shall be certified for four years following the  
39 date of filing unless the certification is withdrawn, or invalidated  
40 before that date. Covered health care services facility volunteers

1 shall be certified until six months from the last date of volunteering  
2 with the facility. The Secretary of State shall by rule establish a  
3 renewal procedure. A minor program participant, who reaches 18  
4 years of age, may renew as an adult following the renewal  
5 procedures established by the Secretary of State.

6 (g) A person who falsely attests in an application that disclosure  
7 of the applicant's address would endanger the applicant's safety  
8 or the safety of the applicant's family or the minor or incapacitated  
9 person on whose behalf the application is made, or who knowingly  
10 provides false or incorrect information upon making an application,  
11 is guilty of a misdemeanor. A notice shall be printed in bold type  
12 and in a conspicuous location on the face of the application  
13 informing the applicant of the penalties under this subdivision.

14 (h) For purposes of this section:

15 (1) "Harassment" is repeated, unreasonable, and unwelcome  
16 conduct directed at a targeted individual that would cause a  
17 reasonable person to fear for their own safety or the safety of a  
18 household member. Harassing conduct may include, but is not  
19 limited to, following, stalking, phone calls, or written  
20 correspondence.

21 (2) "Public entity" means a federal, state, or local governmental  
22 agency.

23 (3) "Work for a public entity" means work performed by an  
24 employee of a public entity, or work performed for a public entity  
25 by a person pursuant to a contract with the public entity.

26 SEC. 3. Section 6218 of the Government Code is amended to  
27 read:

28 6218. (a) (1) A person, business, or association shall not  
29 knowingly publicly post or publicly display, disclose, or distribute  
30 on internet websites or social media, the personal information or  
31 image of any covered health care services patient, provider, or  
32 assistant, or other individuals residing at the same home address,  
33 with the intent to do either of the following:

34 (A) Incite a third person to cause imminent great bodily harm  
35 to the covered health care services patient, provider, or assistant  
36 identified in the posting or display, or to a coresident of that person,  
37 where the third person is likely to commit this harm.

38 (B) Threaten the covered health care services patient, provider,  
39 or assistant, identified in the posting or display, or a coresident of

1 that person, in a manner that places the person identified or the  
2 coresident in objectively reasonable fear for their personal safety.

3 (2) A covered health care services patient, provider, or assistant  
4 whose personal information or image is made public as a result of  
5 a violation of paragraph (1), or any individual entity or organization  
6 authorized to act on their behalf, may do either or both of the  
7 following:

8 (A) Bring an action seeking injunctive or declarative relief in  
9 any court of competent jurisdiction. If a jury or court finds that a  
10 violation has occurred, it may grant injunctive or declarative relief  
11 and shall award the successful plaintiff court costs and reasonable  
12 attorney's fees.

13 (B) Bring an action for money damages in any court of  
14 competent jurisdiction. In addition to any other legal rights or  
15 remedies, if a jury or court finds that a violation has occurred, it  
16 shall award damages to that individual in an amount up to a  
17 maximum of three times the actual damages, but in no case less  
18 than four thousand dollars (\$4,000).

19 (b) (1) A person, business, or association shall not publicly post  
20 or publicly display, disclose, or distribute, on internet websites or  
21 social media, the personal information or image of a covered health  
22 care services patient, provider, or assistant if that individual, or  
23 any individual, entity, or organization authorized to act on their  
24 behalf, has made a written demand of that person, business, or  
25 association to not disclose the personal information or image. A  
26 written demand made under this paragraph shall include a statement  
27 declaring that the individual is subject to the protection of this  
28 section and describing a reasonable fear for the safety of that  
29 individual or of any person residing at the individual's home  
30 address, based on a violation of subdivision (a). A demand made  
31 under this paragraph shall be effective for four years, regardless  
32 of whether or not the individual's affiliation with a covered health  
33 care services facility has expired prior to the end of the four-year  
34 period.

35 (2) A covered health care services patient, provider, or assistant  
36 whose personal information or image is made public as a result of  
37 a failure to honor a demand made pursuant to paragraph (1), or  
38 any individual, entity, or organization authorized to act on their  
39 behalf, may bring an action seeking injunctive or declarative relief  
40 in any court of competent jurisdiction. If a jury or court finds that

1 a violation has occurred, it may grant injunctive or declarative  
2 relief and shall award the successful plaintiff court costs and  
3 reasonable attorney's fees.

4 (3) This subdivision does not apply to a person or entity defined  
5 in Section 1070 of the Evidence Code.

6 (c) (1) A person, business, or association shall not solicit, sell,  
7 or trade on the internet or social media the personal information  
8 or image of a covered health care services patient, provider, or  
9 assistant with the intent to do either of the following:

10 (A) Incite a third person to cause imminent great bodily harm  
11 to the person identified in the posting or display, or to a coresident  
12 of that person, where the third person is likely to commit this harm.

13 (B) Threaten the person identified in the posting or display, or  
14 a coresident of that person, in a manner that places the person  
15 identified or the coresident in objectively reasonable fear for their  
16 personal safety.

17 (2) A covered health care services patient, provider, or assistant  
18 whose personal information or image is solicited, sold, or traded  
19 in violation of paragraph (1), or any individual, entity, or  
20 organization authorized to act on their behalf, may bring an action  
21 in any court of competent jurisdiction. In addition to any other  
22 legal rights and remedies, if a jury or court finds that a violation  
23 has occurred, it shall award damages to that individual in an amount  
24 up to a maximum of three times the actual damages, but in no case  
25 less than four thousand dollars (\$4,000).

26 (d) An interactive computer service or access software provider,  
27 as defined in Section 230(f) of Title 47 of the United States Code,  
28 shall not be liable under this section unless the service or provider  
29 intends to abet or cause bodily harm that is likely to occur or  
30 threatens to cause bodily harm to a covered health care services  
31 patient, provider, or assistant, or any person residing at the same  
32 home address.

33 (e) This section does not preclude punishment under any other  
34 provision of law.

35 SEC. 4. Section 6218.01 of the Government Code is amended  
36 to read:

37 6218.01. (a) (1) A person shall not post on the internet or  
38 social media, with the intent that another person imminently use  
39 that information to commit a crime involving violence or a threat  
40 of violence against a covered health care services patient, provider,

1 or assistant, or other individuals residing at the same home address,  
2 the personal information or image of a covered health care services  
3 patient, provider, or assistant, or other individuals residing at the  
4 same home address.

5 (2) A violation of this subdivision is punishable by a fine of up  
6 to ten thousand dollars (\$10,000) per violation, imprisonment of  
7 either up to one year in a county jail or pursuant to subdivision (h)  
8 of Section 1170 of the Penal Code, or by both that fine and  
9 imprisonment.

10 (3) A violation of this subdivision that leads to the bodily injury  
11 of a covered health care services patient, provider, or assistant, or  
12 other individuals residing at the same home address, is a felony  
13 punishable by a fine of up to fifty thousand dollars (\$50,000),  
14 imprisonment pursuant to subdivision (h) of Section 1170 of the  
15 Penal Code, or by both that fine and imprisonment.

16 (b) Nothing in this section shall preclude prosecution under any  
17 other provision of law.

18 SEC. 5. Section 6218.05 of the Government Code is amended  
19 to read:

20 6218.05. For purposes of this chapter, the following  
21 definitions apply:

22 (a) “Covered health care services” means gender-affirming  
23 health care services or reproductive health care services.

24 (b) “Covered health care services provider, employee, volunteer,  
25 or patient” means a gender-affirming health care or a  
26 gender-affirming mental health care provider, employee, volunteer,  
27 or patient, or a reproductive health care services provider,  
28 employee, volunteer, or patient.

29 (c) “Covered health care services facility” means a  
30 gender-affirming health care services facility or a reproductive  
31 health care services facility.

32 (d) “Gender-affirming health care” and “gender-affirming mental  
33 health care” shall have the same meaning as provided in Section  
34 16010.2 of the Welfare and Institutions Code.

35 (e) “Gender-affirming health care and gender-affirming mental  
36 health care provider, employee, volunteer, or patient” means a  
37 person who obtains, provides, or assists, at the request of another  
38 person, in obtaining or providing gender-affirming health care  
39 services, or a person who owns or operates a gender-affirming  
40 health care services facility.



1 (f) “Gender-affirming health care services facility” includes a  
2 hospital, an office operated by a licensed physician and surgeon,  
3 a licensed clinic, or other licensed health care facility that provides  
4 gender-affirming health care services and includes only the building  
5 or structure in which the gender-affirming health care services are  
6 actually provided.

7 (g) “Image” includes, but is not limited to, a photograph, video  
8 footage, sketch, or computer-generated image that provides a means  
9 to visually identify the person depicted.

10 (h) “Personal information” means information that identifies,  
11 relates to, describes, or is capable of being associated with a  
12 reproductive health care services patient, provider, or assistant,  
13 including, but not limited to, their name, signature, social security  
14 number, physical characteristics or description, address, telephone  
15 number, passport number, driver’s license or state identification  
16 card number, license plate number, employment, employment  
17 history, and financial information.

18 (i) “Publicly post” or “publicly display” means to intentionally  
19 communicate or otherwise make available to the general public.

20 (j) “Reproductive health care services” means health care  
21 services relating to the termination of a pregnancy in a reproductive  
22 health care services facility.

23 (k) “Reproductive health care services patient, provider, or  
24 assistant” means a person or entity, including, but not limited to,  
25 employees, staff, volunteers, and third-party vendors, that is or  
26 was involved in obtaining, seeking to obtain, providing, seeking  
27 to provide, or assisting or seeking to assist another person, at that  
28 person’s request, to obtain or provide any services in a reproductive  
29 health care services facility, or a person or entity that is or was  
30 involved in owning or operating or seeking to own or operate a  
31 reproductive health care services facility.

32 (l) “Reproductive health care services facility” includes a  
33 hospital, clinic, physician’s office, or other facility that provides  
34 or seeks to provide reproductive health care services and includes  
35 the building or structure in which the facility is located.

36 (m) “Social media” means an electronic service or account, or  
37 electronic content, including, but not limited to, videos or still  
38 photographs, blogs, video blogs, podcasts, instant and text  
39 messages, email, online services or accounts, or internet website  
40 profiles or locations.

1 SEC. 6. Section 11165 of the Health and Safety Code is  
2 amended to read:

3 11165. (a) To assist health care practitioners in their efforts  
4 to ensure appropriate prescribing, ordering, administering,  
5 furnishing, and dispensing of controlled substances, law  
6 enforcement and regulatory agencies in their efforts to control the  
7 diversion and resultant abuse of Schedule II, Schedule III, Schedule  
8 IV, and Schedule V controlled substances, and for statistical  
9 analysis, education, and research, the Department of Justice shall,  
10 contingent upon the availability of adequate funds in the CURES  
11 Fund, maintain the Controlled Substance Utilization Review and  
12 Evaluation System (CURES) for the electronic monitoring of, and  
13 internet access to information regarding, the prescribing and  
14 dispensing of Schedule II, Schedule III, Schedule IV, and Schedule  
15 V controlled substances by all practitioners authorized to prescribe,  
16 order, administer, furnish, or dispense these controlled substances.

17 (b) The department may seek and use grant funds to pay the  
18 costs incurred by the operation and maintenance of CURES. The  
19 department shall annually report to the Legislature and make  
20 available to the public the amount and source of funds it receives  
21 for support of CURES.

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

25 (2) (A) CURES shall operate under existing provisions of law  
26 to safeguard the privacy and confidentiality of patients. Data  
27 obtained from CURES shall only be provided to appropriate state,  
28 local, and federal public agencies for disciplinary, civil, or criminal  
29 purposes and to other agencies or entities, as determined by the  
30 department, for the purpose of educating practitioners and others  
31 in lieu of disciplinary, civil, or criminal actions. Data may be  
32 provided to public or private entities, as approved by the  
33 department, for educational, peer review, statistical, or research  
34 purposes, if patient information, including information that may  
35 identify the patient, is not compromised. The University of  
36 California shall be provided access to identifiable data for research  
37 purposes if the requirements of subdivision (t) of Section 1798.24  
38 of the Civil Code are satisfied. Further, data disclosed to an  
39 individual or agency as described in this subdivision shall not be  
40 disclosed, sold, or transferred to a third party, unless authorized

1 by, or pursuant to, state and federal privacy and security laws and  
2 regulations. The department shall establish policies, procedures,  
3 and regulations regarding the use, access, evaluation, management,  
4 implementation, operation, storage, disclosure, and security of the  
5 information within CURES, consistent with this subdivision.

6 (B) Notwithstanding subparagraph (A), a regulatory board whose  
7 licensees do not prescribe, order, administer, furnish, or dispense  
8 controlled substances shall not be provided data obtained from  
9 CURES.

10 (3) The department shall, no later than January 1, 2021, adopt  
11 regulations regarding the access and use of the information within  
12 CURES. The department shall consult with all stakeholders  
13 identified by the department during the rulemaking process. The  
14 regulations shall, at a minimum, address all of the following in a  
15 manner consistent with this chapter:

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

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

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

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

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

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

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

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

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

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

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

17 (5) Quantity of the controlled substance dispensed.

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

21 (7) Number of refills ordered.

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

24 (9) Prescribing date of the prescription.

25 (10) Date of dispensing of the prescription.

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

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

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

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

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

8 (h) (1) The department may enter into an agreement with an  
9 entity operating an interstate data sharing hub, or an agency  
10 operating a prescription drug monitoring program in another state,  
11 for purposes of interstate data sharing of prescription drug  
12 monitoring program information.

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

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

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

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

37 (i) Notwithstanding subdivision (d), a veterinarian shall report  
38 the information required by that subdivision to the department as  
39 soon as reasonably possible, but not more than seven days after  
40 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) Notwithstanding subdivision (d), a prescription for or the dispensing of testosterone or mifepristone shall not be reported to the department, CURES, or a contracted prescription data processing vendor. The department, in consultation with the California Health and Human Services Agency, health care providers, and clinicians, may add medications for legally protected health care activity, as defined in Section 1798.300 of the Civil Code, to the list of medications prohibited from being reported to the department, CURES, or a contracted prescription data processing vendor.

(2) On or before January 1, 2027, the department shall remove existing records of a prescription described in this subdivision created or maintained prior to January 1, 2026.

SEC. 7. Section 11190 of the Health and Safety Code is amended to read:

11190. (a) Every practitioner, other than a pharmacist, who prescribes or administers a controlled substance classified in Schedule II shall make a record that, as to the transaction, shows all of the following:

(1) The name and address of the patient.

(2) The date.

(3) The character, including the name and strength, and quantity of controlled substances involved.

(b) The prescriber's record shall show the pathology and purpose for which the controlled substance was administered or prescribed.

(c) (1) For each prescription for a Schedule II, Schedule III, or Schedule IV controlled substance that is dispensed by a

prescriber pursuant to Section 4170 of the Business and Professions Code, the prescriber shall record and maintain the following information:

(A) Full name, address, and the telephone number of the ultimate user or research subject, or contact information as determined by the Secretary of the United States Department of Health and Human Services, and the gender, and date of birth of the patient.

(B) The prescriber's category of licensure and license number; federal controlled substance registration number; and the state medical license number of any prescriber using the federal controlled substance registration number of a government-exempt facility.

(C) NDC (National Drug Code) number of the controlled substance dispensed.

(D) Quantity of the controlled substance dispensed.

(E) ICD-9 (diagnosis code), if available.

(F) Number of refills ordered.

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

(H) Date of origin of the prescription.

(2) (A) Each prescriber that dispenses controlled substances shall provide the Department of Justice the information required by this subdivision on a weekly basis in a format set by the Department of Justice pursuant to regulation.

(B) The reporting requirement in this section shall not apply to the direct administration of a controlled substance to the body of an ultimate user or a prescription described in subdivision (k) of Section 11165.

(d) This section shall become operative on January 1, 2005.

(e) The reporting requirement in this section for Schedule IV controlled substances shall not apply to any of the following:

(1) The dispensing of a controlled substance in a quantity limited to an amount adequate to treat the ultimate user involved for 48 hours or less.

(2) The administration or dispensing of a controlled substance in accordance with any other exclusion identified by the United States Health and Human Service Secretary for the National All Schedules Prescription Electronic Reporting Act of 2005.

(f) Notwithstanding paragraph (2) of subdivision (c), the reporting requirement of the information required by this section

1 for a Schedule II or Schedule III controlled substance, in a format  
2 set by the Department of Justice pursuant to regulation, shall be  
3 on a monthly basis for all of the following:

4 (1) The dispensing of a controlled substance in a quantity limited  
5 to an amount adequate to treat the ultimate user involved for 48  
6 hours or less.

7 (2) The administration or dispensing of a controlled substance  
8 in accordance with any other exclusion identified by the United  
9 States Health and Human Service Secretary for the National All  
10 Schedules Prescription Electronic Reporting Act of 2005.

11 SEC. 8. Section 629.51 of the Penal Code is amended to read:

12 629.51. (a) For the purposes of this chapter, the following  
13 terms have the following meanings:

14 (1) "Wire communication" means any aural transfer made in  
15 whole or in part through the use of facilities for the transmission  
16 of communications by the aid of wire, cable, or other like  
17 connection between the point of origin and the point of reception  
18 (including the use of a like connection in a switching station),  
19 furnished or operated by any person engaged in providing or  
20 operating these facilities for the transmission of communications.

21 (2) "Electronic communication" means any transfer of signs,  
22 signals, writings, images, sounds, data, or intelligence of any nature  
23 in whole or in part by a wire, radio, electromagnetic, photoelectric,  
24 or photo-optical system, but does not include any of the following:

25 (A) Any wire communication defined in paragraph (1).

26 (B) Any communication made through a tone-only paging  
27 device.

28 (C) Any communication from a tracking device.

29 (D) Electronic funds transfer information stored by a financial  
30 institution in a communications system used for the electronic  
31 storage and transfer of funds.

32 (3) "Tracking device" means an electronic or mechanical device  
33 that permits the tracking of the movement of a person or object.

34 (4) "Aural transfer" means a transfer containing the human  
35 voice at any point between and including the point of origin and  
36 the point of reception.

37 (5) (A) "Prohibited violation" means any violation of law that  
38 creates liability for, or arising out of, either of the following:



1 (i) Providing, facilitating, or obtaining a legally protected health  
2 care activity, as defined in Section 1549.15, that is lawful under  
3 California law.

4 (ii) Intending or attempting to provide, facilitate, or obtain a  
5 legally protected health care activity, as defined in Section 1549.15,  
6 that is lawful under California law.

7 (B) As used in this paragraph, “facilitating” or “facilitate” means  
8 assisting, directly or indirectly in any way, with the obtaining of  
9 a legally protected health care activity, as defined in Section  
10 1549.15, that is lawful under California law.

11 (b) This chapter applies to the interceptions of wire and  
12 electronic communications. It does not apply to stored  
13 communications or stored content.

14 (c) The act that added this subdivision is not intended to change  
15 the law as to stored communications or stored content.

16 SEC. 9. Section 1269b of the Penal Code is amended to read:

17 1269b. (a) The officer in charge of a jail in which an arrested  
18 person is held in custody, an officer of a sheriff’s department or  
19 police department of a city who is in charge of a jail or is employed  
20 at a fixed police or sheriff’s facility and is acting under an  
21 agreement with the agency that keeps the jail in which an arrested  
22 person is held in custody, an employee of a sheriff’s department  
23 or police department of a city who is assigned by the department  
24 to collect bail, the clerk of the superior court of the county in which  
25 the offense was alleged to have been committed, and the clerk of  
26 the superior court in which the case against the defendant is  
27 pending may approve and accept bail in the amount fixed by the  
28 warrant of arrest, schedule of bail, or order admitting to bail in  
29 cash or surety bond executed by a certified, admitted surety insurer  
30 as provided in the Insurance Code, to issue and sign an order for  
31 the release of the arrested person, and to set a time and place for  
32 the appearance of the arrested person before the appropriate court  
33 and give notice thereof.

34 (b) If a defendant has appeared before a judge of the court on  
35 the charge contained in the complaint, indictment, or information,  
36 the bail shall be in the amount fixed by the judge at the time of the  
37 appearance. If that appearance has not been made, the bail shall  
38 be in the amount fixed in the warrant of arrest or, if no warrant of  
39 arrest has been issued, the amount of bail shall be pursuant to the  
40 uniform countywide schedule of bail for the county in which the

1 defendant is required to appear, previously fixed and approved as  
2 provided in subdivisions (c) and (d).

3 (c) It is the duty of the superior court judges in each county to  
4 prepare, adopt, and annually revise a uniform countywide schedule  
5 of bail for all bailable felony offenses and for all misdemeanor  
6 and infraction offenses except Vehicle Code infractions. The  
7 penalty schedule for infraction violations of the Vehicle Code shall  
8 be established by the Judicial Council in accordance with Section  
9 40310 of the Vehicle Code.

10 (d) A court may, by local rule, prescribe the procedure by which  
11 the uniform countywide schedule of bail is prepared, adopted, and  
12 annually revised by the judges. If a court does not adopt a local  
13 rule, the uniform countywide schedule of bail shall be prepared,  
14 adopted, and annually revised by a majority of the judges.

15 (e) In adopting a uniform countywide schedule of bail for all  
16 bailable felony offenses the judges shall consider the seriousness  
17 of the offense charged. In considering the seriousness of the offense  
18 charged the judges shall assign an additional amount of required  
19 bail for each aggravating or enhancing factor chargeable in the  
20 complaint, including, but not limited to, additional bail for charges  
21 alleging facts that would bring a person within any of the following  
22 sections: Section 667.5, 667.51, 667.6, 667.8, 667.85, 667.9,  
23 667.10, 12022, 12022.1, 12022.2, 12022.3, 12022.4, 12022.5,  
24 12022.53, 12022.6, 12022.7, 12022.8, or 12022.9 of this code, or  
25 Section 11356.5, 11370.2, or 11370.4 of the Health and Safety  
26 Code.

27 In considering offenses in which a violation of Chapter 6  
28 (commencing with Section 11350) of Division 10 of the Health  
29 and Safety Code is alleged, the judge shall assign an additional  
30 amount of required bail for offenses involving large quantities of  
31 controlled substances.

32 (f) (1) The countywide bail schedule shall contain a list of the  
33 offenses and the amounts of bail applicable for each as the judges  
34 determine to be appropriate. If the schedule does not list all  
35 offenses specifically, it shall contain a general clause for designated  
36 amounts of bail as the judges of the county determine to be  
37 appropriate for all the offenses not specifically listed in the  
38 schedule. A copy of the countywide bail schedule shall be sent to  
39 the officer in charge of the county jail, to the officer in charge of

1 each city jail within the county, to each superior court judge and  
2 commissioner in the county, and to the Judicial Council.

3 (2) The countywide bail schedule shall set zero dollars (\$0) bail  
4 for an individual who has been arrested in connection with a  
5 proceeding in another state regarding an individual performing,  
6 supporting, or aiding in the performance of a legally protected  
7 health care activity, as defined in Section 1549.15, in this state, or  
8 an individual obtaining a legally protected health care activity, as  
9 defined in Section 1549.15, in this state, if the legally protected  
10 health care activity is lawful under the laws of this state.

11 (g) Upon posting bail, the defendant or arrested person shall be  
12 discharged from custody as to the offense on which the bail is  
13 posted.

14 All money and surety bonds so deposited with an officer  
15 authorized to receive bail shall be transmitted immediately to the  
16 judge or clerk of the court by which the order was made or warrant  
17 issued or bail schedule fixed. If, in the case of felonies, an  
18 indictment is filed, the judge or clerk of the court shall transmit  
19 all of the money and surety bonds to the clerk of the court.

20 (h) If a defendant or arrested person so released fails to appear  
21 at the time and in the court so ordered upon their release from  
22 custody, Sections 1305 and 1306 apply.

23 SEC. 10. Section 13778.2 of the Penal Code is amended to  
24 read:

25 13778.2. (a) A state or local law enforcement agency or officer  
26 shall not knowingly arrest or knowingly participate in the arrest  
27 of any person for performing, supporting, or aiding in the  
28 performance of a legally protected health care activity, as defined  
29 in Section 1549.15, in this state, or obtaining a legally protected  
30 health care activity, as defined in Section 1549.15, in this state, if  
31 the legally protected health care activity is lawful under the laws  
32 of this state.

33 (b) A state or local public agency, or any employee thereof  
34 acting in their official capacity, shall not cooperate with or provide  
35 information to any individual or agency or department from another  
36 state or, to the extent permitted by federal law, to a federal law  
37 enforcement agency regarding a legally protected health care  
38 activity, as defined in Section 1549.15, that is lawful under the  
39 laws of this state and that is performed in this state.

(c) (1) A law of another state that authorizes the imposition of civil or criminal penalties related to an individual performing, supporting, or aiding in the performance of a legally protected health care activity, as defined in Section 1549.15, in this state, or an individual obtaining a legally protected health care activity, as defined in Section 1549.15, in this state, if the legally protected health care activity is lawful under the laws of this state, is against the public policy of this state.

(2) No state court, judicial officer, or court employee or clerk, or authorized attorney shall issue a subpoena pursuant to any state law in connection with a proceeding in another state regarding an individual performing, supporting, or aiding in the performance of a legally protected health care activity, as defined in Section 1549.15, in this state, or an individual obtaining a legally protected health care activity, as defined in Section 1549.15, in this state, if the legally protected health care activity is lawful under the laws of this state.

(d) This section does not prohibit the investigation of any criminal activity in this state that may involve the performance of a legally protected health care activity, as defined in Section 1549.15, provided that information relating to any medical procedure performed on a specific individual is not shared with an agency or individual from another state for the purpose of enforcing another state's law involving a legally protected health care activity.

*SEC. 11. Section 13778.3 of the Penal Code is amended to read:*

13778.3. (a) For purposes of this section, the following terms shall have the following meaning:

(1) "Gender-affirming health care" and "gender-affirming mental health care" have the same meaning as in paragraph (3) of subdivision (b) of Section 16010.2 of the Welfare and Institutions Code.

(2) "Legally protected health care activity" shall have the same meaning as in Section 1549.15.

(3) "Reproductive health care services" shall have the same meaning as in Section 1549.15.

(4) "California corporation" refers to any corporation or other entity that is subject to Section 102 of the Corporations Code, with the exception of foreign corporations.

1 (b) A state or local government employee, person or entity  
2 contracted by a state or local government, or person or entity acting  
3 on behalf of a local or state government shall not cooperate with  
4 or provide information to any individual, including a bondsman  
5 or person authorized, pursuant to subdivision (a) of Section  
6 1299.02, to apprehend, detain, or arrest a fugitive admitted to bail  
7 in another state, or out-of-state agency or department regarding  
8 any legally protected health care activity or otherwise expend or  
9 use time, moneys, facilities, property, equipment, personnel, or  
10 other resources in furtherance of any investigation or proceeding  
11 that seeks to impose civil or criminal liability or professional  
12 sanctions upon a person or entity for any legally protected health  
13 care activity that occurred in this state or that would be legal if it  
14 occurred in this state.

15 (c) This section does not prohibit compliance with a valid,  
16 court-issued subpoena, warrant, wiretap order, pen register trap  
17 and trace order, or other legal process which does not relate to a  
18 law seeking to impose civil or criminal liability or professional  
19 sanctions for a legally protected health care activity, or in response  
20 to the written request of a person who is the subject of such an  
21 investigation or proceeding, to the extent necessary, in each case,  
22 to fulfill such request.

23 (d) Any out-of-state subpoena, warrant, wiretap order, pen  
24 register trap and trace order, legal process, or request from any  
25 law enforcement agent or entity shall include an affidavit or  
26 declaration under penalty of perjury that the discovery is not in  
27 connection with an out-of-state proceeding relating to any legally  
28 protected health care activity unless the out-of-state proceeding  
29 meets all of the following requirements:

- 30 (1) Is based in tort, contract, or on statute.  
31 (2) Is actionable, in an equivalent or similar manner, under the  
32 laws of this state.  
33 (3) Was brought by the patient who received a legally protected  
34 health care activity or the patient's legal representative.

35 (e) A state court, judicial officer, court employee or clerk, or  
36 authorized attorney shall not issue a subpoena pursuant to any  
37 other state's law unless it includes the affidavit or declaration  
38 defined in subdivision (d).

39 (f) A California corporation that provides electronic  
40 communication services or remote computing services to the

1 general public shall not comply with an out of state subpoena,  
2 warrant, wiretap order, pen register trap and trace order, other legal  
3 process, or request by a law enforcement agent or entity seeking  
4 records that would reveal the identity of the customers using those  
5 services, data stored by, or on behalf of, the customer, the  
6 customer's usage of those services, the recipient or destination of  
7 communications sent to or from those customers, or the content  
8 of those communications, unless the out of state subpoena, warrant,  
9 wiretap order, pen register trap and trace order, other legal process,  
10 or request from law enforcement includes the affidavit or  
11 declaration defined in subdivision (d). A corporation subject to  
12 this subdivision is entitled to rely on the representations made in  
13 the affidavit or declaration.

14 *(g) (1) The Attorney General may commence a civil action*  
15 *against a person or entity that submits a false affidavit in violation*  
16 *of subdivision (d). Any action brought by the Attorney General*  
17 *pursuant to this section shall be commenced within six years of*  
18 *the date on which the Attorney General received notice of the*  
19 *subpoena, warrant, wiretap order, pen register trap and trace*  
20 *order, legal process, or request from any law enforcement agent*  
21 *or entity that the false affidavit accompanied.*

22 *(2) A person or entity that submits a false affidavit in violation*  
23 *of subdivision (d) shall be punished by a civil penalty of fifteen*  
24 *thousand dollars (\$15,000). This shall be in addition to any other*  
25 *penalties or remedies provided by law.*

26 ~~SEC. 11.~~

27 *SEC. 12.* The provisions of this act are severable. If any  
28 provision of this act or its application is held invalid, that invalidity  
29 shall not affect other provisions or applications that can be given  
30 effect without the invalid provision or application.

31 ~~SEC. 12.~~

32 *SEC. 13.* The Legislature finds and declares that this act  
33 imposes a limitation on the public's right of access to the meetings  
34 of public bodies or the writings of public officials and agencies  
35 within the meaning of Section 3 of Article I of the California  
36 Constitution. Pursuant to that constitutional provision, the  
37 Legislature makes the following findings to demonstrate the interest  
38 protected by this limitation and the need for protecting that interest:

39 Individuals, including, but not limited to, health care providers,  
40 employees, volunteers, patients, and their loved ones have become

1 increasingly subjected to violent threats, harassment, and  
2 intimidation for simply accessing, providing, and assisting with  
3 legally protected health care activities, as defined in Section  
4 1798.300 of the Civil Code. In order to prevent acts of violence  
5 from being committed against those individuals, it is necessary  
6 for the Legislature to ensure that the home addresses of these  
7 individuals are kept confidential.

8 ~~SEC. 13.~~

9 *SEC. 14.* No reimbursement is required by this act pursuant to  
10 Section 6 of Article XIII B of the California Constitution for certain  
11 costs that may be incurred by a local agency or school district  
12 because, in that regard, this act creates a new crime or infraction,  
13 eliminates a crime or infraction, or changes the penalty for a crime  
14 or infraction, within the meaning of Section 17556 of the  
15 Government Code, or changes the definition of a crime within the  
16 meaning of Section 6 of Article XIII B of the California  
17 Constitution.

18 However, if the Commission on State Mandates determines that  
19 this act contains other costs mandated by the state, reimbursement  
20 to local agencies and school districts for those costs shall be made  
21 pursuant to Part 7 (commencing with Section 17500) of Division  
22 4 of Title 2 of the Government Code.