

AMENDED IN ASSEMBLY MAY 1, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

**ASSEMBLY BILL**

**No. 302**

---

**Introduced by Assembly Member Bauer-Kahan**

January 23, 2025

---

An act to amend Section 56.10 of the Civil Code, relating to medical information.

LEGISLATIVE COUNSEL’S DIGEST

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

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

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

~~This bill would instead require a provider of health care, a health care service plan, or a contractor to disclose medical information when specifically required by California law. The~~

*This bill would revise the disclosure requirement relating to a court order to instead require disclosure if compelled by a court order issued by a California state court pursuant to an order of that court or a court*

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

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

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

Existing law prohibits a provider of health care, health care service plan, contractor, or corporation and its subsidiaries and affiliates from intentionally sharing, selling, using for marketing, or otherwise using medical information for a purpose not necessary to provide health care services to the patient, except to the extent expressly authorized by a patient, enrollee, or subscriber, or if compelled pursuant to the above-described requirements. ~~Existing law prohibits a contractor or corporation and its subsidiaries and affiliates from further disclosing medical information received under these provisions to a person or entity that is not engaged in providing direct health care services to the patient or the patient's provider of health care or health care service~~

~~plan or insurer or self-insured employer, except to the extent expressly authorized by a patient, enrollee, or subscriber, or if compelled pursuant to the above-described requirements.~~

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

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

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

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

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

1 SECTION 1. Section 56.10 of the Civil Code is amended to  
2 read:  
3 56.10. (a) A provider of health care, health care service plan,  
4 or contractor shall not disclose medical information regarding a  
5 patient of the provider of health care or an enrollee or subscriber  
6 of a health care service plan without first obtaining an  
7 authorization, except as provided in subdivision (b) or (c).  
8 (b) A provider of health care, a health care service plan, or a  
9 contractor shall disclose medical information if the disclosure is  
10 compelled by any of the following:  
11 (1) (A) ~~A court order issued by a California state court pursuant~~  
12 ~~to an order of that court or a court order from another state based~~  
13 ~~on another state's law so long as that law does not interfere with~~  
14 ~~California law, including, but not limited to, the Reproductive~~  
15 ~~Privacy Act (Article 2.5 (commencing with Section 123460) of~~  
16 ~~Chapter 2 of Part 2 of Division 106 of the Health and Safety Code).~~  
17 *court, including a court order issued by a California state court*

1 *pursuant to Section 2029.300 of the Code of Civil Procedure*  
2 *relating to a foreign subpoena.*

3 *(B) A provider of health care, health care service plan, or*  
4 *contractor shall not comply with a court order that constitutes a*  
5 *foreign subpoena, absent a court order issued pursuant to Section*  
6 *2029.300 of the Code of Civil Procedure.*

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

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

14 (4) A board, commission, or administrative agency pursuant to  
15 an investigative subpoena issued under Article 2 (commencing  
16 with Section 11180) of Chapter 2 of Part 1 of Division 3 of Title  
17 2 of the Government Code.

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

23 (6) A search warrant lawfully issued to a governmental law  
24 enforcement agency, including a warrant from another state based  
25 on another state's law so long as that law does not interfere with  
26 California law, including, but not limited to, the Reproductive  
27 Privacy Act (Article 2.5 (commencing with Section 123460) of  
28 Chapter 2 of Part 2 of Division 106 of the Health and Safety ~~Code~~),  
29 *Code), and execution of the search warrant would not constitute*  
30 *a violation of Section 13778.2 of the Penal Code.*

31 (7) The patient or the patient's representative pursuant to  
32 Chapter 1 (commencing with Section 123100) of Part 1 of Division  
33 106 of the Health and Safety Code.

34 (8) A medical examiner, forensic pathologist, or coroner, when  
35 requested in the course of an investigation by a medical examiner,  
36 forensic pathologist, or coroner's office for the purpose of  
37 identifying the decedent or locating next of kin, or when  
38 investigating deaths that may involve public health concerns, organ  
39 or tissue donation, child abuse, elder abuse, suicides, poisonings,  
40 accidents, sudden infant deaths, suspicious deaths, unknown deaths,

1 or criminal deaths, or upon notification of, or investigation of,  
2 imminent deaths that may involve organ or tissue donation pursuant  
3 to Section 7151.15 of the Health and Safety Code, or when  
4 otherwise authorized by the decedent's representative. Medical  
5 information requested by a medical examiner, forensic pathologist,  
6 or coroner under this paragraph shall be limited to information  
7 regarding the patient who is the decedent and who is the subject  
8 of the investigation or who is the prospective donor and shall be  
9 disclosed to a medical examiner, forensic pathologist, or coroner  
10 without delay upon request. A medical examiner, forensic  
11 pathologist, or coroner shall not disclose the information contained  
12 in the medical record obtained pursuant to this paragraph to a third  
13 party without a court order or authorization pursuant to paragraph  
14 (4) of subdivision (c) of Section 56.11.

15 (9) When otherwise specifically required by ~~California~~ law.

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

18 (1) The information may be disclosed to providers of health  
19 care, health care service plans, contractors, or other health care  
20 professionals or facilities for purposes of diagnosis or treatment  
21 of the patient. This includes, in an emergency situation, the  
22 communication of patient information by radio transmission or  
23 other means between emergency medical personnel at the scene  
24 of an emergency, or in an emergency medical transport vehicle,  
25 and emergency medical personnel at a health facility licensed  
26 pursuant to Chapter 2 (commencing with Section 1250) of Division  
27 2 of the Health and Safety Code.

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

1 patient. The information may also be disclosed to another provider  
2 of health care or health care service plan as necessary to assist the  
3 other provider or health care service plan in obtaining payment  
4 for health care services rendered by that provider of health care or  
5 health care service plan to the patient.

6 (3) The information may be disclosed to a person or entity that  
7 provides billing, claims management, medical data processing, or  
8 other administrative services for providers of health care or health  
9 care service plans or for any of the persons or entities specified in  
10 paragraph (2). However, that disclosed information shall not be  
11 further disclosed by the recipient in a way that would violate this  
12 part.

13 (4) The information may be disclosed to organized committees  
14 and agents of professional societies or of medical staffs of licensed  
15 hospitals, licensed health care service plans, professional standards  
16 review organizations, independent medical review organizations  
17 and their selected reviewers, utilization and quality control peer  
18 review organizations as established by Congress in Public Law  
19 97-248 in 1982, contractors, or persons or organizations insuring,  
20 responsible for, or defending professional liability that a provider  
21 may incur, if the committees, agents, health care service plans,  
22 organizations, reviewers, contractors, or persons are engaged in  
23 reviewing the competence or qualifications of health care  
24 professionals or in reviewing health care services with respect to  
25 medical necessity, level of care, quality of care, or justification of  
26 charges.

27 (5) The information in the possession of a provider of health  
28 care or a health care service plan may be reviewed by a private or  
29 public body responsible for licensing or accrediting the provider  
30 of health care or a health care service plan. However, no  
31 patient-identifying medical information may be removed from the  
32 premises except as expressly permitted or required elsewhere by  
33 law, nor shall that information be further disclosed by the recipient  
34 in a way that would violate this part.

35 (6) The information may be disclosed to a medical examiner,  
36 forensic pathologist, or county coroner in the course of an  
37 investigation by a medical examiner, forensic pathologist, or  
38 coroner's office when requested for all purposes not included in  
39 paragraph (8) of subdivision (b). A medical examiner, forensic  
40 pathologist, or coroner shall not disclose the information contained

1 in the medical record obtained pursuant to this paragraph to a third  
2 party without a court order or authorization pursuant to paragraph  
3 (4) of subdivision (c) of Section 56.11.

4 (7) The information may be disclosed to public agencies, clinical  
5 investigators, including investigators conducting epidemiologic  
6 studies, health care research organizations, and accredited public  
7 or private nonprofit educational or health care institutions for bona  
8 fide research purposes. However, no information so disclosed shall  
9 be further disclosed by the recipient in a way that would disclose  
10 the identity of a patient or violate this part.

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

16 (A) Is relevant in a lawsuit, arbitration, grievance, or other claim  
17 or challenge to which the employer and the employee are parties  
18 and in which the patient has placed in issue the patient's medical  
19 history, mental or physical condition, or treatment, provided that  
20 information may only be used or disclosed in connection with that  
21 proceeding.

22 (B) Describes functional limitations of the patient that may  
23 entitle the patient to leave from work for medical reasons or limit  
24 the patient's fitness to perform the patient's present employment,  
25 provided that no statement of medical cause is included in the  
26 information disclosed.

27 (9) Unless the provider of health care or a health care service  
28 plan is notified in writing of an agreement by the sponsor, insurer,  
29 or administrator to the contrary, the information may be disclosed  
30 to a sponsor, insurer, or administrator of a group or individual  
31 insured or uninsured plan or policy that the patient seeks coverage  
32 by or benefits from, if the information was created by the provider  
33 of health care or health care service plan as the result of services  
34 conducted at the specific prior written request and expense of the  
35 sponsor, insurer, or administrator for the purpose of evaluating the  
36 application for coverage or benefits.

37 (10) The information may be disclosed to a health care service  
38 plan by providers of health care that contract with the health care  
39 service plan and may be transferred between providers of health  
40 care that contract with the health care service plan, for the purpose

1 of administering the health care service plan. Medical information  
2 shall not otherwise be disclosed by a health care service plan except  
3 in accordance with this part.

4 (11) This part does not prevent the disclosure by a provider of  
5 health care or a health care service plan to an insurance institution,  
6 agent, or support organization, subject to Article 6.6 (commencing  
7 with Section 791) of Chapter 1 of Part 2 of Division 1 of the  
8 Insurance Code, of medical information if the insurance institution,  
9 agent, or support organization has complied with all of the  
10 requirements for obtaining the information pursuant to Article 6.6  
11 (commencing with Section 791) of Chapter 1 of Part 2 of Division  
12 1 of the Insurance Code.

13 (12) The information relevant to the patient's condition, care,  
14 and treatment provided may be disclosed to a probate court  
15 investigator in the course of an investigation required or authorized  
16 in a conservatorship proceeding under the  
17 Guardianship-Conservatorship Law as defined in Section 1400 of  
18 the Probate Code, or to a probate court investigator, probation  
19 officer, or domestic relations investigator engaged in determining  
20 the need for an initial guardianship or continuation of an existing  
21 guardianship.

22 (13) The information may be disclosed to an organ procurement  
23 organization or a tissue bank processing the tissue of a decedent  
24 for transplantation into the body of another person, but only with  
25 respect to the donating decedent, for the purpose of aiding the  
26 transplant. For the purpose of this paragraph, "tissue bank" and  
27 "tissue" have the same meanings as defined in Section 1635 of the  
28 Health and Safety Code.

29 (14) The information may be disclosed when the disclosure is  
30 otherwise specifically authorized by law, including, but not limited  
31 to, the voluntary reporting, either directly or indirectly, to the  
32 federal Food and Drug Administration of adverse events related  
33 to drug products or medical device problems, or to disclosures  
34 made pursuant to subdivisions (b) and (c) of Section 11167 of the  
35 Penal Code by a person making a report pursuant to Sections  
36 11165.9 and 11166 of the Penal Code, provided that those  
37 disclosures concern a report made by that person.

38 (15) Basic information, including the patient's name, city of  
39 residence, age, sex, and general condition, may be disclosed to a



1 state-recognized or federally recognized disaster relief organization  
2 for the purpose of responding to disaster welfare inquiries.

3 (16) The information may be disclosed to a third party for  
4 purposes of encoding, encrypting, or otherwise anonymizing data.  
5 However, no information so disclosed shall be further disclosed  
6 by the recipient in a way that would violate this part, including the  
7 unauthorized manipulation of coded or encrypted medical  
8 information that reveals individually identifiable medical  
9 information.

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

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

36 (19) The information may be disclosed, consistent with  
37 applicable law and standards of ethical conduct, by a  
38 psychotherapist, as defined in Section 1010 of the Evidence Code,  
39 if the psychotherapist, in good faith, believes the disclosure is  
40 necessary to prevent or lessen a serious and imminent threat to the

1 health or safety of a reasonably foreseeable victim or victims, and  
2 the disclosure is made to a person or persons reasonably able to  
3 prevent or lessen the threat, including the target of the threat.

4 (20) The information may be disclosed as described in Section  
5 56.103.

6 (21) (A) The information may be disclosed to an employee  
7 welfare benefit plan, as defined under Section 3(1) of the Employee  
8 Retirement Income Security Act of 1974 (29 U.S.C. Sec. 1002(1)),  
9 which is formed under Section 302(c)(5) of the Taft-Hartley Act  
10 (29 U.S.C. Sec. 186(c)(5)), to the extent that the employee welfare  
11 benefit plan provides medical care, and may also be disclosed to  
12 an entity contracting with the employee welfare benefit plan for  
13 billing, claims management, medical data processing, or other  
14 administrative services related to the provision of medical care to  
15 persons enrolled in the employee welfare benefit plan for health  
16 care coverage, if all of the following conditions are met:

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

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

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

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

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

36 (22) Information may be disclosed pursuant to subdivision (a)  
37 of Section 15633.5 of the Welfare and Institutions Code by a person  
38 required to make a report pursuant to Section 15630 of the Welfare  
39 and Institutions Code, provided that the disclosure under  
40 subdivision (a) of Section 15633.5 concerns a report made by that

1 person. Covered entities, as they are defined in Section 160.103  
2 of Title 45 of the Code of Federal Regulations, shall comply with  
3 the requirements of the federal Health Insurance Portability and  
4 Accountability Act of 1996 (HIPAA) privacy rule pursuant to  
5 subsection (c) of Section 164.512 of Title 45 of the Code of Federal  
6 Regulations if the disclosure is not for the purpose of public health  
7 surveillance, investigation, intervention, or reporting an injury or  
8 death.

9 (23) The information may be disclosed to a school-linked  
10 services coordinator pursuant to a written authorization between  
11 the health provider and the patient or client that complies with the  
12 federal Health Insurance Portability and Accountability Act of  
13 1996.

14 (24) Mental health records, as defined in subdivision (c) of  
15 Section 5073 of the Penal Code, may be disclosed by a county  
16 correctional facility, county medical facility, state correctional  
17 facility, or state hospital, as required by Section 5073 of the Penal  
18 Code.

19 ~~(d) Except as provided by subdivisions (b) and (c), a~~ A provider  
20 of health care, health care service plan, contractor, or corporation  
21 and its subsidiaries and affiliates shall not intentionally share, sell,  
22 use for marketing, or otherwise use medical information for a  
23 purpose not necessary to provide health care services to the patient.  
24 ~~sell medical information or use medical information for marketing.~~

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

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

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

39 (A) *Attend and give testimony at a deposition.*

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

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

7 (2) “Foreign subpoena” means both of the following:

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

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

12 ~~(1)~~

13 (3) “Medical examiner, forensic pathologist, or coroner” means  
14 a coroner or deputy coroner, as described in subdivision (c) of  
15 Section 830.35 of the Penal Code, or a licensed physician who  
16 currently performs official autopsies on behalf of a county  
17 coroner’s office or a medical examiner’s office, whether as a  
18 government employee or under contract to that office.

19 ~~(2)~~

20 (4) “School-linked services coordinator” means an individual  
21 located on a school campus or under contract by a county  
22 behavioral health provider agency for the treatment and health  
23 care operations and referrals of students and their families that  
24 holds any of the following:

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

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

30 (C) A license to engage in the practice of marriage and family  
31 therapy issued pursuant to Chapter 13 (commencing with Section  
32 4980) of Division 2 of the Business and Professions Code.

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

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

1     SEC. 2. No reimbursement is required by this act pursuant to  
2     Section 6 of Article XIII B of the California Constitution because  
3     the only costs that may be incurred by a local agency or school  
4     district will be incurred because this act creates a new crime or  
5     infraction, eliminates a crime or infraction, or changes the penalty  
6     for a crime or infraction, within the meaning of Section 17556 of  
7     the Government Code, or changes the definition of a crime within  
8     the meaning of Section 6 of Article XIII B of the California  
9     Constitution.

O