

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

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

An act to amend Sections 6215.1, 6215.2, 6218, 6218.01, and 6218.05 of the Government Code, to amend ~~Section 11165~~ *Sections 11165 and 11190* of the Health and Safety Code, and to amend Sections 629.51, 1269b, and 13778.2 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, the Confidentiality of Medical Information Act (CMIA), generally prohibits a provider of health care, a health care service plan, or a contractor from disclosing medical information regarding a patient, enrollee, or subscriber without first obtaining an authorization, unless a specified exception applies. The CMIA prohibits a provider of health care, health care service plan, pharmaceutical company, contractor, or employer from knowingly disclosing, transmitting, transferring, sharing, or granting access to medical~~

~~information in an electronic health records system or through a health information exchange that would identify an individual and that is related to an individual seeking, obtaining, providing, supporting, or aiding in the performance of an abortion that is lawful under the laws of this state to any individual or entity from another state, unless the disclosure, transmittal, transfer, sharing, or granting of access is authorized in accordance with specified existing provisions of law. Existing law makes a violation of the CMIA that results in economic loss or personal injury to a patient punishable as a misdemeanor.~~

~~This bill would state the intent of the Legislature to expand existing confidentiality protections for the exchange of health information to include gender-affirming health care.~~

~~(2)~~

~~(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.~~

~~(3)~~

~~(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.

(4)

(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.

(5)

(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.

(6)

(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.

~~(7)~~

(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.

~~(8)~~

(7) 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.

~~(9)~~

(8) 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. It is the intent of the Legislature to expand~~
2 ~~existing confidentiality protections for the exchange of health~~
3 ~~information to include gender-affirming health care.~~

4 ~~SEC. 2.~~

5 SECTION 1. Section 6215.1 of the Government Code is
6 amended to read:

7 6215.1. Unless the context clearly requires otherwise, the
8 definitions in this section apply throughout this chapter.

9 (a) “Address” means a residential street address, school address,
10 or work address of an individual, as specified on the individual’s
11 application to be a program participant under this chapter.

12 (b) “Covered health care services” means gender-affirming
13 health care services or reproductive health care services.

14 (c) “Covered health care services provider, employee, volunteer,
15 or patient” means a gender-affirming health care or a
16 gender-affirming mental health care provider, employee, volunteer,
17 or patient, or a reproductive health care services provider,
18 employee, volunteer, or patient.

19 (d) “Covered health care services facility” means a
20 gender-affirming health care services facility or a reproductive
21 health care services facility.

22 (e) “Domicile” means a place of habitation as defined in Section
23 349 of the Elections Code.

24 (f) “Gender-affirming health care” and “gender-affirming mental
25 health care” shall have the same meaning as provided in Section
26 16010.2 of the Welfare and Institutions Code.

27 (g) “Gender-affirming health care and gender-affirming mental
28 health care provider, employee, volunteer, or patient” means a
29 person who obtains, provides, or assists, at the request of another

1 person, in obtaining or providing gender-affirming health care
2 services, or a person who owns or operates a gender-affirming
3 health care services facility.

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

10 (i) “Reproductive health care services” means health care
11 services relating to the termination of a pregnancy in a reproductive
12 health care services facility.

13 (j) “Reproductive health care services provider, employee,
14 volunteer, or patient” means a person who obtains, provides, or
15 assists, at the request of another person, in obtaining or providing
16 reproductive health care services, or a person who owns or operates
17 a reproductive health care services facility.

18 (k) “Reproductive health care services facility” includes a
19 hospital, an office operated by a licensed physician and surgeon,
20 a licensed clinic, or other licensed health care facility that provides
21 reproductive health care services and includes only the building
22 or structure in which the reproductive health care services are
23 actually provided.

24 ~~SEC. 3.~~

25 *SEC. 2.* Section 6215.2 of the Government Code is amended
26 to read:

27 6215.2. (a) An adult person, a parent or guardian acting on
28 behalf of a minor, or a guardian acting on behalf of an incapacitated
29 person, who is domiciled in California, may apply to the Secretary
30 of State to have an address designated by the Secretary of State to
31 serve as the person’s address or the address of the minor or
32 incapacitated person. An application shall be completed in person
33 at a community-based assistance program designated by the
34 Secretary of State. The application process shall include a
35 requirement that the applicant shall meet with a counselor and
36 receive orientation information about the program. The Secretary
37 of State shall approve an application if it is filed in the manner and
38 on the form prescribed by the Secretary of State and if it contains
39 all of the following:

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

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

(B) One of the following:

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

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

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

(C) A sworn statement that the applicant fears for their safety or the safety of their family, or the safety of the minor or incapacitated person on whose behalf the application is made due

1 to their affiliation with the covered health care services facility
2 authorized to provide the declaration described in subparagraph
3 (B).

4 (2) If the applicant alleges that the basis for the application is
5 that the applicant is a covered health care services facility
6 volunteer, the application shall, in addition to the documents
7 specified in paragraph (1), be accompanied by documentation by
8 the covered health care services facility showing the length of time
9 the volunteer has committed to working at the facility.

10 (3) If the applicant alleges that the basis of the application is
11 that the applicant, or the minor or incapacitated person on whose
12 behalf the application is made, is a person who is or has been the
13 target of threats or acts of violence because the applicant is
14 obtaining or seeking to obtain services at a covered health care
15 services facility within one year of the date of the application, the
16 application shall be accompanied by the following:

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

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

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

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

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

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

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

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

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

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

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

33 (1) If the applicant alleges that the basis for the application is
34 that the applicant, or the minor or incapacitated person on whose
35 behalf the application is made is employed by a public entity or
36 performs work pursuant to a contract with a public entity and faces
37 threats of violence or violence or harassment from the public
38 because of their work for the public entity and is fearful for their
39 safety or the safety of their family because of their work for the

1 public entity, the application shall be accompanied by all of the
2 following:

3 (A) Documentation showing that the individual is to commence
4 employment or is currently employed by a public entity or performs
5 work pursuant to a contract with a public entity in an occupation
6 where workers have faced threats of violence or violence or
7 harassment from the public because of their work for the public
8 entity.

9 (B) One of the following:

10 (i) A certified statement signed by a person affiliated with the
11 applicant's place of work or employment who has personal
12 knowledge of the circumstances at the place of work or
13 employment, stating that workers or employees have been the
14 target of threats or acts of violence or harassment within one year
15 of the date of the application. A person who willfully certifies as
16 true any material matter pursuant to this section that the person
17 knows to be false is guilty of a misdemeanor.

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

24 (iii) A workplace violence restraining order described in Section
25 527.8 of the Code of Civil Procedure, issued after a noticed hearing,
26 or a civil restraining order described in Section 527.6 of the Code
27 of Civil Procedure, issued after a noticed hearing, protecting the
28 applicant or the minor or incapacitated person on whose behalf
29 the application is made. The order must be based upon threats or
30 acts of violence connected with the applicant's work for a public
31 entity or the minor or incapacitated person on whose behalf the
32 application is made.

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

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

39 (A) Service on the Secretary of State of any summons, writ,
40 notice, demand, or process shall be made by delivering to the

1 address confidentiality program personnel of the office of the
2 Secretary of State two copies of the summons, writ, notice, demand,
3 or process.

4 (B) If a summons, writ, notice, demand, or process is served on
5 the Secretary of State, the Secretary of State shall immediately
6 cause a copy to be forwarded to the program participant at the
7 address shown on the records of the address confidentiality
8 program so that the summons, writ, notice, demand, or process is
9 received by the program participant within three days of the
10 Secretary of State's having received it.

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

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

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

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

26 (5) The signature of the applicant and of any individual or
27 representative of any office designated in writing who assisted in
28 the preparation of the application, and the date on which the
29 applicant signed the application.

30 (c) Applications shall be filed with the office of the Secretary
31 of State.

32 (d) Submitted applications shall be accompanied by payment
33 of a fee to be determined by the Secretary of State. This fee shall
34 not exceed the actual costs of enrolling in the program. In addition,
35 annual fees may also be assessed by the Secretary of State to defray
36 the actual costs of maintaining this program. Annual fees assessed
37 by the Secretary of State shall also be used to reimburse the General
38 Fund for any amounts expended from that fund for the purposes
39 of this chapter. No applicant who is a patient of a covered health

1 care services facility shall be required to pay an application fee or
2 the annual fee under this program.

3 (e) The Address Confidentiality for Reproductive Health Care
4 Services Fund is hereby created in the General Fund. Upon
5 appropriation by the Legislature, moneys in the fund are available
6 for the administration of the program established pursuant to this
7 chapter.

8 (f) Upon filing a properly completed application, the Secretary
9 of State shall certify the applicant as a program participant.
10 Applicants, with the exception of covered health care services
11 facilities volunteers, shall be certified for four years following the
12 date of filing unless the certification is withdrawn, or invalidated
13 before that date. Covered health care services facility volunteers
14 shall be certified until six months from the last date of volunteering
15 with the facility. The Secretary of State shall by rule establish a
16 renewal procedure. A minor program participant, who reaches 18
17 years of age, may renew as an adult following the renewal
18 procedures established by the Secretary of State.

19 (g) A person who falsely attests in an application that disclosure
20 of the applicant's address would endanger the applicant's safety
21 or the safety of the applicant's family or the minor or incapacitated
22 person on whose behalf the application is made, or who knowingly
23 provides false or incorrect information upon making an application,
24 is guilty of a misdemeanor. A notice shall be printed in bold type
25 and in a conspicuous location on the face of the application
26 informing the applicant of the penalties under this subdivision.

27 (h) For purposes of this section:

28 (1) "Harassment" is repeated, unreasonable, and unwelcome
29 conduct directed at a targeted individual that would cause a
30 reasonable person to fear for their own safety or the safety of a
31 household member. Harassing conduct may include, but is not
32 limited to, following, stalking, phone calls, or written
33 correspondence.

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

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

1 ~~SEC. 4.~~

2 *SEC. 3.* Section 6218 of the Government Code is amended to
3 read:

4 6218. (a) (1) A person, business, or association shall not
5 knowingly publicly post or publicly display, disclose, or distribute
6 on internet websites or social media, the personal information or
7 image of any covered health care services patient, provider, or
8 assistant, or other individuals residing at the same home address,
9 with the intent to do either of the following:

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

14 (B) Threaten the covered health care services patient, provider,
15 or assistant, identified in the posting or display, or a coresident of
16 that person, in a manner that places the person identified or the
17 coresident in objectively reasonable fear for their personal safety.

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

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

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

34 (b) (1) A person, business, or association shall not publicly post
35 or publicly display, disclose, or distribute, on internet websites or
36 social media, the personal information or image of a covered health
37 care services patient, provider, or assistant if that individual, or
38 any individual, entity, or organization authorized to act on their
39 behalf, has made a written demand of that person, business, or
40 association to not disclose the personal information or image. A

1 written demand made under this paragraph shall include a statement
2 declaring that the individual is subject to the protection of this
3 section and describing a reasonable fear for the safety of that
4 individual or of any person residing at the individual's home
5 address, based on a violation of subdivision (a). A demand made
6 under this paragraph shall be effective for four years, regardless
7 of whether or not the individual's affiliation with a covered health
8 care services facility has expired prior to the end of the four-year
9 period.

10 (2) A covered health care services patient, provider, or assistant
11 whose personal information or image is made public as a result of
12 a failure to honor a demand made pursuant to paragraph (1), or
13 any individual, entity, or organization authorized to act on their
14 behalf, may bring an action seeking injunctive or declarative relief
15 in any court of competent jurisdiction. If a jury or court finds that
16 a violation has occurred, it may grant injunctive or declarative
17 relief and shall award the successful plaintiff court costs and
18 reasonable attorney's fees.

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

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

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

28 (B) Threaten the person identified in the posting or display, or
29 a coresident of that person, in a manner that places the person
30 identified or the coresident in objectively reasonable fear for their
31 personal safety.

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

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

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

~~SEC. 5.~~

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

6218.01. (a) (1) A person shall not post 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 covered health care services patient, provider, or assistant, or other individuals residing at the same home address, the personal information or image of a covered health care services patient, provider, or assistant, or other individuals residing at the same home address.

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

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

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

~~SEC. 6.~~

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

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

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

1 (b) “Covered health care services provider, employee, volunteer,
2 or patient” means a gender-affirming health care or a
3 gender-affirming mental health care provider, employee, volunteer,
4 or patient, or a reproductive health care services provider,
5 employee, volunteer, or patient.

6 (c) “Covered health care services facility” means a
7 gender-affirming health care services facility or a reproductive
8 health care services facility.

9 (d) “Gender-affirming health care” and “gender-affirming mental
10 health care” shall have the same meaning as provided in Section
11 16010.2 of the Welfare and Institutions Code.

12 (e) “Gender-affirming health care and gender-affirming mental
13 health care provider, employee, volunteer, or patient” means a
14 person who obtains, provides, or assists, at the request of another
15 person, in obtaining or providing gender-affirming health care
16 services, or a person who owns or operates a gender-affirming
17 health care services facility.

18 (f) “Gender-affirming health care services facility” includes a
19 hospital, an office operated by a licensed physician and surgeon,
20 a licensed clinic, or other licensed health care facility that provides
21 gender-affirming health care services and includes only the building
22 or structure in which the gender-affirming health care services are
23 actually provided.

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

27 (h) “Personal information” means information that identifies,
28 relates to, describes, or is capable of being associated with a
29 reproductive health care services patient, provider, or assistant,
30 including, but not limited to, their name, signature, social security
31 number, physical characteristics or description, address, telephone
32 number, passport number, driver’s license or state identification
33 card number, license plate number, employment, employment
34 history, and financial information.

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

37 (j) “Reproductive health care services” means health care
38 services relating to the termination of a pregnancy in a reproductive
39 health care services facility.

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

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

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

~~SEC. 7.~~

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

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

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

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

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

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

29 (3) The department shall, no later than January 1, 2021, adopt
30 regulations regarding the access and use of the information within
31 CURES. The department shall consult with all stakeholders
32 identified by the department during the rulemaking process. The
33 regulations shall, at a minimum, address all of the following in a
34 manner consistent with this chapter:

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

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

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

4 (D) The process by which information in CURES may be
5 provided for educational, peer review, statistical, or research
6 purposes.

7 (4) In accordance with federal and state privacy laws and
8 regulations, a health care practitioner may provide a patient with
9 a copy of the patient's CURES patient activity report as long as
10 no additional CURES data are provided and the health care
11 practitioner keeps a copy of the report in the patient's medical
12 record in compliance with subdivision (d) of Section 11165.1.

13 (d) Except as provided in subdivision (k), for each prescription
14 for a Schedule II, Schedule III, Schedule IV, or Schedule V
15 controlled substance, as defined in the controlled substances
16 schedules in federal law and regulations, specifically Sections
17 1308.12, 1308.13, 1308.14, and 1308.15, respectively, of Title 21
18 of the Code of Federal Regulations, the dispensing pharmacy,
19 clinic, or other dispenser shall report the following information to
20 the department or contracted prescription data processing vendor
21 as soon as reasonably possible, but not more than one working day
22 after the date a controlled substance is released to the patient or
23 patient's representative, in a format specified by the department:

24 (1) Full name, address, and, if available, telephone number of
25 the ultimate user or research subject, or contact information as
26 determined by the Secretary of the United States Department of
27 Health and Human Services, and the gender and date of birth of
28 the ultimate user.

29 (2) The prescriber's category of licensure, license number,
30 national provider identifier (NPI) number, if applicable, the federal
31 controlled substance registration number, and the state medical
32 license number of a prescriber using the federal controlled
33 substance registration number of a government-exempt facility.

34 (3) Pharmacy prescription number, license number, NPI number,
35 and federal controlled substance registration number.

36 (4) National Drug Code (NDC) number of the controlled
37 substance dispensed.

38 (5) Quantity of the controlled substance dispensed.

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

4 (7) Number of refills ordered.

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

7 (9) Prescribing date of the prescription.

8 (10) Date of dispensing of the prescription.

9 (11) The serial number for the corresponding prescription form,
10 if applicable.

11 (e) The department may invite stakeholders to assist, advise,
12 and make recommendations on the establishment of rules and
13 regulations necessary to ensure the proper administration and
14 enforcement of the CURES database. A prescriber or dispenser
15 invitee shall be licensed by one of the boards or committees
16 identified in subdivision (d) of Section 208 of the Business and
17 Professions Code, in active practice in California, and a regular
18 user of CURES.

19 (f) The department shall, prior to upgrading CURES, consult
20 with prescribers licensed by one of the boards or committees
21 identified in subdivision (d) of Section 208 of the Business and
22 Professions Code, one or more of the boards or committees
23 identified in subdivision (d) of Section 208 of the Business and
24 Professions Code, and any other stakeholder identified by the
25 department, for the purpose of identifying desirable capabilities
26 and upgrades to the CURES Prescription Drug Monitoring Program
27 (PDMP).

28 (g) The department may establish a process to educate
29 authorized subscribers of the CURES PDMP on how to access and
30 use the CURES PDMP.

31 (h) (1) The department may enter into an agreement with an
32 entity operating an interstate data sharing hub, or an agency
33 operating a prescription drug monitoring program in another state,
34 for purposes of interstate data sharing of prescription drug
35 monitoring program information.

36 (2) Data obtained from CURES may be provided to authorized
37 users of another state's prescription drug monitoring program, as
38 determined by the department pursuant to subdivision (c), if the
39 entity operating the interstate data sharing hub, and the prescription
40 drug monitoring program of that state, as applicable, have entered

1 into an agreement with the department for interstate data sharing
2 of prescription drug monitoring program information.

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

10 (4) For purposes of interstate data sharing of CURES
11 information pursuant to this subdivision, an authorized user of
12 another state's prescription drug monitoring program shall not be
13 required to register with CURES, if the authorized user is registered
14 and in good standing with that state's prescription drug monitoring
15 program.

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

20 (i) Notwithstanding subdivision (d), a veterinarian shall report
21 the information required by that subdivision to the department as
22 soon as reasonably possible, but not more than seven days after
23 the date a controlled substance is dispensed.

24 (j) If the dispensing pharmacy, clinic, or other dispenser
25 experiences a temporary technological or electrical failure, it shall,
26 without undue delay, seek to correct any cause of the temporary
27 technological or electrical failure that is reasonably within its
28 control. The deadline for transmitting prescription information to
29 the department or contracted prescription data processing vendor
30 pursuant to subdivision (d) shall be extended until the failure is
31 corrected. If the dispensing pharmacy, clinic, or other dispenser
32 experiences technological limitations that are not reasonably within
33 its control, or is impacted by a natural or manmade disaster, the
34 deadline for transmitting prescription information to the department
35 or contracted prescription data processing vendor shall be extended
36 until normal operations have resumed.

37 (k) (1) Notwithstanding subdivision (d), a prescription for or
38 the dispensing of testosterone or mifepristone shall not be reported
39 to the department, CURES, or a contracted prescription data
40 processing vendor. The department, in consultation with the

1 California Health and Human Services Agency, health care
2 providers, and clinicians, may add medications for legally protected
3 health care activity, as defined in Section 1798.300 of the Civil
4 Code, to the list of medications prohibited from being reported to
5 the department, CURES, or a contracted prescription data
6 processing vendor.

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

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

12 11190. (a) Every practitioner, other than a pharmacist, who
13 prescribes or administers a controlled substance classified in
14 Schedule II shall make a record that, as to the transaction, shows
15 all of the following:

16 (1) The name and address of the patient.

17 (2) The date.

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

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

22 (c) (1) For each prescription for a Schedule II, Schedule III,
23 or Schedule IV controlled substance that is dispensed by a
24 prescriber pursuant to Section 4170 of the Business and Professions
25 Code, the prescriber shall record and maintain the following
26 information:

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

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

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

38 (D) Quantity of the controlled substance dispensed.

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

40 (F) Number of refills ordered.

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

3 (H) Date of origin of the prescription.

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

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

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

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

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

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

22 (f) Notwithstanding paragraph (2) of subdivision (c), the
23 reporting requirement of the information required by this section
24 for a Schedule II or Schedule III controlled substance, in a format
25 set by the Department of Justice pursuant to regulation, shall be
26 on a monthly basis for all of the following:

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

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

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

35 629.51. (a) For the purposes of this chapter, the following
36 terms have the following meanings:

37 (1) "Wire communication" means any aural transfer made in
38 whole or in part through the use of facilities for the transmission
39 of communications by the aid of wire, cable, or other like
40 connection between the point of origin and the point of reception

(including the use of a like connection in a switching station),
furnished or operated by any person engaged in providing or
operating these facilities for the transmission of communications.

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

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

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

(C) Any communication from a tracking device.

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

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

(4) “Aural transfer” means a transfer containing the human
voice at any point between and including the point of origin and
the point of reception.

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

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

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

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

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

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

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

1269b. (a) The officer in charge of a jail in which an arrested
person is held in custody, an officer of a sheriff’s department or
police department of a city who is in charge of a jail or is employed

1 at a fixed police or sheriff's facility and is acting under an
2 agreement with the agency that keeps the jail in which an arrested
3 person is held in custody, an employee of a sheriff's department
4 or police department of a city who is assigned by the department
5 to collect bail, the clerk of the superior court of the county in which
6 the offense was alleged to have been committed, and the clerk of
7 the superior court in which the case against the defendant is
8 pending may approve and accept bail in the amount fixed by the
9 warrant of arrest, schedule of bail, or order admitting to bail in
10 cash or surety bond executed by a certified, admitted surety insurer
11 as provided in the Insurance Code, to issue and sign an order for
12 the release of the arrested person, and to set a time and place for
13 the appearance of the arrested person before the appropriate court
14 and give notice thereof.

15 (b) If a defendant has appeared before a judge of the court on
16 the charge contained in the complaint, indictment, or information,
17 the bail shall be in the amount fixed by the judge at the time of the
18 appearance. If that appearance has not been made, the bail shall
19 be in the amount fixed in the warrant of arrest or, if no warrant of
20 arrest has been issued, the amount of bail shall be pursuant to the
21 uniform countywide schedule of bail for the county in which the
22 defendant is required to appear, previously fixed and approved as
23 provided in subdivisions (c) and (d).

24 (c) It is the duty of the superior court judges in each county to
25 prepare, adopt, and annually revise a uniform countywide schedule
26 of bail for all bailable felony offenses and for all misdemeanor
27 and infraction offenses except Vehicle Code infractions. The
28 penalty schedule for infraction violations of the Vehicle Code shall
29 be established by the Judicial Council in accordance with Section
30 40310 of the Vehicle Code.

31 (d) A court may, by local rule, prescribe the procedure by which
32 the uniform countywide schedule of bail is prepared, adopted, and
33 annually revised by the judges. If a court does not adopt a local
34 rule, the uniform countywide schedule of bail shall be prepared,
35 adopted, and annually revised by a majority of the judges.

36 (e) In adopting a uniform countywide schedule of bail for all
37 bailable felony offenses the judges shall consider the seriousness
38 of the offense charged. In considering the seriousness of the offense
39 charged the judges shall assign an additional amount of required
40 bail for each aggravating or enhancing factor chargeable in the

1 complaint, including, but not limited to, additional bail for charges
2 alleging facts that would bring a person within any of the following
3 sections: Section 667.5, 667.51, 667.6, 667.8, 667.85, 667.9,
4 667.10, 12022, 12022.1, 12022.2, 12022.3, 12022.4, 12022.5,
5 12022.53, 12022.6, 12022.7, 12022.8, or 12022.9 of this code, or
6 Section 11356.5, 11370.2, or 11370.4 of the Health and Safety
7 Code.

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

13 (f) (1) The countywide bail schedule shall contain a list of the
14 offenses and the amounts of bail applicable for each as the judges
15 determine to be appropriate. If the schedule does not list all
16 offenses specifically, it shall contain a general clause for designated
17 amounts of bail as the judges of the county determine to be
18 appropriate for all the offenses not specifically listed in the
19 schedule. A copy of the countywide bail schedule shall be sent to
20 the officer in charge of the county jail, to the officer in charge of
21 each city jail within the county, to each superior court judge and
22 commissioner in the county, and to the Judicial Council.

23 (2) The countywide bail schedule shall set zero dollars (\$0) bail
24 for an individual who has been arrested in connection with a
25 proceeding in another state regarding an individual performing,
26 supporting, or aiding in the performance of a legally protected
27 health care activity, as defined in Section 1549.15, in this state, or
28 an individual obtaining a legally protected health care activity, as
29 defined in Section 1549.15, in this state, if the legally protected
30 health care activity is lawful under the laws of this state.

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

34 All money and surety bonds so deposited with an officer
35 authorized to receive bail shall be transmitted immediately to the
36 judge or clerk of the court by which the order was made or warrant
37 issued or bail schedule fixed. If, in the case of felonies, an
38 indictment is filed, the judge or clerk of the court shall transmit
39 all of the money and surety bonds to the clerk of the court.

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

4 SEC. 10. Section 13778.2 of the Penal Code is amended to
5 read:

6 13778.2. (a) A state or local law enforcement agency or officer
7 shall not knowingly arrest or knowingly participate in the arrest
8 of any person for performing, supporting, or aiding in the
9 performance of a legally protected health care activity, as defined
10 in Section 1549.15, in this state, or obtaining a legally protected
11 health care activity, as defined in Section 1549.15, in this state, if
12 the legally protected health care activity is lawful under the laws
13 of this state.

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

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

29 (2) No state court, judicial officer, or court employee or clerk,
30 or authorized attorney shall issue a subpoena pursuant to any state
31 law in connection with a proceeding in another state regarding an
32 individual performing, supporting, or aiding in the performance
33 of a legally protected health care activity, as defined in Section
34 1549.15, in this state, or an individual obtaining a legally protected
35 health care activity, as defined in Section 1549.15, in this state, if
36 the legally protected health care activity is lawful under the laws
37 of this state.

38 (d) This section does not prohibit the investigation of any
39 criminal activity in this state that may involve the performance of
40 a legally protected health care activity, as defined in Section

1 1549.15, provided that information relating to any medical
2 procedure performed on a specific individual is not shared with
3 an agency or individual from another state for the purpose of
4 enforcing another state's law involving a legally protected health
5 care activity.

6 SEC. 11. The provisions of this act are severable. If any
7 provision of this act or its application is held invalid, that invalidity
8 shall not affect other provisions or applications that can be given
9 effect without the invalid provision or application.

10 SEC. 12. The Legislature finds and declares that this act
11 imposes a limitation on the public's right of access to the meetings
12 of public bodies or the writings of public officials and agencies
13 within the meaning of Section 3 of Article I of the California
14 Constitution. Pursuant to that constitutional provision, the
15 Legislature makes the following findings to demonstrate the interest
16 protected by this limitation and the need for protecting that interest:

17 Individuals, including, but not limited to, health care providers,
18 employees, volunteers, patients, and their loved ones have become
19 increasingly subjected to violent threats, harassment, and
20 intimidation for simply accessing, providing, and assisting with
21 legally protected health care activities, as defined in Section
22 1798.300 of the Civil Code. In order to prevent acts of violence
23 from being committed against those individuals, it is necessary
24 for the Legislature to ensure that the home addresses of these
25 individuals are kept confidential.

26 SEC. 13. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution for certain
28 costs that may be incurred by a local agency or school district
29 because, in that regard, this act creates a new crime or infraction,
30 eliminates a crime or infraction, or changes the penalty for a crime
31 or infraction, within the meaning of Section 17556 of the
32 Government Code, or changes the definition of a crime within the
33 meaning of Section 6 of Article XIII B of the California
34 Constitution.

35 However, if the Commission on State Mandates determines that
36 this act contains other costs mandated by the state, reimbursement
37 to local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

O