

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 1930 (Zbur)
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AM

SUBJECT

Abortion or gender-affirming health care services: investigations, subpoenas, or
summons

DIGEST

This bill seeks to bolster existing protections against the enforcement of laws of other jurisdictions that aim to punish individuals who obtain or seek to obtain abortion or gender-affirming care that is legal in California by requiring that notice be provided to the Attorney General within seven days of receiving, being served with, or being subject to a civil, criminal, or regulatory investigation, subpoena, or summons for information regarding abortion or gender-affirming health care services that are legal in California, as specified.

EXECUTIVE SUMMARY

In the past few years, both the federal government and other states have begun demanding information from various businesses and health care providers related to reproductive health care and gender-affirming health care services, with the goal of intimidating and discouraging individuals from seeking and receiving these services. In response, this bill seeks to build upon existing state privacy protections for individuals obtaining these services by requiring any person or entity that receives a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons for information regarding abortion or gender-affirming health care activities, to refrain from responding to such requests until several conditions are met, specifically that notice is provided to the Attorney General. This will allow the Attorney General to decide if they need to intervene or bring a separate cause of action to ensure that rights of individuals protected under the California Constitution and state laws are not infringed upon.

This bill is sponsored by Attorney General Rob Bonta and Equality California. The bill is supported by Bet Tzedek Legal Services, Electronic Frontier Foundation, LGBTQ+ Inclusivity, Visibility, and Empowerment (LIVE), Los Angeles LGBT Center, Oakland

Privacy, and Western Center on Law & Poverty. The bill is opposed by the California Chamber of Commerce, the California Bankers Association, the California Hospital Association, and several organizations opposed to policies that further the rights of trans-gender people. Should this bill pass this Committee, it will then be referred to the Senate Public Safety Committee.

PROPOSED CHANGES TO THE LAW

Existing federal law:

- 1) Provides that each state shall give full faith and credit to the public acts, records, and judicial proceedings of every other state, and that Congress may prescribe the manner in which such acts, records, and proceedings shall be proved and the effect thereof. (U.S. Const., art. IV, § 1.)
- 2) Provides that persons in the United States may travel freely throughout the United States. (*E.g.*, *U.S. v. Guest* (1966) 383 U.S. 745, 758 (“freedom to travel throughout the United States has long been recognized as a basic right under the Constitution”).)¹
- 3) Provides that records and judicial proceedings of any court of any state, territory or possession, or copies thereof, must be proved or admitted in other courts within the United States and its territories and possessions by the attestation of the clerk and seal of the court annexed, if a seal exists, together with a certificate of a judge of the court that the said attestation is in proper form; and that such acts, records, and judicial proceedings, or copies thereof, once authenticated, have the same full faith and credit in every court within the United States and its territories and possessions as they have by law or usage in the courts of such State, territory or possession from which they are taken. (28 U.S.C. § 1738.)
- 4) Establishes, under the federal Health Insurance Portability and Accountability Act (HIPAA), privacy protections for patients’ protected health information and generally provides that a covered entity, as defined (including a health plan, health care provider, and health care clearing house), may not use or disclose protected health information except as specified or as authorized by the patient in writing. (45 C.F.R. §§ 164.500 *et seq.*)

Existing law:

- 1) Prohibits the state from denying or interfering with an individual’s reproductive freedom in their most intimate decisions, which includes their fundamental right to

¹ Although the right to travel is not expressly set forth in the Constitution, it has been recognized as emanating from both the Interstate Commerce Clause (*e.g.*, *Edwards v. People of State of California* (1941) 314 U.S. 160, 174) and the Privileges and Immunities Clause (*e.g.*, *Saenz v. Roe* (1999) 526 U.S. 501-502).

choose to have an abortion and their fundamental right to choose or refuse contraceptives. Specifies that this provision is intended to further the constitutional right to privacy guaranteed by Section 1 of Article I of the California Constitution, and the constitutional right to not be denied equal protection guaranteed by Section 7 of Article I of the California Constitution, and that nothing herein narrows or limits the right to privacy or equal protection. (Cal. Const., art. I, § 1.1.)

- 2) Provides that all people are by nature free and independent and have inalienable rights including, among others, the right to privacy. (Cal. Const., art. I, § 1.)
- 3) Provides that a person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws. (Cal. Const., art. I, § 7.)
- 4) Holds that the state constitution's express right to privacy extends to an individual's decision about whether or not to have an abortion. (*People v. Belous* (1969) 71 Cal.2d 954.)
- 5) Provides that all people have inalienable rights, including the right to pursue and obtain safety, happiness, and privacy. (Cal. Const., art. I, §1.)
- 6) Prohibits, under the California Medical Information Act (CMIA), providers of health care, health care service plans, or contractors, as defined, from sharing medical information without the patient's written authorization, subject to certain exceptions. (Civ. Code, div. 1, pt. 2.6, §§ 56 et seq.)
- 7) Establishes the Reproductive Privacy Act and provides that the Legislature finds and declares that every individual possesses a fundamental right of privacy with respect to personal reproductive decisions and, therefore, it is the public policy of the State of California that:
 - a) every individual has the fundamental right to choose or refuse birth control;
 - b) every individual has the fundamental right to choose to bear a child or to choose to obtain an abortion, with specified limited exceptions; and
 - c) the state shall not deny or interfere with a person's fundamental right to choose to bear a child or to choose to obtain an abortion, except as specifically permitted (Health & Saf. Code §§ 123460 et. seq., § 123462.)
- 8) Provides that the state may not deny or interfere with a person's right to choose or obtain an abortion prior to viability of the fetus or when the abortion is necessary to protect the life or health of the person. (Health & Saf. Code § 123466.)
- 9) Provides that a law of another state that authorizes a person to bring a civil action against a person or entity who does any of the following is contrary to the public policy of this state:

- a) receives or seeks an abortion;
 - b) performs or induces an abortion;
 - c) knowingly engages in conduct that aids or abets the performance or inducement of an abortion; or
 - d) attempts or intends to engage in the conduct described in a) through c).
(Health & Saf. Code § 123467.5(a).)
- 10) Defines, for the purposes of the Reproductive Privacy Act, the following terms:
- a) “Abortion” means any medical treatment intended to induce the termination of a pregnancy except for the purpose of producing a live birth;
 - b) “Pregnancy” means the human reproductive process, beginning with the implantation of an embryo; and
 - c) “Viability” means the point in a pregnancy when, in the good faith medical judgment of a physician, on the particular facts of the case before that physician, there is a reasonable likelihood of the fetus’ sustained survival outside the uterus without the application of extraordinary medical measures. Health & Saf. Code § 123464.)
- 11) Provides various safeguards against the enforcement of other states’ laws that purport to penalize individuals from obtaining gender-affirming care that is legal in California. (Civ. Code § 56.109, Code Civ. Proc. §§ 2029.300 & 2029.350, Fam. Code §§ 3421, 3424, 3427, 3428, and 3453.5.)
- 12) Provides that a court of this state may exercise jurisdiction on any basis not inconsistent with the Constitution of this state or of the United States. (Code of Civ. Proc. § 410.10.)
- 13) Provides that states outside of California may seek to obtain information and depose individuals in California by obtaining a subpoena issued in accordance with the Interstate and International Depositions and Discovery Act. (Code Civ. Proc. §§ 2029.100 et seq.)

This bill:

- 1) Prohibits, notwithstanding any other law, a person or entity that is located, headquartered, incorporated, or otherwise conducting business in California and receives, is served with, or is subject to a civil, criminal, or regulatory investigation, subpoena, or summons for information regarding abortion or gender-affirming health care services from complying with or providing information in response to the investigation, subpoena, or summons unless ordered by a court of competent jurisdiction or if the conditions in 2) through 4), below, are met.

- 2) Requires, except for an investigation, subpoena, or summons issued by an agency of the federal government, that the investigation, subpoena, or summons contains or is accompanied by an affidavit under penalty of perjury attesting that:
 - a) it is related to an investigation or proceeding regarding activity that is unlawful under California civil or criminal law;
 - b) it is related to an investigation or proceeding regarding activity that is grounds for professional discipline in California; or,
 - c) it is not related to, and that any information obtained shall not be used in, any investigation or proceeding that seeks to impose civil or criminal liability, professional sanctions, or any other legal consequences upon a person or entity for engaging in any abortion or gender-affirming health care services.
- 3) Requires the receiver of the request to notify the Attorney General within 7 days of receipt and indicate whether the person or entity intends to comply with or provide information in response
 - e) The receiver must also make reasonable attempts to notify the individual or individuals who provided, sought, received, facilitated, or otherwise engaged in the abortion or gender-affirming health care service to which the request pertains at least 30 days prior to providing any responsive information, unless otherwise ordered by a court of competent jurisdiction or required by a federal statute or regulation.
- 4) Requires 30 days to elapse after providing notice to the Attorney General before a response to the request can be provided, unless otherwise ordered by a court of competent jurisdiction or required by a federal statute or regulation.
- 5) Provides that , if a person or entity that is located, headquartered, incorporated, or otherwise conducting business in California receives, is served with, or is subject to a civil, criminal, or regulatory investigation, subpoena, or summons for information regarding abortion or gender-affirming health care services and they institute a civil action to protect against compliance with or the providing of information in response to the investigation, subpoena, or summons, the Attorney General may intervene in the action.
- 6) Provides for civil liability for noncompliance which is enforceable by the Attorney General.
 - a) The submission of a false affidavit is punishable by a civil penalty of \$15,000 in addition to any other remedies or penalties.
 - b) The Attorney General may commence an action to enforce these provisions, including, but not limited to, an application or motion for an order enjoining ongoing or subsequent.
 - c) The Attorney General is not to commence an action unless the Attorney General has reason to believe the defendant or respondent intends to

comply or has complied with an investigation, subpoena, or summons regarding abortion or gender-affirming health care services.

- d) A court is required to assess a statutory penalty of \$10,000 for a first violation and \$15,000 for each subsequent violation against any person found to have intentionally, knowingly, willingly, or recklessly complied with a request for information.
- e) Any action by the Attorney General is to be commenced within six years of the date on which the Attorney General received notice of the request and a court is to award costs and attorney's fees to the Attorney General.

COMMENTS

1. Stated need for the bill

The author writes:

Across the country, we are seeing increasing efforts to bully and intimidate patients and providers who deliver or need reproductive health care and gender-affirming care. Out-of-state subpoenas have raised serious concerns about privacy, and threaten not only the safety of patients, but also the safety of providers and their ability to continue practicing. In the case of Children's Hospital LA, a subpoena contributed to the closure of the hospital's Center for Trans Youth Health and Development and Gender-Affirming Care Program, devastating families and drastically reducing access to health care for transgender patients across the region.

AB 1930 will help the Attorney General defend health care access and enforce California's protected health activities laws for all who provide and receive care in California. Specifically, this bill will protect transgender patients and all patients receiving gender-affirming care, patients who receive reproductive health care services, and their health care providers by requiring business entities in California to notify the Attorney General before they respond to a subpoena or inquiry regarding legally protected health care activity. This bill will also authorize the Attorney General to intervene. Together, this will allow the Attorney General to know when protected healthcare is under attack and protect all those who seek and provide this kind of care in California.

The Attorney General, Rob Bonta, one of the sponsors of the bill, writes:

Recent actions by federal and out-of-state officials have raised concerns about attempts to obtain private medical information or prosecute individuals involved in legally protected health care. Without strong safeguards, subpoenas, investigations, and other legal demands may be used to circumvent California law and undermine the rights of patients and providers.

AB 1930 would address these issues by expanding shield law coverage to more California entities and individuals who receive demands for information and would establish a notification process so the Attorney General can intervene and stop improper disclosures.

If a California entity plans to respond to a subpoena, investigation, or summons related to abortion or gender affirming care, before they comply, AB 1930 would require them to 1) notify the AG of the inquiry within seven days of receiving it, 2) make reasonable attempts to notify any individuals who the inquiry pertains to within 30 days of receiving the notification, and 3) respond no sooner than 30 days after notification of the AG. Additionally, AB 1930 explicitly gives the AG authority to both intervene and to enforce the provisions of the bill, including through civil action and civil penalties.

2. This bill seeks to build upon existing protections under California’s shield laws in light of recent actions at the federal level

Over the past several years California has enacted several laws (shield laws) to protect against attempts by the federal government and other states to intimidate, harass, and punish individuals providing, receiving, or otherwise facilitating reproductive and gender-affirming health care services or abortion related services.

Prior to the *Dobbs v. Jackson Women’s Health* decision by the U.S. Supreme Court in 2022, an implied federal constitutional right to privacy existed regarding a person’s decision whether to terminate a pregnancy, while allowing that some state regulation of abortion access could be permissible.² The ruling in *Dobbs* eliminated this right, thus federal protections for abortion care, and opened the flood gates for states to enact various abortion bans and other statutes seeking to provide for both criminal and civil liability against a person who obtains, provides, or assists an abortion.³ As of June 2026, 13 states have a total ban on abortion.⁴ In response to the *Dobbs* decision, California enacted a comprehensive package of legislation expanding, protecting, and strengthening access to reproductive health care, including abortions, for all Californians and people seeking such care in our state.⁵ Additionally, the voters overwhelmingly approved Proposition 1 (Nov. 8, 2022 gen. elec.), and enacted an express constitutional right in the state constitution that prohibits the state from interfering with an individual’s reproductive freedom in their most intimate decisions.

² *Dobbs v. Jackson Women’s Health* (2022) 142 S. Ct. 2228, which overruled *Roe v. Wade* (1973) 410 U.S. 113.

³ See Tex. Health & Safety Code § 171.201 et seq. (enacted through Texas Senate Bill 8).

⁴ Guttmacher Institute, *State Bans on Abortion Throughout Pregnancy*, (as of June 4, 2026), available at <https://www.guttmacher.org/state-policy/explore/state-policies-abortion-bans>.

⁵ Kristen Hwang, *Newsom signs abortion protections into law*, CalMatters (Sept. 27, 2022), available at <https://calmatters.org/health/2022/09/california-abortion-bills/>.

Other states are intensifying their laws in response to shield laws enacted in other states. As of June 2026, 21 states have introduced bills to criminalize the sale, purchase or distribution of medication abortion pills with four states successfully enacting such laws (Iowa, Mississippi, Oklahoma and South Dakota).⁶ Access to telehealth abortion care, can be a lifeline for people in states with total abortion bans and other restrictions on care and shield laws help to ensure providers and patients are protected. In 2025, Texas attempted to enforce its abortion ban in New York but was prevented from filing papers to collect a judgment against a New York doctor who provided safe, legal telehealth abortion care under New York's shield laws.⁷

At the beginning of this year, Louisiana sought extradition of a California doctor that Louisiana accused of violating its abortion laws by providing abortion medication through telehealth.⁸ Governor Newsom denied Louisiana's request pointing to his Executive Order Number 12-22 which, among other things, specifically stated that the Governor's Office would "decline any request received from the executive authority of any other state to issue a warrant for the arrest or surrender of any person charged with a criminal violation of a law of that other state where the violation alleged involves the Provision of, receipt of, or assistance with reproductive health care services, unless required by the U.S. Constitution or the acts forming the basis of the prosecution of the crime charged would also constitute a criminal offense under the laws of California."

Around the same time Dobbs was decided, conservative hysteria over transgender individuals reached new heights. According to Human Rights Watch, as of March 2022, legislatures nationwide had introduced over 300 anti-LGBTQ+ bills, over 130 of which specifically targeted transgender people.⁹ In 2022, SB 107 (Wiener, Ch. 810, Stats. 2022) was enacted in response to these anti-transgender statutes to act as shield law. Governor Newsom's signing message of SB 107 stated, "[i]n California we believe in equality and acceptance. We believe that no one should be prosecuted or persecuted for getting the care they need – including gender-affirming care."¹⁰

⁶ Guttmacher Institute, *State Policy Trends Midyear Analysis: Five Key Issues to Watch in 2026*, available at <https://www.guttmacher.org/2026/06/state-policy-trends-midyear-analysis-five-key-issues-watch-2026>.

⁷ N.Y. State Attorney General, *Attorney General James Defends New York's Shield Law Against Texas Attack*, (Spt. 8, 2025), available at <https://ag.ny.gov/press-release/2025/attorney-general-james-defends-new-yorks-shield-law-against-texas-attack>.

⁸ Sara Cline, Associated Press, *Louisiana seeks California doctor's extradition, testing the limits of shield laws*, (Jan. 13, 2026), available at <https://apnews.com/article/louisiana-california-abortion-pill-extradite-doctor-f99a0f638daa6996bf2affd9194b2809>.

⁹ Human Rights Watch, Press Release, ICYMI: As Lawmakers Escalate Attacks on Transgender Youth Across the Country, Some GOP Leaders Stand Up for Transgender Youth (Mar. 24, 2022), <https://www.hrc.org/press-releases/icymi-as-lawmakers-escalate-attacks-on-transgender-youth-across-the-country-some-gop-leaders-stand-up-for-transgender-youth> (all links current as of August 29, 2022).

¹⁰ Governor's signing message on Sen. Bill No. 107 (Sep. 29, 2022), available at <https://www.gov.ca.gov/wp-content/uploads/2022/09/SB-107-SIGNING.pdf?emrc=1a80c5>.

On January 20, 2025, a federal executive order was issued stating that the federal government would only recognize two biological sexes,¹¹ even though this is biologically incorrect.¹² Additionally, an order was issued banning transgender girls and women from participating in women's sports.¹³ Another executive order banned all federal funding for youth gender affirming care, including the removal of any funding from medical and educational institutions for research on gender affirming care,¹⁴ while another banned transgender individuals from serving in the U.S. Military.¹⁵ Some of these orders are currently being challenged in court; however, it is unclear what their ultimate fate will be. In response to these executive orders the Trump Administration has taken several actions, including: rescinding all existing federal policies protecting transgender people from sex and disability discrimination; revoking the ability to obtain passports and federal documents reflecting their gender identity; denying transition-related healthcare to federal employees; and ordering law enforcement to prosecute school officials who recognize transgender students.¹⁶ These actions elucidate a general hostility towards the transgender community from the current federal administration.

In 2025, the federal Department of Justice announced that it had sent out over 20 subpoenas to doctors and clinics providing gender-affirming health care to minors.¹⁷ California's Attorney General, in conjunction with other states, has fought to prevent the federal government and out-of-state officials from obtaining these kinds of records.¹⁸ However, the ability of the Attorney General to successfully prevent disclosure is directly tied to the Attorney General having the authority to intervene in disputes regarding the provision of this information, and having notice of an inquiry in the first instance. Following efforts by the Trump administration to restrict access to gender-affirming care for minors, come California healthcare providers scaled back care

¹¹ Exec. Order No. 14168, 90 Fed. Reg. 8615 (Jan. 20, 2025).

¹² Claire Ainsworth & Nature Magazine, Scientific American, *Sex Redefined: The Idea of 2 Sexes Is Overly Simplistic* (Oct. 22, 2018) available at <https://www.scientificamerican.com/article/sex-redefined-the-idea-of-2-sexes-is-overly-simplistic1/#:~:text=According%20to%20the%20simple%20scenario,or%20sexual%20anatomy%20say%20another.>

¹³ Exec. Order No. 14168, 90 Fed. Reg. 9279 (January 20, 2025).

¹⁴ Exec. Order No. 14187, 90 Fed. Reg. 8771 (Jan. 28, 2025).

¹⁵ Exec. Order No. 14004, 90 Fed. Reg. 8757 (Jan. 27, 2025).

¹⁶ Jennifer Levi, GLADD, *From the Front Lines: The Fight for Transgender Rights Is a Fight for Democracy*, (Feb. 10, 2025), available at <https://www.glad.org/the-fight-for-transgender-rights-is-a-fight-for-democracy/>.

¹⁷ U.S. Department of Justice, *Department of Justice Subpoenas Doctors and Clinics Involved in Performing Transgender Medical Procedures on Children*, (Jul. 9, 2025) available at: <https://www.justice.gov/opa/pr/department-justice-subpoenas-doctors-and-clinics-involved-performing-transgender-medical>.

¹⁸ See California Department of Justice, *Attorney General Bonta Joins Multistate Opposition to U.S. DOJ's Attempt to Subpoena Gender-Affirming Care Records*, (Oct. 22, 2025) available at: <https://oag.ca.gov/news/press-releases/attorney-general-bonta-joins-multistate-opposition-us-doj%E2%80%99s-attempt-subpoena>.

for transgender youth. Children's Hospital of Los Angeles was the first to cease providing such care, followed by Stanford Medicine, Kaiser Permanent, Sutter Health (though they backtracked on their decision due to public pressure), and Rady.¹⁹

This bill seeks to strengthen California's shield laws in several ways. The bill would prohibit, notwithstanding any other law, a person or entity that is located, headquartered, incorporated, or otherwise conducting business in California and receives, is served with, or is subject to a civil, criminal, or regulatory investigation, subpoena, or summons for information regarding abortion or gender-affirming health care services from complying with or providing information in response to, the investigation, subpoena, or summons unless ordered by a court of competent jurisdiction or if certain conditions are met. These conditions include that the investigation, subpoena, or summons contains or is accompanied by an affidavit under penalty of perjury attesting that: it is related to an investigation or proceeding regarding activity that is unlawful under California civil or criminal law; it is related to an investigation or proceeding regarding activity that is grounds for professional discipline in California; or it is not related to, and that any information obtained shall not be used in, any investigation or proceeding that seeks to impose civil or criminal liability, professional sanctions, or any other legal consequences upon a person or entity for engaging in any abortion or gender-affirming health care services. The affidavit requirement does not apply to an agency of the federal government.

In addition to the affidavit requirement, the receiver of the request must notify the Attorney General within 7 days of receipt and indicate whether the person or entity intends to comply with or provide information in response. The receiver must also make reasonable attempts to notify the individual or individuals who provided, sought, received, facilitated, or otherwise engaged in the abortion or gender-affirming health care service to which the request pertains at least 30 days prior to providing any responsive information, unless otherwise ordered by a court of competent jurisdiction or required by a federal statute or regulation. The bill requires 30 days to elapse after providing notice to the Attorney General before a response to the request can be provided, unless otherwise ordered by a court of competent jurisdiction or required by a federal statute or regulation.

Under the bill, if a person or entity receives, is served with, or is subject to a civil, criminal, or regulatory investigation, subpoena, or summons for information regarding abortion or gender-affirming health care services and institutes a civil action to protect against compliance with or the providing information in response to the investigation, subpoena, or summons the Attorney General may intervene in that action.

¹⁹ Kristen Hwang, CalMatters, *Parents of trans kids ask: Does California really protect our rights?*, (Feb. 4, 2026), available at <https://calmatters.org/health/2026/02/rady-transgender-health-bonta-lawsuit/>.

The bill provides for civil liability for noncompliance which is enforceable by the Attorney General. The submission of a false affidavit is punishable by a civil penalty of \$15,000 in addition to any other remedies or penalties. The Attorney General may commence an action to enforce these provisions, including, but not limited, to an application or motion for an order enjoining ongoing or subsequent violation. The bill specifies that the Attorney General is not to commence an action unless the Attorney General has reason to believe the defendant or respondent intends to comply or has complied with an investigation, subpoena, or summons regarding abortion or gender-affirming health care services. A court is required to assess a statutory penalty of \$10,000 for a first violation and \$15,000 for each subsequent violation against any person found to have intentionally, knowingly, willingly, or recklessly complied with a request for information. Any action by the Attorney General is to be commenced within six years of the date from which the Attorney General received notice of the request and a court is to award costs and attorney's fees to the Attorney General.

3. Issues related to conflicts with federal law

a. *Full Faith and Credit Clause*

Article IV, Section 1 of the U. S. Constitution, known as the Full Faith and Credit Clause, requires every state to give full faith and credit to the public acts (statutes), records, and judicial proceedings of every other state. As the bill requires certain laws and judgments of other states to not be enforced in California, it potentially implicates the Full Faith and Credit Clause. Current legal scholarship regarding the Full Faith and Credit Clause posits that the clause applies differently to public acts (statutes), records, and judicial proceedings.²⁰ The current jurisprudence seems to provide that determinative judicial proceedings should be enforced in another jurisdiction as evidenced by the Court in *Baker v. General Motors Corp.* stating “for claim and issue preclusion purposes...the judgement of the rendering state gains nationwide force.” ((1998) 522 U.S. 222, 233; *see also Mills v. Duryee* (1813) 11 U.S. 481, 484-485 holding that the judgment of a court of one of the states was conclusive evidence in every court within the United States.) Public acts or statutes and state records; however, may not need to be as strictly enforced. (*see Alaska Packers Association v. Industrial Accident Comm.* (1935) 294 U.S. 532; *Adar v. Smith* (5th Cir. 2011) 639 F.3d 146.) The U.S. Supreme Court provides some guidance:

Our precedent differentiates the credit owed to laws (legislative measures and common law) and to judgments. “In numerous cases this Court has held that credit must be given to the judgment of another state although the forum would not be required to entertain the suit on which the judgment was founded.” The Full Faith and Credit Clause does not compel “a state to substitute the statutes of

²⁰ Redpath, *Between Judgment and Law: Full Faith and Credit, Public Policy, and State Records* (2013) 62 Emory L.J. 639.

other states for its own statutes dealing with a subject matter concerning which it is competent to legislate.” Regarding judgments, however, the full faith and credit obligation is exacting. A final judgment in one State, if rendered by a court with adjudicatory authority over the subject matter and persons governed by the judgment, qualifies for recognition throughout the land. For claim and issue preclusion (*res judicata*) purposes, in other words, the judgment of the rendering State gains nationwide force.²¹

The Court upheld the application of California law to settle a dispute of conflicting workers compensation statutes, holding that “[a] rigid and literal enforcement of the Full Faith and Credit Clause, without regard to the statute of the forum, would lead to the absurd result that wherever a conflict arises, the statute of each state must be enforced in the courts of the other, but cannot be in its own.” (*Alaska Packers Association supra.* at 547.) The Court further stated: “Prima facie every state is entitled to enforce in its own courts its own statutes, lawfully enacted. One who challenges that right, because of the force given to a conflicting statute of another state by the full faith and credit clause, assumes the burden of showing, upon some rational basis, that of the conflicting interests involved those of the foreign state are superior to those of the forum.” (*Id.* at 547-48.) A few years later, the Court noted that “the Full Faith and Credit Clause is not an inexorable and unqualified command. It leaves some scope for state control within its borders...” (*Pink v. AAA Highway Express, Inc.* (1941) 314 U.S. 201,210.) These cases seem to indicate that states can uphold their public policy and apply their laws when a conflict of laws arises in a forum in that state and not run afoul of the Full Faith and Credit Clause.

The Court has generally held, dating back to 1813, that states must recognize and enforce the judicial determinations of another state. (*Mills v. Duryee* (1813) 7 Cranch 481, 484-485.) However, the Court has intimated that there may be exceptions to this general rule, stating that states are not automatically required to enforce civil judgments of another state that are based on that state’s civil statutes when the goal or purpose of the civil statute is punishing a person for an offence against the “public justice.” (*Huntington v Attrill* (1892) 146 U.S. 657, 673-674.) The *Huntington* court explained that whether or not a law [was] considered penal, and thus could not be enforced in the court of another jurisdiction, “depends on the question whether its purpose is to punish an offense against the public justice of the state, or to afford a private remedy to a person injured by the wrongful act.” (*Huntington v. Attrill, supra*, 146 U.S. 657, 673-674.) Although the *Huntington* court held that the New York statute in question was not penal, as it related to compensating a victim of a fraud, the Supreme Court has continued to examine Full Faith and Credit Clause claims using the penal exception standard. (See *Milwaukee County v. M. E. White Company* (1935) 296 U.S. 268.)²² The

²¹ *Baker v. GMC* (1998) 522 U.S. 222, 232-33 (internal citations omitted).

²² Asm. Judiciary Comm. Analysis of Asm. Bill 1666 (2021-2022 Reg. Sess.) as amended March 24, 2022, pp. 8-9.

Supreme Court also continues to apply the *Huntington* analysis of whether a statute is penal in nature to this day. (See *Kokesh v. Securities & Exchange Commission* (2017) 137 S. Ct. 1635, 1642.)

b. Supremacy Clause

Article VI, Clause 2 of the United States Constitution, generally referred to as the Supremacy Clause, provides that the U.S. Constitution and federal law is the supreme law of the United States, meaning that “when federal and state law conflict, federal law prevails and state law is preempted.” (See *Murphy v. NCAA* (2018) 584 U.S. 453, 471.) Similarly, states are generally forbidden from imposing state legal requirements on the federal government. The concept of preemption derives from the “supremacy clause” of the federal Constitution, which provides that the laws of the United States “shall be the supreme Law of the Land.”²³ Courts have typically identified three circumstances in which federal preemption of state law occurs:

(1) express preemption, where Congress explicitly defines the extent to which its enactments preempt state law; (2) field preemption, where state law attempts to regulate conduct in a field that Congress intended the federal law exclusively to occupy; and (3) conflict preemption, where it is impossible to comply with both state and federal requirements, or where state law stands as an obstacle to the accomplishment and execution of the full purpose and objectives of Congress.²⁴

The author previously amended the bill to provide that the requirement for an affidavit did not apply to the federal government. However, the waiting periods in the bill would apply to requests for information requested by the federal government, unless otherwise ordered by a court or required by a federal statute of regulation. This ensures that if a federal law requires a quicker response time, then the 30-day waiting period would not apply.

4. Amendments²⁵

The current version of the bill has a potentially broad jurisdictional reach that one could argue would apply to conduct that is outside the reach of the state to regulate. This is not the intent of the author or sponsors. To ensure that the bill is not interpreted in such an expansive manner, the author has agreed to amend the bill so that it is patently clear that the bill’s provisions apply to abortion and gender-affirming care that is legally protected health care activity secured by the Constitution or laws of California. Due to timing, this amendment will be processed in the next Committee.

²³ U.S. Const., art. VI, cl. 2.

²⁴ *English v. Gen. Elec. Co.* (1990) 496 U.S. 72, 78-80.

²⁵ The amendments may include nonsubstantive changes as identified by Legislative Counsel.

Concerns have been raised that the current time limits in the bill to notify the Attorney General of a request for information and to respond may force businesses to choose to comply with either state law or federal law. The author and sponsor have stated to the Committee that they are committed to working with the business associations in opposition to the bill to decrease the current time limits in the bill. Additionally, the author and sponsors have indicated that they will continue to negotiate other outstanding concerns of the business associations in opposition to the bill.

5. Stakeholder statements

The California Hospital Association, the California Bankers Association, and Women's Liberation Front are opposed unless amended for differing reasons. The Women's Liberation Front wants the provisions in the bill related to gender-affirming care removed.

The California Hospital Association raises concerns that the bill creates legal and operational issues, including:

- concerns that the bill will place hospitals in the untenable position of choosing between compliance with federal requirements and compliance with California law;
- that the scope of the bill is too broad as it is not limited to subpoena requests or discovery requests but also applies to investigations, which is undefined.
- That notification requirements in the bill undermine patient privacy and create expensive, and time-consuming workload issues for hospitals; and
- That the threat of penalties creates a litigation threat and uncertainty for hospitals in complying with routine requests for information.

The California Bankers Association raises somewhat similar concerns to the California Hospital Association and the California Chamber of Commerce, below.

The California Chamber of Commerce writes in opposition raising concerns regarding conflicts with federal law and overly burdensome workload in reviewing routine requests. They write:

The California Chamber of Commerce respectfully OPPOSES AB 1930 (Zbur), as amended on May 21, 2026, out of concerns that it may require businesses to fail to comply with federal subpoenas, and therefore be in violation of federal law, in order to comply with state law. To be clear, we do not oppose AB 1930 out of any support for misuse of subpoena powers and certainly understand and support the privacy of health-related information. Furthermore, we appreciate the intention of the sponsor to help defend businesses facing subpoenas. However, we are concerned for two reasons: (1) AB 1930 will compel businesses to violate federal law in order to comply

with state law; and (2) AB 1930 will create considerable new workload to respond to routine, non-problematic subpoenas.

The California Children's Hospital Association writes they have concerns about the bill, which are substantially similar to those raised by the California Hospital Association.

SUPPORT

Attorney General Rob Bonta (sponsor)
Equality California (sponsor)
Bet Tzedek Legal Services
Electronic Frontier Foundation
LGBTQ+ Inclusivity, Visibility, and Empowerment (LIVE)
Los Angeles LGBT Center
Oakland Privacy
Western Center on Law & Poverty

OPPOSITION

California Bankers Association
California Chamber of Commerce
California Hospital Association
California Teachers Supporting Gender-Nonconforming Youth
Cause: Californians United for Sex-based Evidence in Policy and Law
Democrats for an Informed Approach to Gender
LGB (Lesbian, Gay, and Bisexual) Alliance Foundation
Our Duty
Women are Real
Women's Liberation Front

RELATED LEGISLATION

Pending Legislation:

AB 1854 (Krell, 2026) prohibits a state or local law enforcement agency from knowingly affecting the arrest of, or arresting any person who the Governor has declined to surrender on the demand of the executive authority of any other state where the accused was not in the demanding state at the time of the commission of the crime and has not fled from another state. AB 1854 is scheduled to be heard in the Senate Public Safety Committee on the same day this bill is being heard in this Committee.

AB 2164 (Bauer-Kahan) prohibits, except when required by federal law, the Governor from recognizing any demand for extradition of any person who receives, assists, or materially supports, as specified, any legally protected health care activity, unless the

executive authority of the demanding state alleges that the accused was physically present in the demanding state at the time of the commission of the alleged crime, and extends existing California protections to any person who has previously undertaken any act in another state to aid or encourage another in the exercise of their rights to reproductive health care services or gender-affirming health care services. AB 2164 is currently pending in this Committee.

Prior Legislation:

SB 497 (Wiener, Ch. 764, Stats. 2025) enacted various safeguards against the enforcement of other states' laws that purport to penalize individuals from obtaining gender-affirming care that is legal in California.

SB 345 (Skinner, Ch. 260, Stats. 2023) enacted various safeguards against the enforcement of other states' laws that prohibit, criminalize, sanction, authorize civil liability against, or otherwise interfere with a person, provider, or other entity in California that offers reproductive health care services or gender-affirming health care services.

AB 1666 (Bauer-Kahan, Ch. 42, Stats. 2022) declared that a law of another state that authorizes a person to bring a civil action against a person or entity that receives or seeks, performs or induces, or aids or abets the performance of an abortion, or who attempts or intends to engage in those actions, is contrary to the public policy of this state and prohibited this state from applying that law to a case or controversy heard in state court and the enforcement or satisfaction of a civil judgment received under that law.

AB 2091 (Mia Bonta, Ch. 628, Stats. 2022), among other things, prohibited compelling a person to identify or provide information that would identify an individual who has sought or obtained an abortion in a state, county, city, or other local criminal, administrative, legislative, or other proceeding if the information is being requested based on another state's laws that interfere with a person's right to choose or obtain an abortion or a foreign penal civil action.

AB 2223 (Wicks, Ch. 629, Stats. 2022), among other things, authorized a party aggrieved by a violation of the Reproductive Privacy Act to bring a civil action against an offending state actor, as specified, and provided that every individual possesses a fundamental right of privacy with respect to personal reproductive decisions, which entails the right to make and effectuate decisions about all matters relating to pregnancy, including prenatal care, childbirth, postpartum care, contraception, sterilization, abortion care, miscarriage management, and infertility care.

PRIOR VOTES

Assembly Floor (Ayes 60, Noes 17)
Assembly Appropriations Committee (Ayes 11, Noes 4)
Assembly Public Safety Committee (Ayes 7, Noes 0)
Assembly Judiciary Committee (Ayes 9, Noes 3)
